

## **Parties, Patronage and Constitutional Change in Bosnia and Hercegovina: A Brief History**

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Multiparty politics arrived in Bosnia and Hercegovina in 1990 amidst widespread popular enthusiasm and a flurry of organizing activities and rallies. Most of this activity commenced before the legislative changes that authorized it. As the Assembly (*Skupština*) of Bosnia and Hercegovina considered various proposals for electoral legislation in the summer of 1990, many parties held “Founding Assemblies” and launched their campaigns, disregarding the constitutional ban on political organizations based on nationality or religion.

### The Socialist Constitutional Order

The socialist-era constitutional system that existed in Bosnia and Hercegovina in 1990 was not hospitable to competitive multiparty elections. When first adopted, the bulky 1974 Constitution occupied 84 printed pages, including ten pages of basic principles and 433 articles.<sup>1</sup> By 1990, an additional 58 amendments had been incorporated. Promulgated in 1974 simultaneously with Constitutions for the Federal Republic and other Republics and Autonomous Regions, the Constitution of Bosnia and Hercegovina outlined a dense network of socio-political communities, self-managed economic enterprises, educational institutions, cultural organizations, and local governing bodies. Most of these were defined as “legal persons” with substantial rights much like those attributed to individuals.

Despite its length and complexity, the 1974 Constitution said very little about the most powerful institution of the time, the League of Communists (LC). The LC initiated policies and made key decisions, largely outside the framework of the institutions set out in the Constitution. In the main, the constitutional structures were designed to encourage broad popular participation in government and society, rather than facilitate decision making. Just as the ideal of socialist economic enterprises was to employ as many people as possible, the *raison d’etre* of most other institutions was to include every conceivable constituency and as many participants as possible in the country’s sociopolitical life. The 1974 Constitution was primarily a prescription for participatory socialism.

The dissolution of the Yugoslav LC in January 1990, followed by changes in the Bosnian LC and Socialist Alliance to prepare them for the fall elections, thus left a host of formal institutions bereft of the political leadership that had governed their activities for decades. Institutions designed to encourage participation were ill suited to decision – making, and unable to meet the challenges posed by the rising demand for democratization.

The University of Sarajevo provided a case study in the mismatch between participatory socialism and democratic decision-making, when its 147-member Assembly met to select a new Rector in November 1990. In a procedure initially hailed as a model of democracy, the University Assembly considered 7 nominees for the Rector's post and ten for the three Prorector positions. With only 96 of its 147 delegates present, the Assembly members went through three ballots without achieving 74-vote majority required to elect a new Rector, failing to do so by only 8 votes on the final ballot. In the end, the Council extended the outgoing Rector's term to the end of January 1991 and decided to vote again later. An Oslobodjenje reporter covering the election drew the obvious conclusion that "the old delegate system cannot function in new democratic conditions."<sup>2</sup> (The University recently reformed its structure and currently has a Governing Board that is more conducive to decision-making.)

Local governmental bodies were equally ungainly and oversized. Since the electoral legislation (when finally adopted) left the composition of these Councils unchanged, the 1990 elections extended participatory socialism into the era of multiparty pluralism. Councils of the more populated municipalities (*opstinas*) were larger than the parliaments of some countries and had substantial bureaucracies made up of Sekretariats. In the Republic of Bosnia and Hercegovina, over 6,400 persons were elected as delegates to local representative bodies in 1990.<sup>3</sup> Averaging 57 members each, the 109 municipal councils ranged in number from 27 representatives (Kalinovik) to 130 (Banja Luka). The city of Sarajevo, itself made up of 10 municipalities, had an Assembly with 120 delegates. In the city of Sarajevo and its ten municipalities, a total of 801 persons were elected to fill seats in the various local assemblies.

### Electoral Reform

The Assembly of Bosnia and Hercegovina finally adopted a package of legislative and constitutional changes on July 31, 1990. These paved the way for competitive multiparty elections on November 18. The constitutional changes (Amendments 59 through 80) provided for a bicameral legislature consisting of a Chamber of Citizens with 130 deputies and a Chamber of Municipalities with 110, eliminating the third chamber of the old legislature.<sup>4</sup> The amendments lifted the ban on parties based on religion or nationality, but explicitly prohibited activities and organizations that advocated forceful overthrow of the Constitutional order or incited hatred and intolerance.

Legislation governing the selection of the seven Presidency members had consequences that cannot have been intended by the Assembly members who approved it. Each registered voter could vote for as many as seven different candidates for the Presidency: two candidates in each of the three national categories of "Serb," "Croat," and "Muslim" (later called "Bosniak"), and one candidate in the category of "Others." The three primary national parties, the Party of Democratic Action (SDA), Croatian Democratic Union (HDZ), and Serbian Democratic Party (SDS), already shared a common goal of throwing the former Communists (now repackaged as Social Democrats) and Reformists out of office. The voting provisions for the Presidency reinforced their interest in working together, since each national party needed to avoid

antagonizing members of other nationalities to assure the victory of candidates in its own national category.

Early in the electoral campaign, the leaders of the three major parties reached an informal agreement not to attack one another during the campaign. The principal national parties thus conducted their electoral campaigns with maximum invective directed against the Social Democrats and Reformists but with only muted and occasional criticism of one another. In many cases they also urged their supporters to cast ballots for candidates of the other national parties in the appropriate categories.<sup>5</sup> Even though Social Democrats presciently warned of division and war if nationalists were to win, the national leaders presented themselves as moderate and reasonable anti-communists who could govern cooperatively in a tripartite “partnership.”

#### Inter-Party Agreement: A Crypto-Constitution

The SDA, HDZ, and SDS swept to victory in the November elections by a decisive margin that exceeded even the most optimistic prognoses of their leaders. Alija Izetbegovic (SDA), Radovan Karadžic (SDS), and Stjepan Kljuic (HDZ) expanded their mutual “verbal standstill” accord into a more structured agreement to divide the major portfolios of government among their parties. The party with the most votes was to designate the President of the Presidency; the second ranking party would name the President of the Assembly, and the third would choose the President of the Government (a post comparable to Prime Minister or Premiere, with the function of heading the Council of Ministers). Other provisions of this interparty agreement provided for proportional division of appointments according to a formula of 5-4-3, to be applied at the level of each municipality. The interparty accord also specified term limits for some offices and procedures for successor appointments on a rotating basis. Members of the so-called Left Opposition (made up of the Social Democrats and their allies) were to be completely excluded from this power-sharing arrangement.<sup>6</sup>

The inter-party agreement of 1990, reached with a minimum of publicity, functioned for the next few months as a crypto-Constitution that guided the resolution of many political disputes. In its first phase the Agreement worked as planned, and despite vociferous protests the Social Democrats were excluded from any role in governance. Alija Izetbegovic (SDA) became President of the Presidency, Momcilo Krajišnik (SDS) became President of the Assembly, and Franjo Boras (HDZ) became President of the Government. A similar arrangement prevailed in the City of Sarajevo, as Muhamed Kresevljakovic (SDA) became President of the Assembly, Maksim Stanišić (SDS) became President of the Executive Committee, and Aleksandra Balvano vic (HDZ) became Vice President of the Assembly.<sup>7</sup>

Similar procedures were followed to constitute the leaders and officers of the 109 municipal councils. In instances of disagreement, Republican-level leaders of the three major parties arbitrated the disputes to assure compliance with the terms of the agreement. Vice Presidents and Ministers at the Republican level and Sekretariats in the municipalities were also designated according to the terms of the agreement. By March

1991, the three national parties had taken control of the political “commanding heights”, and in most places had excluded the Social Democrats from any governing role.

But many party leaders then carried the inter-party agreement further. Public appointments at all levels were made subject to a nationality formula, particularly as offices became vacant over time. The agreement was invoked in the selection of directors of economic enterprises, elementary and secondary schools, the media, police, professional associations, and many cultural institutions. The need for arbitration between party leaders became more frequent and disputes sometimes went unresolved for months, but the inter-party agreement was consistently cited as the frame of reference for resolving disagreements. The inter-party agreement became a mechanism with which the three national parties controlled personnel decisions in a wide array of organizations. Socialist era organizations, managed in large measure by the League of Communists, gradually came under the influence of three separate but parallel monopolistic patronage networks, each controlled by one of the nationally-based parties.

The three national parties were particularly intent on establishing control over Republican and local security organs. The police in Bosnia and Hercegovina were trilaterally divided in most municipalities by the end of 1991, and most officers owed their positions to party leaders rather than a civil service merit system. Critics pointed out that many of these appointees were unqualified or inexperienced; some appointees were nationalist thugs who were already wielding significant influence in local areas. Local police forces, technically a part of the Ministry of Internal Affairs (MUP), were frequently paralyzed by internal divisions and intimidated from responding effectively to the rising nationalist provocations in the course of 1991. The patronage system within the security forces was strengthened and elaborated in the course of the war. However, unlike in Tudjman’s Croatia where MUP units became the core of the Croatian army, the MUP in many places in Bosnia and Hercegovina was rendered impotent well before the war began.

### Separatist Polities

On one major issue, the Serbian leaders of the SDS differed radically from both the Bosniaks of the SDA and the Croats of the HDZ. The SDS was prepared to support a united Bosnia and Hercegovina *only* within the framework of a Yugoslav state. The SDA, on the other hand, supported the continued existence of Bosnia and Hercegovina unconditionally, and the HDZ was also adamant in rejecting participation in Yugoslavia as a condition of the Republic’s future. After the 1990 elections, the issue of the legal-political status of Bosnia and Hercegovina increasingly drove a wedge between the SDS on one hand and the HDZ and SDA on the other. The war in Croatia (July – December 1991) further accentuated this division. SDS Serbs boycotted many Assembly sessions from the spring of 1991 onwards, and they reacted with outrage when the SDA-HDZ coalition adopted a “Declaration of Sovereignty” in October 1991.

Following the example of the SDS in Croatia, the Bosnian SDS leadership established separate Serbian territorial enclaves in areas with substantial Serbian

populations. In form and degree of control, the SDS advanced its territorial separatism in stages. In the summer of 1991, they established the “community of municipalities of the Bosanska Krajina,” and shortly thereafter the SDS-dominated Municipal Council of Pale voted to secede from the city of Sarajevo. Confident that the Yugoslav National Army would support their initiatives, SDS leaders in September 1991 proclaimed “Serbian Autonomous Regions” (SAO’s) in several swathes of territory with large numbers of Serbian inhabitants. In December 1991 the SDS went further and ordered its local committees to create separate, parallel Serbian institutions in all municipalities, regardless of their population structure. The party leadership prescribed two different procedures to be followed, depending on whether a given municipality had a relative Serbian majority.

While the SDS led the way in creating separatist national entities within Bosnia, the HDZ followed the Serbian example within a few months. In November 1991, a group of HDZ Croats under the direction of Croatian President Tudjman declared the “Croatian Community of Herceg-Bosna.” In February 1992 the pro-unity leader of the HDZ, Stjepan Kljuić, was driven from the party leadership and replaced by Mate Boban, who favored a separate Croatian territory. In the course of 1992 the SDS and HDZ issued further proclamations developing the administrative apparatus of their respective polities. The Constitutional Court of Bosnia and Hercegovina declared these formations to be illegal and ruled that all their decisions were null and void, but to no effect.

In addition to trisecting Bosnia and Hercegovina territorially, these separatist polities fostered greater control by the SDS and HDZ in their respective areas. Nationalist cadres took control of public enterprises such as the post and telecommunications companies, electrical utilities, transportation services, and construction enterprises. Separate financial institutions, including payment bureaus and banks, were established in the Serbian Republic and Herceg-Bosna. In the area controlled by the Bosniak-led Army of Bosnia and Hercegovina, these institutions came under increasing SDA control as the war progressed. The final consolidation of national control in all three areas was driven by the logic of war. Residents of the separatist polities who were not of the dominant nationality were the most frequent victims. Most directors and employees were fired from their positions, killed or driven out by military action, or fled in fear of living in territory controlled by a rival nationality. Consolidation took place earlier in some places than in others, but by the war’s end the three dominant parties had each established effective control over public institutions in their respective areas.

### The Washington Accords

Following the failure of peacemaking efforts by the Owen-Vance and Owen-Stoltenberg negotiating teams, the United States became more directly involved in the diplomatic effort to end the war. By pressuring Croatian President Franjo Tudjman and Bosnian President Alija Izetbegović to end the fighting between Croats and Bosniaks, the US led the two sides to create a Federation of Bosnia and Hercegovina that encompassed “territories with a majority of Bosniak and Croat population.” (I., Article 1, 1).<sup>8</sup> US

negotiators won the endorsement of both sides for a Constitution of the Federation, which was passed unanimously by the Assembly of Bosnia and Herzegovina on March 30, 1994. Although the primary intent of the negotiators and the two parties was to form an alliance to defeat Serbian nationalist forces, the resulting Constitution has had an enduring impact on the country's institutional structure.

Article I proclaimed the Federation to be a creation of "Bosniacs and Croats, as constituent peoples (along with Others) and citizens of the Republic of Bosnia and Herzegovina..." The Constitution thus accepted the socialist-era notion of "constituent peoples", but pointedly omitted the Serbs as one of them. It stated only that "Decisions on the constitutional status of the territories of the Republic of Bosnia and Herzegovina with a majority of Serb population shall be made in the course of negotiations." No nationality requirements were imposed on delegates to the 140-member House of Representatives, but the House of Peoples was to be comprised of 30 Bosniac and 30 Croat delegates with some allowance for representatives from the category of "Others." (IV, A, 1 and 2)

In specifying that each Federation Ministry should have a Minister and Deputy Minister, and that "No Deputy...may be from the same constituent people as his Minister," the Constitution set the stage for parallel dueling bureaucracies within each ministry that enhanced the patronage powers of the HDZ and SDA. In his May 2000 report, the High Representative noted that this pervasive pattern continues: "The Government of the Federation continues to suffer from parallel lines of authority along ethnic lines."<sup>9</sup>

The Federation was to consist of ten cantons, each with its own constitution, executive branch, judiciary, and legislature consisting of between 30 and 50 members. Since elections were impractical in the wartime environment of 1994, cantonal legislative delegates were initially drawn from municipal council delegates elected in 1990, five from each municipality. The municipalities themselves were left to function much as before, with their own officials, courts, and councils. They were required to have a statute consistent with the Federation Constitution and with the Constitution of their canton. The Federation Constitution thus created a blend of old and new institutions that amounted to a feudalized variant of participatory socialism.

The canton as a political idea had a brief but significant history prior to the Washington talks. Various national politicians advocated cantons as a possible resolution of national contention in the twilight days of socialism and in the aftermath of the 1990 elections. Some critics argued that cantonization was a euphemism for partition, and many supporters of a united Bosnia opposed these plans. In their peace plan announced in January 1993, David Owen and Cyrus Vance proposed to create ten cantons in the country, some to be dominated by a single nationality and others to be considered "mixed." The Federation thus adopted as its key institution an idea that was associated with some variant of national division within Bosnia and Herzegovina.

Cantonal boundaries were gerrymandered in a way that Croat-Bosniak cooperation (in reality HDZ-SDA cooperation) was essential for many of them to function. This approach became the keystone of subsequent international involvement in Bosnia, and the pattern would become familiar for the rest of the 1990s. The international community created additional institutions that strengthened the position of national leaders, then brought those leaders together in the hope of coaxing them to cooperate. At the same time, acting largely outside the formal governing structures, international officials encouraged moderates and non-nationalists in hopes of supplanting the more extreme nationalists, or at least motivating them to become more conciliatory.

However, at the time of the Dayton talks in October and November 1995, the Federation was still in reality little more than a prolonged cease-fire between the Croats and Bosniaks. Separate negotiations at Dayton produced a Bosniak-Croat commitment to take “radical steps to achieve the political, economic, and social integration of the Federation,” but this also was never fully implemented. Croats of the HDZ have maintained most institutions of Herceg-Bosna to the present day,<sup>10</sup> and the SDA also maintains many separate institutions within the Federation. Of the ten Cantons, only the Tuzla-Drina Canton was functioning by the end of 1995.<sup>11</sup> There, in a harbinger of things to come, the SDA and HDZ governed in an uneasy coalition, but cooperated sufficiently to strip the Tuzla municipality of its power and revenues. Since Tuzla was the only major town in Bosnia and Hercegovina to have handed a defeat to the national parties in 1990 and elected a Social Democrat as Mayor, the canton offered the nationalists an opportunity to isolate the only major enclave of Social Democratic rule. In the other nine cantons, the national parties found little reason to bring the cantonal structures to life.

### The Dayton Agreement

The General Framework Agreement for Peace in Bosnia and Herzegovina (“the Dayton Agreement”, initialed on November 21, 1995 in Dayton, Ohio and signed in Paris, France on December 14, 1995) ended the war and provided for the deployment of an Implementation Force under NATO command.<sup>12</sup> Annex IV, the Constitution of Bosnia and Hercegovina, is very much a product of the contentious negotiations by which it was crafted. Following a precedent set in the Federation Constitution, it incorporates by reference the European Convention on Human Rights and 15 other international conventions and accords that liberally bestow rights upon the individual. On the other hand, specific provisions require that many officeholders be of a specific nationality, and the document severely limits the powers of the central institutions to protect individual rights.

The Dayton Agreement incorporated all previously existing jurisdictions by recognizing the Federation of Bosnia and Hercegovina and the Republika Srpska (RS) as two “entities” that constitute “Bosnia and Hercegovina,” the formal successor to the Republic, “with its internal structure modified as provided” by the Constitution. The individual organs of the socialist-era Republic were swept away, but recognizably similar ones were reconstructed. The new central institutions were weaker, and subordinate to

the will of the leaders of the three nationalities (partially mediated through the Federation in the case of the Bosniaks and Croats). The Constitution thus affirmed the rights of national constituencies, and exponentially increased the opportunity for the national parties to obstruct the development of central authority.

According to the preamble, the Constitution was adopted by “Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina.” This formulation followed the model of the Federation Constitution but added “Serbs” as one of the constituent peoples. Unlike the Federation Constitution, however, the Constitution of Bosnia and Herzegovina included no provisions for representation from the category of “Others.” (The “Others” category has been included recently in certain laws and pronouncements by the High Representative.) Also in imitation of the Federation Constitution, the Dayton document created a bicameral legislature consisting of a House of Representatives and House of Peoples. The House of Representatives was to be comprised of 42 members of no specified nationality, with two-thirds elected from the Federation and one-third from the Republika Srpska. The House of Peoples was to be made of five Croats, five Serbs, and five Bosniaks, with no provision for “Others.” The Serb members were to be elected by the National Assembly of the RS, whereas the Croats and Bosniaks were to be “selected, respectively by the Croat and Bosniac Delegates to the House of Peoples of the Federation.”

The Presidency was to be made up of three representatives: one Croat and one Bosniak from the Federation, and one Serb from the Republika Srpska. As with the House of Peoples, there was no provision for representation of “Others.” In this and other respects, the Dayton Constitution is the spiritual heir to the inter-party agreement of 1990-91, for it codified the exclusion of non-nationalists from important positions and strengthened the position of the dominant party within each nationality.

As a general practice, the international community has overseen a vast expansion in the number of representative bodies and their attendant bureaucracies, often to satisfy the demands of national party representatives. The Dayton Constitution contributed to the institutional sprawl not only by recognizing the Republika Srpska, but also in drawing an inter-entity boundary that transected dozens of existing municipalities. Most of these subsequently became two municipalities, one in the Federation and one in the RS. Other reorganizations and divisions led to the creation of several more. In April 2000, municipal elections were held in 185 municipalities, a 70% increase over the 1990 elections. (Brcko and Srebrenica did not hold local elections.) Special but differing arrangements exist for representative bodies in the cities of Sarajevo, Mostar, and Brcko. Each of these furthered the proliferation of governmental jurisdictions.

In one important step toward political reform, the international community has overseen a reduction in the number of delegates in representative bodies. The bicameral legislatures of Bosnia and Herzegovina and of each entity are smaller than those elected in 1990. Delegates selected in the April 2000 elections numbered from 11 to 31 per municipal council, depending on the population of the municipality.

The most pronounced trend in governmental bodies in the 1990s, however, is the exponential increase in functionaries with loyalty to a particular national political formation. It is probably the case that, on any given day, more of these officials are engaged in obstructing the work of central institutions than in strengthening them. In the Federation, many bureaucratic person-hours are devoted to undoing the work of those in the nationally parallel ministry structure. Bosnia and Hercegovina in the year 2000 may well be the most bureaucratized society on earth, and yet one with little effective government. The Dayton Constitution has left Bosnia and Hercegovina with a surfeit of governments, but no real state.

### Prospects

This review shows that creating and maintaining monopolistic patronage networks have been key objectives of the three dominant single-national parties in Bosnia and Hercegovina since they were organized in 1990. It would therefore be overly optimistic to expect to eliminate the phenomenon through attacking its primary symptom, corruption, or its superficial manifestations, such as individuals holding multiple offices. Single-party national patronage is a deeply rooted, long-standing, and remarkably resilient feature of political life in Bosnia and Hercegovina, as shown by the truculent survivability of Herceg-Bosna, the ability of patronage networks in the RS to survive partial electoral defeat by the SDS, and the persistence of monopolistic institutions under SDA control.

The institutional environment has undergone major changes in the past decade, but national patronage networks have thrived in each of these circumstances. Following the elections of 1990, the three parties moved in concert to take control of the “commanding heights” of political life, even though they harbored major disagreements on the future constitutional status of Bosnia. The three dominant parties found it convenient and necessary to by-pass many of the bloated participatory bodies left over from socialism. As the separatist Republika Srpska and Herceg-Bosna were created, the dominant Serb and Croat parties were able to finalize the tripartite division of major institutions along territorial lines. The Washington and Dayton Agreements led to a reduction in the number of deputies in representative bodies, but by grafting multiple new jurisdictions and governmental units on old ones, they multiplied the opportunities and increased the imperatives for national party control. The vastly expanded bureaucracies have proved to be a boon to single-party patronage networks, giving them more appointments to control and more bodies to dominate. The institutional framework has thus confounded the international community’s own efforts to promote political pluralism, privatization, and functional central institutions.

The final frontier in Bosnia and Hercegovina may be the development of a civil service in the central institutions. The High Representative, after the failure of the Assembly to approve legislation, recently imposed the law on a common border service, and that service has begun its work. This could be a model for other central agencies to develop independently of national party control, with carefully focused missions and modest numbers of functionaries. Many European states developed historically along

such a path: centrally directed, merit-based civil servants were created to apply uniform policies and ultimately to isolate and marginalize particularist opposition. (Some of these states were centralized on the flimsiest of constitutional pretexts or simply by force of arms.) In Bosnia and Hercegovina, monopolistic patronage networks are less likely to be dismembered by frontal assault than they are to be marginalized by more functional and progressive central governing authorities.

### **Executive Summary**

This essay examines the role of the three dominant national parties in Bosnia and Hercegovina in creating and maintaining single-nationality patronage networks. The author focuses on the changing constitutional order in the 1990's and its impact on national power structures. The three dominant national parties in the 1990 elections – the HDZ, SDA, and SDS – cooperated to create separate but parallel structures that secured their control over most major sociopolitical, economic, cultural, and security organs.

The constitutional order in effect in 1990 was not hospitable to holding competitive, multiparty elections. The Constitution of Bosnia and Hercegovina, adopted in 1974, was a bulky document that codified a complex hierarchy of institutions designed more to encourage broad participation than to facilitate decision-making. That Constitution said little about the true power-holder during socialism, the League of Communists.

The national parties won the 1990 election decisively. They then concluded an interparty agreement whereby they divided the major portfolios of government at all levels between the three national parties, thereby excluding the social democrats and members of the Left Opposition from power. During 1991 they extended the division to a variety of other institutions, including enterprises, schools, cultural societies, and professional associations. By the end of 1991, the top echelons of Bosnian society were divided trilaterally among three nationally defined patronage networks under the tutelage of the three major national parties. The interparty agreement functioned as a crypto-Constitution that allowed the three major parties to by-pass formal political decision-making bodies, which had been increasingly marginalized by the collapse of the League of Communists of Yugoslavia in January 1990. The three major national parties thereby stepped into the role of the League of Communists in building a loyal cadre drawn from the nationalities they represented.

The SDS and HDZ each created separate territorial organizations in 1991. These separatist polities were declared illegal by the Constitutional Court of Bosnia and Hercegovina, but to no effect. The separatist enclaves fostered the growth of single-party rule by the SDS and HDZ in their respective areas of control. Wartime developments strengthened the ability of these parties, and of the SDA in the areas held by the Army of Bosnia and Hercegovina, to control significant employment positions throughout governmental, sociopolitical, business, education, cultural, and security organizations.

The Washington Accords were concluded in March 1994 as the result of an effort by American negotiators to end the armed conflict between Croats and Bosniaks. They created the Federation of Bosnia and Hercegovina, made of up ten cantons, that was to merge all governing functions in Croat and Bosniak majority areas into a single state. This Constitution set the precedent of creating additional units of government to mollify nationalist demands, thereby adding to the proliferation of institutions grafted onto socialist-era institutions. Neither the Federation nor its cantons were functioning at the time of the Dayton talks in the fall of 1995, with the exception of the Tuzla-Drina

Canton, where the SDA and HDZ came together to isolate the Social Democrats who were governing the municipality of Tuzla.

The Dayton Agreement eliminated many institutions left over from socialism, but it but replaced them with similar bodies that offered many more opportunities for obstruction. By requiring that many office-holders be of a specific nationality and by eliminating representation from the “Others” category, the Dayton Agreement strengthened the legitimacy of national party leaders to act in the name of their constituencies. Taken together, the Washington and Dayton Agreements substantially increased the number of decision-making bodies while reducing the number of delegates elected to them. More significantly, the two agreements mandated a vast increase in the number of civil servants, adding to the opportunities for single-national parties to build their patronage networks and complicating the task of governing Bosnia and Hercegovina.

The creation and maintenance of monopolistic patronage networks has been a core function of the three leading national parties throughout the decade. The international community is not likely to successfully dislodge these patronage networks by attacking their primary symptom, corruption, while at the same time preserving the institutional superstructures that support single-party dominance. By following the historical example of many European states and establishing a merit-based civil service, the international community may be able to isolate and marginalize the single-party patronage networks and loosen their grip on the levers of power.

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<sup>1</sup> Ustav SFRJ. Ustavi socijalističkih republika i pokrajina. Ustavni zakoni. Registra pojmova. Beograd: 1974, pp. 93-176.

<sup>2</sup> A. Mulabegovic, “Novo vrijeme, stara pravila,” Oslobodjenje, 7 Nov 1990, p. 11.

<sup>3</sup> Bosna i Hercegovina. Republicki zavod za statistiku. Statisticki bilten, broj 223. Sarajevo: Juli 1991.

<sup>4</sup> Suad Arnautovic, Izbori u Bosni i Hercegovini '90. Analiza izbornog procesa. Sarajevo: Promocult, 1996, pp. 179-195.

<sup>5</sup> Mirko Pejanovic, Bosansko pitanje i Srba u Bosni i Hercegovini (Sarajevo: Bosanska knjiga, 1999), pp. 41-42.

<sup>6</sup> The interparty agreement is briefly noted and described Adil Zulfikarpašić, The Bosniak (Hurst: London, 1998), p. 56. It was not reported in the press at the time, but its footprints are very visible in the hundreds of disputes that were arbitrated by party leaders in the period from late December 1990 into the first few months of 1992. The terms of the agreement were confirmed in the author’s interviews with participants.

<sup>7</sup> Oslobodjenje, 20 Dec 1990.

<sup>8</sup> “Proposed Constitution of the Federation of Bosnia and Hercegovina,” in Snežana Trifunovska (ed.), Former Yugoslavia through Documents (Martinus Hijhoff Publishers: The Hague, 1999), pp. 95-117.

<sup>9</sup> “Report by the High Representative for Implementation of the Peace Agreement to The Secretary-General of the United Nations, 3 May 2000,” Article 9.

<sup>10</sup> “Reunifying Mostar: Opportunities for Progress,” ICG Balkans Report No. 90, 19 April 2000. This report documents in overwhelming detail the persistence of Herceg-Bosna structures in and around Mostar.

<sup>11</sup> For the situation at that time, see Robert J. Donia, “Peace Endangers the Unity that Survived War,” *Transition*, 17 May 1996, pp. 54-56 and 64.

<sup>12</sup> Office of the High Representative. Bosnia and Hercegovina: Essential Texts. “General Framework Agreement for Peace in Bosnia and Hercegovina,” pp. 3-138.