

Notes

Introduction

1. See McMahon and Western 2009. US Secretary of State Hillary Clinton and UK Foreign Secretary William Hague noted in 2011 that Bosnia had been sliding backwards since 2006 (H. Clinton and W. Hague, "The International Community Needs to Stay Focused on Bosnia and Herzegovina," op. ed., June 6, 2001, <http://www.state.gov/secretary/rm/2011/06/165223.htm>, date accessed June 28, 2013).
2. Chesterman 2004, 6.
3. Zahar 2002.
4. Council of Europe 2004a, para. 73.
5. The Peace Implementation Council (PIC) was established in the London Conference in December 1995 to help assist with the implementation of the peace plan. The PIC is comprised of 55 countries and agencies that support the peace process.
6. Divisions in the Bosnian context are primarily related to religion, but also to different historical narratives (which may be real or perceived). All groups speak the same language (with slight variations that have been accentuated in the last few years); and share similar traditions and cultural habits (see Bieber 2006a). Intergroup differences became aggravated during the war and have remained entrenched.
7. Wolff 2007, 36.
8. Connor 1994, 104.
9. Wolff 2003, 3.
10. Wolff 2007; Esman 2004b. This book is not concerned with the transformation of ethnic or social attributes into the politicization of ethnic identity (for a discussion on this issue see Horowitz 1985; Connor 1994). It is rather concerned with the dynamics involved in intergroup relations when such transformation has already occurred.
11. Smith 1991; Chandra 2007.
12. Chandra 2007, 2–3.
13. Nordlinger 1972, 9.
14. See Horowitz 2004a.
15. Lederach 1997.
16. *Ibid.*
17. Lorwin 1977, 143.
18. Rothchild 1997, 4.
19. Bose 2002.
20. See Tuathail, O'Loughlin, and Djipa 2006, 71.
21. Levels of social trust in Bosnia have also been very low in comparison to other countries. In 2007, only 7 percent of the population in Bosnia agreed that others could be trusted. In Germany it was 43 percent, whereas in Croatia and Serbia the levels were 20 percent and 18 percent respectively (see United

- Nations Development Programme 2007). Bosnia has continued to show low social trust levels. A 2009 study showed that barely 10 percent of the population could trust others against almost 87 percent being distrustful of people (United Nations Development Programme 2009).
22. See Sebastián 2007.
 23. This book uses the term Bosniaks to refer to the Bosnian Muslims. The Bosnian Muslims were first recognized as a distinct ethnic group in former Yugoslavia in the 1961 census and as a nation within Yugoslavia in equal status to the rest of the constituted nations in 1963 with the new constitution (Burg and Shoup 1999).
 24. Kanchan Chandra defines an ethnic party as a party that “represents itself as a champion of the cause of one particular ethnic category... to the exclusion of others, and that makes such a representation central to its strategy of mobilizing voters” (Chandra 2007, 3).
 25. The moderate–radical nationalist divide cannot be clearly defined, given parties’ nationalist evolution since the end of the war and the high degree of intra-party fragmentation (especially within the SDS, SDA and HDZ). In the post-war period, for example, SBiH’s nationalist position was more moderate than SDA’s. However, this party adopted a rather radical nationalist profile during the 2005–06 constitutional negotiations and under Haris Silajdžić’s presidency from 2006 to 2012, actively advocating for the elimination of the entities.
 26. The SBiH is more difficult to place in the ideological continuum; given the lack of a clear left- or right-wing orientation.
 27. See M. Keating, “The Creature from the Dayton Lagoon: Institutional Design in BiH,” *Puls Demokratije*, June 4, 2007.
 28. Sebastián 2007.
 29. United Nations Development Programme 2007.
 30. United Nations Development Programme 2003. Along similar lines, a poll conducted by the National Democratic Institute in 2010 indicated that 78 percent of Bosniaks supported the elimination of entities; 46 percent of Serbs favored the status quo; and 53 percent of Croats agreed with the creation of a third entity (National Democratic Institute 2010).
 31. Gallup Balkan Monitor 2010.
 32. Pickel and Donais 2003, 19.
 33. Fukuyama 2004.
 34. Kaldor 1999.
 35. Fukuyama 2004, 97.
 36. Fukuyama 2004, 93.
 37. Peacebuilding scholars differentiate between first- and second-generation peacebuilding missions. The mandates of first generation missions (1989–97) were limited in time and scope, and were mostly focused on holding post-conflict elections. In contrast, the mandates of second-generation interventions (such as in Bosnia, Kosovo and Timor Leste) have generally been less focused on exit strategies and more on building institutional structures and achieving enduring peace and stability (Paris and Sisk 2009).
 38. Fukuyama 2004.
 39. Kopecky and Mudde 2000.
 40. See Linz 1993; Smith 1986.
 41. Tilly 1975.

42. Caplan 2005, 3.
43. Paris and Sisk 2009.
44. Caplan 2001. The creation of international administration has raised important legitimacy issues (which are not the focus of this research) including: under what circumstances and on what grounds should international administrations be established? Are external administrations' aims to change local societies legitimate? How much power should be granted to external actors and for how long? Should external administrators be accountable, and if so, to whom? (Caplan 2005; see also Chandler 1999; Knaus and Martin 2003).
45. See Caplan 2005; Brinkerhoff 2007; Paris and Sisk 2009.
46. Caplan 2005, 12. It is significant to distinguish between two aspects of statebuilding, namely state capacity and state design. While the former is related to building institutional capacity in a way that "[state] sustainability does not depend on any single individual but on a shared commitment to the principles, procedures, and goals of the institution" (Call 2008, 8), the latter is focused on particular institutional arrangements, which tend to be "profoundly political" (Call 2008, 10).
47. Wolff 2008, 557.
48. See General Framework Agreement for Peace in Bosnia and Herzegovina 1995.
49. There are no accurate estimates of the population distribution in Bosnia; it is generally accepted that the Bosniaks represent more than 50 percent; the Serbs around 28 or 30 percent; and the Croats around 12 or 13 percent (McGonagle, Noll, and Price 2003). The last census was completed in 1991. At the time, the Bosniaks represented almost 44 percent of the total population; the Serbs 31 percent; and the Croats 17 percent (Bieber 2006a). As for the group "others" (national minorities that do not define themselves as Bosniak, Serb, or Croat), they constituted 8 percent (International Crisis Group 1999). A new census was conducted in 2013 but results will not be released until July 2014.
50. Council of the EU 1993. The Copenhagen criteria have involved conditionality in three major fields: democracy and the rule of law (the political criterion), the existence of a functional market economy (the economic criterion) and the adoption of the *acquis communautaire* (the legal criterion). A fourth pillar, the administrative one, has also become part of the conditionality package as of 1995, which relates to the adjustment of relevant administration structures (that is, strengthening them with a view towards more effective adoption and application of EU legislation).
51. See for example Kelley 2004a; Hughes, Sasse, and Gordon 2004.
52. In the case of outright control, there is no such option, which does not mean that the implementation of democracy structures and processes will be successful. On the contrary, as the case of the Bonn powers shows, imposition does not mean internalization or successful implementation.
53. Dawisha and Turner 1997, 407.
54. Generally, EU accession involves "the transposition of EU legislation into domestic law, the restructuring of domestic institutions according to EU rules, [and] or the change of domestic political practices according to EU standards" (Schimmelfennig and Sedelmeier 2004, 662).
55. Hughes, Sasse, and Gordon 2004, 26.

56. It is important to note the “stabilization” factor (a distinct element of EU integration from previous enlargement rounds); which adds a pre-accession component with additional conditionality attached to it.
57. European Union 1997. The failure of the EU crisis management in the former Yugoslavia in the early 1990s had, in fact, convinced the EU of the need to strengthen the foreign and defense policy mechanisms created in the Treaty of Maastricht in 1992.
58. Gordon, Sasse, and Sebastián 2008.
59. Council of the EU 1997.
60. Gordon, Sasse, and Sebastián 2008. The Stability Pact, which was launched by the EU in Cologne in June 1999 following the NATO intervention in Kosovo, was the first international attempt at shifting the approach in the Balkans to stabilization and integration (Gordon, Sasse, and Sebastián 2008).
61. European Commission 2006.
62. EU membership has generally enjoyed broad public support. An opinion poll conducted by the European Commission Delegation to Bosnia in February 2004 showed that 73.2 percent of Bosnian citizens favored EU accession (Noutcheva 2006a, 186). Levels of support have waned over time, however, most likely as a result of the multiple layers associated with the process of EU integration and the lack of immediate, tangible rewards. According to the Gallup Balkan Monitor (2009) support for EU membership in Bosnia was 66 percent and 48 percent in 2006 and 2008 respectively.
63. Also known as the Convention for the Protection of Human Rights and Fundamental Freedoms (see European Court of Human Rights 2010).
64. Bosnia is believed to have paid the heaviest toll in the disintegration of former Yugoslavia. This represents an important issue as it relates to the question of trust in the aftermath of war. Estimates show that around 97,200 people were killed in the war out of a population of roughly 4 million people; although the total number of people killed remains in dispute (figures are drawn from the Research and Documentation Center in Sarajevo). In addition to people killed, 30,000 went missing, 2.2 million were displaced and a third of the housing was completely destroyed. Bosnia also suffered from one of the worst massacres committed in Europe since the Second World War (Council of Europe 2004a) as a result of the genocidal experience in Srebrenica.
65. Lijphart 1971, 691.
66. March and Olsen 1984; Peters 1999.
67. Higley and Günther 1992, 8. See also Burton and Higley 1987; Moyser and Wagstaffe 1987; Putnam 1976.
68. According to Kirsti Samuels, there are three broadly defined types of constitution making, which vary in the level of inclusiveness: elite roundtables, which involve a small number of political elites; national conferences, which allows broader participation of political elites and civic activists; and the participatory constitution-making process, which develops largely without international involvement in deeply divided societies and involves education programs as well as extensive consultations (Samuels 2005 and 2009).
69. Chandler 2006a; Knaus and Martin 2003.
70. Gagnon 1995; Caspersen 2004.
71. The organization “Young Muslims” was created at the end of the 1930s and was dissolved in 1947 (current Bosniak President Barik Izetbegović himself

- was part of it). Its members became active again in the 1960s through formal religious institutions, namely the Islamic Community (Islamska Zajednica), and with new recruiters from the madrassah in Sarajevo (Bougarel 2007).
72. Bougarel 2007.
 73. Bieber 2006a.
 74. That said, the party is strong institutionally with a branch organization in almost every municipality.
 75. The SDS radicals have traditionally favored Republika Srpska's secession and have advocated for no Serb participation at the state level institutions. They have also opposed fiercely the transfer of powers from Republika Srpska (RS) to the state. The SDS moderates are in favor of preserving RS autonomy, but accept the status quo and are willing to make concessions on the basis of the process of EU integration.
 76. As noted above, other non-EU member countries such as Norway and Switzerland provided financial support in the initial stages. Their role was secondary and ended once the United States became formally involved.
 77. This problem is aggravated when the object study is a moving target. Though the process of constitutional reform failed in 2006 and in 2009, there have been ongoing informal and formal talks on constitutional issues while the author was doing fieldwork.

1 Post-War Statebuilding in Divided Societies: A Conceptual Framework

1. Democratization studies have also focused on the external dimension since the early 1990s. These studies have tended to focus on the study of global, systemic influences (including the use of force, the spread of ideas, contagion dynamics, and the effects of globalization) or the impact of democracy promotion programs, none of which relate to the discussion at hand.
2. This book is thus not concerned with the literature on peacebuilding (which has generally focused on both the implementation of peace agreements in the aftermath of conflict and the dilemmas involved in these operations, including the problems associated with the imposition of a "liberal" order). This study is instead focused on the unfolding of post-war statebuilding, the so-called second-generation operations.
3. See for example Paris 2004; Fukuyama 2004; Caplan 2005; Chesterman 2004; Fearon and Laitin 2004; Krasner 2004; Cousens and Cater 2001. Some recent studies have started to focus on the interactions between local and external political agents in statebuilding (see for example Mac Ginty 2011)
4. See for example Hayden 1999.
5. Caplan 2005; Chesterman 2004; Cousens and Cater 2001; Donais 2005; Belloni 2008.
6. See for example Chesterman 2004; Fearon and Laitin 2004.
7. See Belloni 2008.
8. Chesterman 2004, 239.
9. Ottaway 2002, 2003; Paris 2004.
10. See Chesterman 2004; Fukuyama 2004; Ignatieff 2002; Chandler 2006b.
11. See for example Kumar 1998; Paris 2004; Sisk 2009; Samuels 2006, 2009. The power-sharing literature has also explored the impact of institutions on the

- long-term stability of post-conflict, divided societies (see for example Reilly 2001; Reynolds 2002, 2008; Lake and Rothchild 2005; Weller and Wolff 2005; Wolff 2005b, 2009).
12. Some recent edited volumes include Roeder and Rothchild 2005a; Noel 2005; O'Flynn and Russell 2005a; Weller and Metzger 2008.
 13. Kettley, Sullivan, and Fyfe 2001; Wolff 2009; Weller and Metzger 2008. Complex sharing arrangements are oftentimes compounded by the presence of external actors who may act as guarantors of the institutional arrangement in place. Brendan O'Leary (2005), for example, has labeled the Bosnian model as a "complex consociation." This labeling is related to the presence of "international efforts to resolve national self-determination disputes; international involvement in the mediation, negotiation, arbitration, and implementation of peace settlements" (O'Leary 2005, 34; also see McGarry 2008).
 14. There are two major power-sharing arrangements for divided societies, namely the consociational model, which aims at protecting ethnic differences with the provision of specific institutional guarantees, and the integrative approach, which seeks to undermine ethnic differences by providing politicians with incentives to cooperate with members of groups other than their own. Dayton follows the consociational recipe with some integrative elements (see Chapter 2).
 15. See for example O'Flynn and Russell 2005b; Roeder and Rothchild 2005b; Sisk 1996; Zahar 2002.
 16. For a discussion on this issue see for example O'Leary 2005; McGarry 2008; Wolff 2007.
 17. See for example Thoms, Ron, and Paris 2008; Pouligny 2005; Belloni 2001; Pickering 2007. See also Cooper 2004; Wennmann 2005; Pugh 2002.
 18. Wennmann 2005.
 19. Most studies on post-conflict Bosnia touch upon one or more of these overarching themes, but this book uses this classification for purposes of simplicity.
 20. See for example Belloni 2008; Donais 2005; Cousens and Cater 2001.
 21. See for example Chandler 1999; Bose 2002; Knaus and Martin 2003.
 22. Bieber 2004a.
 23. Bieber 2002, 333. See also Chandler 1999; Zahar 2008.
 24. Bieber 2005; Zahar 2008.
 25. Bieber 2006b.
 26. Donais 2005; see also Pugh 2002; Bojčić-Dželić and Kaldor 1999.
 27. Donais 2005, 14.
 28. Woodward 1997; see also Bose 2002.
 29. Donais 2005, 4.
 30. Some authors have used these approaches conjunctively. Milada Vachudova (2005), for example, has used historical institutionalism and rationalist actor-driven approaches to account for the reasons why EU rewards and benefits were assessed and implemented differently across Central and Eastern Europe.
 31. Heritier 2005, 202.
 32. Hughes, Sasse, and Gordon 2004; see also Brusis 2002.
 33. Hughes, Sasse, and Gordon 2004, 174.
 34. *Ibid.*

35. Heritier 2005, 202.
36. Kelley 2004a.
37. *Ibid.*
38. The different uncertainties built in the process of EU accession have been exacerbated in the Balkan context. These mostly refer to the fact that the Stabilization and Association Process (SAP) has emerged as a multi-layered process in which new conditions and benchmarks can be gradually incorporated on an individual basis prior to the signing of an SAA. In fact, SAP countries fall into the category of “potential members,” a category that holds out the promise of eventual membership, but that lengthens the ill-defined time frames. The so-called enlargement fatigue (reflecting the EU’s reluctance to further expand) and the financial crisis have served to create further uncertainty as to when and whether the Balkans will join the EU.
39. Kelley 2004b, 431.
40. Jacoby’s model (2004) draws from Putnam’s and Tsebelis’ two-level game models (Putnam 1988; Tsebelis 1990).
41. Jacoby 2004, 202–03.
42. Schimmelfennig and Sedelmeier 2004, 663.
43. Massari 2005
44. Massari 2005, 262.
45. Barnett and Zürcher 2009.
46. *Ibid.*, 25.
47. Belloni and Deane 2005; O’Leary 2005; Wolff 2005a; McGarry 2008.
48. See Noutcheva 2006a, 2006b; see also Juncos 2011. Ana Juncos (2011), for example, has looked into the nature of Bosnia as a semi-protectorate and the impact of direct external imposition upon European conditionality in the context of police reform.
49. Noutcheva 2006b.
50. Noutcheva 2006a, 2006b.
51. Putnam 1988.
52. See for example Grabbe 2006; Kelley 2004a; Noutcheva 2006a, 2006b. The major difference between the bargaining model used in international negotiations and the one used in EU accession is the asymmetry of power between the domestic and the international actors.
53. See for example Nordlinger 1972; Rabushka and Shepsle 1972.
54. Conflict management or conflict regulation is usually defined to cover a wide range of situations, most commonly in relation to the containment, limitation and mitigation of violent conflict (see Miall, Ramsbotham, and Woodhouse 1999). This book, however, uses a generic definition, as appropriate for cases where there is no immediate threat of a violent outbreak. Thus, conflict regulation is defined as the efforts taken by domestic actors to handle and channel conflict within the parameters provided by the institutional framework in place, without resorting to practices of mutual intransigence and/or procedures that result in institutional deadlock.
55. Ethnic conflict refers to the competition among ethnic groups for power, resources, opportunities, status, or respect, by peaceful means (Esman 2004a and 2004b). This competition may turn violent under some circumstances but such a situation is not discussed in this article.
56. Horowitz 1985, 181–82.

57. This article uses the advanced-backward classification as based on perceptions and not in relation to a socioeconomic or numeric status.
58. Horowitz 1985, 179.
59. *Ibid.*, 175.
60. *Ibid.*, 176.
61. Nordlinger 1972, 68.
62. Horowitz 1985, 37–38.
63. Rothchild 1997, 4; Rothchild 1986.
64. Rothchild 1997, 4.
65. Lijphart's argument follows that in recognizing the dangers associated with engaging in uncooperative behavior – immobilism and the potential disintegration of the polity – elites “make *deliberate efforts to counteract the immobilizing and unstabilizing effects of cultural fragmentation*” (emphasis in text; Lijphart 1969, 212). Lijphart later recognizes that accommodation works best when there is a previous tradition of inter-ethnic cooperation (Lijphart 1990).
66. Andeweg 2000, 510.
67. McGarry and O'Leary 1993.
68. Zahar 2002.
69. Nordlinger 1972.
70. Nordlinger 1972. This is a hypothesis that should be empirically tested, as the opposite may hold true, namely a situation in which leaders that are inclined to violent conflict behave moderately, fearing further splits within their party.
71. Horowitz 1985.
72. See Rabushka and Shepsle 1972; Horowitz 1985; Gagnon 1995; Mitchell 1991 and 1995; Wolff 2005a.
73. Horowitz 1985.
74. Mitchell 1995.
75. Mitchell 1995, 779.
76. Gagnon 1995, 2.
77. See Sisk 1996; Chandra 2005; Mitchell, Evans, and O'Leary 2006.
78. Mitchell, Evans, and O'Leary 2006, 28.
79. See for example Horowitz 1985; Sisk 1996; Reilly 2001; O'Flynn and Russell 2005b.
80. Roberto Belloni and Shelley Deane's study on the successful implementation of power sharing in Northern Ireland and Bosnia represents one of such recent efforts (see also Zahar 2002). These authors identify third-level games “where internal group dynamics and external third party constraints and preferences shape elite decisions” (Belloni and Deane 2005, 220). The external variable is, however, the least explored variable and there is no attempt to list how all the different interactions affect the final bargains.
81. Zahar 2002.
82. McGarry 2008, 694.
83. Woodward 1999b, 8–9. See also Chandler 1999; Zahar 2005b.
84. Zahar 2002, 17.
85. Zahar 2002, 17–18.
86. Chandler 2006a.
87. Stiglitz 1998, 21.
88. Zahar 2005a.
89. Zahar 2005a.

2 Dayton

1. For a full account on the demise of Yugoslavia see Cohen 1995; Woodward 1995; Denitch 1996; Glenny 1996; Silber and Little 1996; Bennet 1995; Magaš 1993.
2. Bougarel 1996.
3. Woodward 1995.
4. Bieber 2006a. Voting along ethnic lines, however, was not a new phenomenon; every election in the twentieth century generated similar results (Hayden 2005).
5. Bougarel 1996, 99.
6. Hayden 1992; Burg and Shoup 1999.
7. Malcolm 1996.
8. Hayden 1999.
9. *Ibid.*
10. Burg 1997; Burg and Shoup 1999
11. Hayden 1999.
12. See Amendment 59 to the Constitution of the Socialist Republic of Bosnia and Herzegovina, quoted from Hayden 1999, 90.
13. Burg 1997.
14. The EEC had launched a peace conference in The Hague in September 1991, under the chairmanship of Lord Peter Carrington, and with the legal assistance of the Badinter Commission (an arbitration body set up by the EEC to assist in legal matters). Despite the failure in putting forward a solution for Yugoslavia, the opinions of the Badinter Commission had an enormous impact on how events played out in Bosnia (Szasz 1995). As a case in point, the Commission recommended the need for a referendum to let citizens decide on the preferred option for the future status of the multiethnic country (Badinter Commission, Opinion No. 4). The Commission also suggested that the internal frontiers of Yugoslavia were to be considered as international frontiers according to international law, at the time of dissolution (Badinter Commission, Opinion No. 3).
15. Goodby 1996.
16. Malcolm 1996, 231.
17. Both the Cutileiro plan and the Dayton constitution are based on an ethnic understanding of the Bosnian conflict, but each prescribed different territorial arrangements. While the Cutileiro plan envisioned the cantonization of Bosnia with different districts for each ethnic group, the Dayton constitution put in place a two-entity based territorial arrangement, namely the Bosniak-Croat Federation and the Serb Republika Srpska.
18. Hayden 1999.
19. Silber and Little 1996.
20. Goodby 1996. Hayden 1999. According to Noel Malcolm (1996; Glenny 1996), this plan was based on an earlier cantonized solution presented by the Serbs in December 1991.
21. Szasz 1995.
22. *Ibid.*
23. Woodward 1995.
24. *Ibid.*

25. Hayden 1999.
26. David Binder, "US Policymakers on Bosnia Admit Errors in Opposing Partition," *New York Times*, August 28, 1993.
27. Liljana Smajlović, "Interview: Warren Zimmerman, My Role in Bosnia," *Vreme News Digest Agency* No. 144, June 27, 1994; Cohen 1995, 245.
28. Cohen 1995 quoting Owen's declarations in 1994; Reuters European Community Report, March 11, 1994, quoted from Cohen 1995.
29. Bougarel 1996.
30. Szasz 1995.
31. A report on the progress of negotiations presented in October 1992 noted that while the Serbs favored the division of Bosnia into three independent states, the Bosniaks sought a unitary state organized around different administrative regions; the Croats lay somewhere in between (Goodby 1996).
32. Woodward 1999a.
33. For a discussion on the different elements of the Vance–Owen plan see Hayden 1992, 1999; Szasz 1995.
34. Szasz 1995.
35. Cohen 1995.
36. Hayden 1999.
37. Cohen 1995; Goodby 1996.
38. Woodward 1995.
39. Cohen 1995. The plan was presumably based on a map negotiated by both Tuđman and Milošević in June 1993 (Paul Lewis, "Two Leaders Proposed Dividing Bosnia into Three Areas," *New York Times*, June 17, 1993, p. 3).
40. Szasz 1995.
41. Ibid.
42. The Federal Republic of Yugoslavia (FRY), created in 1992, consisted of the Republic of Serbia and the Republic of Montenegro. The FRY became the State Union of Serbia and Montenegro in 2003. The union came to an end when Montenegro declared independence in 2006.
43. Ibid.
44. Cohen 1995.
45. Federation Agreement, from Szasz 1995.
46. Cohen 1995, 314.
47. Cohen 1995.
48. O'Brien 2004.
49. Holbrooke 1998.
50. Safe areas were declared in 1993 to be under the protection of UN peacekeeping forces, including Srebrenica, Žepa, Tuzla, Goražde, Bihać, and Sarajevo.
51. Goodby 1996; Holbrooke 1998.
52. Serb commander Ratko Mladić and RS president Karadžić were indicted by the International Tribunal of Former Yugoslavia following the killings in Srebrenica. Holbrooke announced in August that he would not negotiate with them.
53. Holbrooke 1998.
54. Ibid.
55. This section is concerned with the key institutional arrangements that are the target of constitutional reform in Bosnia.
56. Lijphart 1969, 1977; see also McGarry and O'Leary 1993, 2004; O'Leary 2005.
57. Horowitz 1985; Sisk 1996; Reilly 2001.

58. Hoddie and Hartzell 2005.
59. Five cantons have a Bosniak majority (Una Sana, Tuzla, Zenica Doboje, Bosna Podrinje and Sarajevo); three are Croat (Posavina, West Herzegovina and Herceg Bosna); and two are mixed: Herzegovina Neretva (Mostar) and Central Bosnia. Bieber has argued that Bosnia is an asymmetric federation given the subunits's different institutional arrangements (Bieber 2002).
60. See Annex Two of the GFAP (General Framework Agreement for Peace in Bosnia and Herzegovina 1995).
61. Lijphart 1969. Though most of the clauses contained in the Dayton agreement fall into the consociational category, some integrative elements were also included. The Constitutional Court and the Central Bank are based on a parity representation, but decisions are taken on a simple majority basis. Bosnia thus represents a typical case of complex power sharing, borrowing from both the consociational and integrative models.
62. Bieber 2008; McGarry 2008.
63. See Lijphart 1977, 1990.
64. A different ethnic arrangement was built into the entities. Serbs, Bosniaks and Croats had no "constituent" status in the entities where they represented a minority. Things changed in 2002 with the imposition of an amendment to the entities' constitutions, whereby the three ethnic groups gained equal status throughout the territory of Bosnia. The 2002 entity's constitutional changes undermined group autonomy in each entity (Bieber 2004a).
65. Lijphart 1990.
66. Constitution of Bosnia and Herzegovina 1995, Article 5.4.
67. Election Law of Bosnia and Herzegovina 2001, Article 8.3.
68. Constitution of Bosnia and Herzegovina 1995, Article 5.2 (d).
69. *Ibid.*
70. Office of the High Representative 2002, Article 18.
71. Bieber 2006b.
72. Bose 2002.
73. The Constitutional Court is mandated by the constitution to be comprised of nine judges, four elected by the House of Representatives in the Federation, two by the RS National Assembly, and the remaining three by the President of the European Court of Human Rights (Constitution of Bosnia and Herzegovina 1995, Article 6.1 (a)).
74. Constitution of Bosnia and Herzegovina 1995, Article 4.3 (d).
75. Constitution of Bosnia and Herzegovina 1995, Article 3.3 (a).
76. Hayden 1999, 27.
77. O'Brien 2004.
78. Since 2004, EUFOR have been downsized to 600 troops in Bosnia. It is maintained as a preventive measure against future instability (see www.euforbih.org, home page, date accessed July 10, 2013).
79. General Framework Agreement for Peace in Bosnia and Herzegovina (1995), Annex Ten, Art. I.
80. Peace Implementation Conference 1995.
81. Cox 2001; Šelo Šabić 2003.
82. Cox 2001.
83. Chapter 6 is devoted to these dynamics.
84. Holbrooke 1998; Cousens and Cater 2001.

85. European Stability Initiative 1999.
86. *Ibid.*; Pickel and Donais 2003.
87. International Crisis Group 1998a; see also Woodward 1997; Chandler 2005.
88. Bildt 1998, 3.
89. International Crisis Group 1998a; European Stability Initiative 2001.
90. The war displaced 2.2 million people (over a million of refugees and over a million of internally displaced). By 1998, around 200,000 refugees and 220,000 displaced people had returned to their homes. Although returns to majority areas went smoothly in the first few years after the war, minority returns (returnees in areas where they are in a minority) encountered strong local resistance by the parties in power (International Crisis Group 2002b). Further progress was achieved in the 2000s. In September 2004, the United Nations High Commissioner for Refugees (UNHCR) and the Ministry of Human Rights and Refugees in Bosnia announced that over a million refugees and displaced persons had returned to Bosnia by the end of July 2004 (440,147 former refugees and 560,326 internally displaced persons, half of which were minority returns). See the statistics at <http://www.unhcr.org/news/pr040921bihstats.pdf>, date accessed March 30, 2013.
91. International Crisis Group 1997.
92. Pickel and Donais 2003.
93. European Stability Initiative 1999, 14.
94. Many resources were wasted due to the incoherence of funding programs and the inadequacy of both entity and state-level institutions to manage these funds (Chesterman 2004).
95. Peace Implementation Council 1997b.
96. Hays 2004. Other voices have been more critical of the alleged undemocratic powers of the HR (see Knaus and Martin 2003; Chandler 2006a). The dismissal of public officials in Bosnia, for example, has been undertaken without the person concerned being given a hearing. Furthermore, HR decisions are final and cannot be appealed before any court (Council of Europe 2004a).
97. Cox 2001.
98. International Crisis Group 1998a, 1999.
99. International Crisis Group 1998b, i.
100. International Crisis Group 1998b. Krešimir Žubak had succeeded Mate Boban as the HDZ Croat leader, following strong pressure by the United States to have Boban step down during the negotiations of the Washington agreement. Žubak left the HDZ in the summer of 1998 to form a new party, NHI (New Croat Initiative), which failed to displace the HDZ in the September 1998 elections.
101. International Crisis Group 1998b.
102. International Crisis Group 1999.
103. *Ibid.*
104. European Stability Initiative 2000, 3.
105. Bieber 2001, 5.
106. Petritsch acted as HR from August 1999 to May 2002. Although Petritsch's stated goal prior to taking office was to promote domestic ownership and partnership, he made extensive use of the HR powers and was only able to

- start a program of social ownership in 2001 (Petritsch 2003). The initiative was however abandoned as soon as the nationalist parties were back in power in 2002. Petritsch's greatest success was refugee return with 850,000 returnees by the end of his mandate.
107. European Stability Initiative 2001.
 108. *Ibid.*
 109. European Stability Initiative 2001; Peace Implementation Council 2000a.
 110. Peace Implementation Council 2000a, 2000b.
 111. Peace Implementation Council 2000a.
 112. In this context, the United States threatened to withdraw all international aid to RS if the SDS entered the new government. The task to form a government eventually was given to the PDP, who had 13 percent of electoral support.
 113. European Stability Initiative 2001.
 114. *Ibid.*
 115. *Ibid.*
 116. Bieber 2006a, 101. The disillusionment of the population is reflected in voter turnout, which was 54 percent in the 2002 elections (as opposed to 78 percent in the 1996 elections); although the lower rate might have been the result of the frequency of elections since 1996 (Perry 2006).
 117. Bieber 2001.
 118. *Ibid.*
 119. Constitutional Court 2000.
 120. *Ibid.*
 121. See Office of the High Representative 2001.
 122. Bieber 2004b.
 123. International Crisis Group 2002a; Neussl 2004.
 124. International Crisis Group 2002a. For a discussion of the implications of this constitutional reform see Bieber 2004b.
 125. Bieber 2004b.
 126. Bieber 2006b, 21; see also Bose 2005.
 127. European Stability Initiative 2001. See also Tomić-Malić 2000.
 128. Council of Europe 2001.
 129. Council of Europe 2002.
 130. The fact that no concrete initiatives were launched at the local level during this period does not mean that political and social actors were not vocal in the constitutional debate. Various civil society debates on constitutional reform developed at this time, foremost within Bosniak circles. Some advanced the idea of a federal republic, implicitly envisioning the elimination of the entities (see for example Finč 2004). These initiatives were, however, unrealistic given the lack of cross-ethnic consensus around the idea of a civic, multi-ethnic state.
 131. The EUPM represented the first EU crisis management operation. Since inception, it was severely criticized as a result of numerous coordination and planning issues. The mission was finally closed down in June 2012 in spite of ongoing rule of law challenges in Bosnia. Following its closure, a new Law Enforcement Section (integrated into the EUSR structure) was created to assist local authorities in combating corruption and organized crime (Council of the EU 2012).
 132. The EUSR was entrusted with two key tasks at the outset, including the monitoring of rule of law activities in the country and the direction of the

EU Police Mission (Council of the EU 2002). The role of the EUSR increased significantly over time in both the provision of advice to EU officials (including the EUFOR Commander) and the coordination of all EU actors to ensure EU consistency and coherence.

133. Ashdown 2002.
134. Peace Implementation Council 2002b.
135. Ashdown 2002.
136. Knaus and Martin 2003.
137. Council of Europe 2004a.
138. Council of Europe 2004a, para. 108.
139. European Commission 2003.
140. This section draws from Sebastián 2012.
141. Venice Commission 2005.
142. United Nations Development Programme 2007.
143. Foreign Policy Initiative 2007, 19.
144. Venice Commission 2005, para. 26. In this context, European officials have argued in personal interviews that harmonization with European standards requires a faster-paced law enactment system than the one in place. In fact, a European official argued in a personal interview that harmonizing the Bosnian legal system to European standards would likely require enacting 100 to 150 laws per week. The Bosnian parliament, however, enacted, on average, 60 laws per year during the 2002–05 period (see OHR BiH Media Round-up, December 12, 2005). In 2007, 27 laws were merely passed at the state-level, out of the 135 laws that had been foreseen for that period (Topić 2008). The rate of legislation approval further decreased following the 2010 elections as a result of a government stalemate that lasted for months.
145. Venice Commission 2005, para. 36.
146. It should be noted that this agreement was the “price” for keeping the country united (see Holbrooke 1998; Ashdown 2007).
147. Venice Commission 2005, para. 29.
148. Venice Commission 2005, para. 31.
149. Bieber 2006b, 21.
150. Foreign Policy Initiative 2007. It is however difficult to have a precise measurement of informal boycotts, given that governmental decisions are often not taken due to the absence of a quorum.
151. Venice Commission 2005, para. 34.
152. Venice Commission 2005, para. 46.
153. Constitution of Bosnia and Herzegovina 1995, Art. 2.1.
154. Especially in relation to Art. 14, Art. 3 of Protocol 1, and Art. 1 of Protocol 12 (see European Court of Human Rights 2010).
155. Venice Commission 2005, para. 43.

3 Beyond Dayton I: Inter-ethnic Divisions

1. Council of Europe 2004b.
2. This information is based on material provided to the author by Donald Hays.
3. Author’s personal interview with Donald Hays, Washington, DC, July 29, 2006.

4. *Ibid.*; see also Hays and Crosby 2006.
5. Author's interviews with Sulejman Tihiić and Western diplomats, Sarajevo, May–July 2007.
6. Author's personal interview with Matthew Rycroft, Sarajevo, June 7, 2007.
7. Author's personal interview with Donald Hays, Washington DC, July 29, 2006.
8. D. Hays, "Letter to Bosnians: Your Leaders Initiated Changes," *Balkan Insight*, November 17, 2005.
9. Author's personal interview with Donald Hays, Washington, DC, July 29, 2006.
10. Author's personal interview with Donald Hays, Washington DC, July 29, 2006. The "Dayton Project: Program for Civil Dialogue in BiH" was established in early 2005 as an NGO platform for the constitutional negotiations.
11. The HR had created the Police Restructuring Commission (PRC) in July 2004 with the mandate to propose a single police structure in Bosnia under state authority. By December 2004, however, the PRC had achieved no tangible results in spite of the various concessions offered to RS officials such as the enactment of ten police regions where the multi-ethnic component was diluted to a great extent (International Crisis Group 2005a).
12. Dayton Project, July 2005 trip report (in author's personal records). Other European sources confirmed that tying the accession framework to the process of constitutional reform was discussed at some point, but that there was not enough consensus to do so at the time.
13. Javier Solana, cited in OHR, BiH Media Round-up, December 3, 2004.
14. PILPG served as a legal advisor to the Bosnian delegation during the negotiations of the Dayton Peace Agreement.
15. The CoE was also heavily involved in the working group. Both Thomas Markert, one of the drafters of the Venice Commission report, and CoE Special Representative in Bosnia Tim Cartwright became the "silent partners" (author's personal interview with Tim Cartwright, Sarajevo, June 19, 2007).
16. Hitchner 2006a.
17. Personal interviews with Donald Hays and PILPG member of the Secretariat Megan Stewart, Washington, DC, July–August 2006.
18. There was some reluctance initially among certain circles within the SDS to engage in the process; but Hays managed to persuade the SDS leader Dragan Čavić to take part, reassuring him that solutions would not be imposed (author's email interview with Mladen Bosić, June 26, 2007).
19. Dayton Project, April 2005 trip report (in author's personal records).
20. Hitchner 2006b.
21. Dayton Project, April 2005 trip report.
22. The September agreement had been reached in a new round of negotiations called by Ashdown on July 26 – following an impasse caused by the Serb rejection of the OHR-sponsored reform in May 2005.
23. The dispute over the broadcasting law thus represents an example of the use of language for nationalist purposes.
24. The law, however, encountered important obstacles in the implementation phase as a result of Croat obstruction. Passing the corresponding legislation at the Federation level occurred in July 2008, almost three years after its adoption at the state-level.
25. Dayton Project, September 2005 trip report (in author's personal records).
26. Donald Hays, personal notes (in author's personal records).

27. According to the Article 4.11 (c) of the amended constitutional document submitted to the party leaders prior to the Brussels meeting (in author's personal records), the VNI veto could be invoked within the House of Peoples regarding: the rights of all three constituent peoples to be represented in legislative, executive, judicial authorities; the identity of a constituent people; the territorial organization; the organization of public authority; education; language; national symbols and flags; spiritual heritage; the integrity of Bosnia and Herzegovina; public information; any issue deemed to be a VNI by two thirds of one of the caucuses in the House of Peoples.
28. Author's personal interview with Donald Hays, Washington, DC, July 29, 2006.
29. Dayton Project, November 2005 trip report (in author's personal records).
30. OHR, BiH Media Round-up, December 12, 2005.
31. See OHR, BiH Media Round-up, December 6 and 12, 2005.
32. OHR, BiH Media Round-up, November 14, 2005.
33. See OHR, BiH Media Round-up, December 9, 2005.
34. The level of consensus reached by party representatives during the preparatory phase raises the question of whether keeping party leaders out of the negotiations would have resulted in a different outcome. That option was not available, however; as party leaders made it clear from the outset that they would be the ultimate decision-makers. Involving party leaders at a later stage would have likely resulted in a similar outcome, given the rushed deadlines and the entanglement of the process with the electoral campaign.
35. Cited in OHR, BiH Media Round-up, January 24, 2006.
36. OHR, BiH Media Round-up, November 13, 2005.
37. Bose 2002.
38. See European Stability Initiative 1999.
39. Hitchner 2006b.
40. "Kosovo Status Without Influence on RS," *Nezavisne Novine*, p. 6, in OHR, Media Round-up, December 3, 2005.
41. Dragan Čavić, cited in OHR, BiH Media Round-up, November 17, 2005.
42. Bose 2002.
43. Dragan Čović, cited in an interview by Zoran Kresic, *Večernji list*, June 11, 2005.
44. The Catholic Church in Bosnia, for example, has generally had an ambivalent position towards the creation of a third entity.
45. Author's personal interview with Professor Azim Mujkić, Sarajevo, May 9, 2007.
46. Ivo Miro Jović, cited in OHR, BiH Media Round-up, October 14, 2005.
47. See OHR, BiH Media Round-up, October 13, 2005.
48. Author's personal interview with European official, Sarajevo, May 2007.
49. International Crisis Group 2003; Bougarel 2007.
50. International Crisis Group 2005a.
51. Muehlmann 2008.
52. International Crisis Group 2005a.
53. As noted in the introduction, the SDA was created by members of a heretofore marginal "Islamist movement" associated with the Bosnian Islamist organization, the "Young Muslims." This book uses the term "Islamist group" or "members of the Islamist movement" to refer to the members of this faction within the SDA.
54. Bougarel 2007.

55. *Ibid.*
56. Economist Intelligence Unit, July 2005; OHR, BiH Media Round-up, May 27, 2005.
57. Sulejman Tihić, cited in OHR, BiH Media Round-up, May 27, 2005.
58. Other participants in the negotiations, including an SBiH party official, agreed with these assessments.
59. Economist Intelligence Unit, January 2005.
60. *Ibid.*
61. Čović was, however, not banned from political life, which allowed him to keep the position as HDZ leader and run for re-election in June 2005.
62. Economist Intelligence Unit, July 2005.
63. Author's personal interviews with local and Western diplomats, Sarajevo, May–July 2007.
64. Wettach 2007.
65. OHR, BiH Media Round-up, September 26, 2005.
66. See OHR, BiH Media Round-up, October 28, 2005.
67. See OHR, BiH Media Round-up, October 31, 2005.
68. Cardinal Pujlić, for example, was supportive of the Ljubić candidacy at the HDZ Convention in June 2005.
69. It is worth noting that Croatia's EU path had reached a critical juncture at this time. Accession negotiations had been on hold since March 2005 over the handing over of General Gotovina to the war crimes tribunal. The EU was, however, set to finally give a green light to Croatia in October 2005, as a result of Austria's strong lobbying efforts, conditioning the lifting of its opposition to Turkey's candidacy to the opening of accession talks with Croatia. Gotovina was arrested shortly after in Spain in December.
70. OHR, BiH Media Round-up, November 11, 2005.
71. OHR, BiH Media Round-up, June 10, 2005.
72. Author's personal interview with Matthew Rycroft, Sarajevo, June 7, 2007.
73. Author's personal interviews, European officials, Sarajevo, May–July 2007.
74. OHR, BiH Media Round-up, October 20, 2005.
75. European Parliament 2005.
76. Author's phone interview with Michael Humphreys, April 15, 2009.
77. Author's personal interview with Donald Hays, Washington, DC, July 29, 2006. It was also agreed that the United States would be ready to intervene if a certain level of consensus was reached.
78. Bose 2002, 259.

4 Beyond Dayton II: External Agency

1. A US official contended that the US decision to support constitutional reform in Bosnia in 2005 was an alteration of US policy; "we never envisioned [constitutional reform] to be something that we would open up...we saw constitutional reform as an issue that the EU should deal with as part of the accession process" (author's personal interview with US official, Washington, DC, April 25, 2013).
2. Author's personal interviews with Western diplomats, Sarajevo, May–July 2007.
3. Author's personal interview with US official, Washington, DC, April 25, 2013.

4. The human rights package was also finalized at this time, although it had already been agreed upon.
5. Constitutional Agreement on the Council of Ministers, December 2005 (in author's personal records).
6. See Zoran Kresić, "Next up is drawing of maps," *Večernji list*, p. 6, OHR, BiH Media Round-up, December 21, 2005.
7. OHR, BiH Media Round-up, January 3, 2006.
8. OHR Media Round-up, January 5, 2005.
9. Olli Rehn, cited in OHR, BiH Media Round-up, January 4, 2006.
10. OHR, BiH Media Round-up, January 6, 2006.
11. Author's personal interview with Donald Hays, Washington, DC, July 29, 2006. See also declarations by SDS official Momčilo Novaković in "Parties from RS Ready to Continue after Elections," *Oslobodjenje*, pp. 4-5, OHR, BiH Media Round-up, January 18, 2006.
12. This is an interpretation made by Hays in a personal interview.
13. Author's personal interview with Donald Hays. Washington, DC, July 29, 2006.
14. Author's personal interview with Donald Hays, Washington, DC, July 29, 2006.
15. Author's personal interview with Tim Cartwright, Sarajevo, June 19, 2007
16. OHR, BiH Media Round-up, January 18 and 20, 2006.
17. OHR, BiH Media Round-up, February 10, 2006.
18. Some Western officials who attended the meeting declined to reveal the substance of the issues discussed (author's personal interviews with Western diplomats, Sarajevo and Banja Luka, May-June 2007).
19. An undisclosed source from RS told the author that the elimination of entity voting could have followed the elections in October 2006, but it is unclear whether his statement was based on an agreement reached in Doboj or on the prospect of further negotiations to follow after the elections.
20. See Zoran Kresić, "Tihić's agreement will not happen on Sunday," *Večernji list*, p. 2, OHR, BiH Media Round-up, February 26, 2006.
21. OHR, BiH Media Round-up, February 7 and 12, 2006.
22. While the absence of the Croat parties in these meetings was never intended to be exclusionary (it was rather an attempt to bridge the differences between the Bosniaks and Serbs) radical Croats mobilized at the time to criticize harshly the meeting and present it as a denial of the Croats' rights (see A. Vrebač, "Knife stabbed at Croats' back," *Dnevni list*, p. 2, OHR, BiH Media Round-up, February 21, 2006).
23. S. Numanović, "Talks on constitutional changes cannot be a private deal," *Dnevni avaz*, p. 4, OHR, BiH Media Round-up, February 21, 2006.
24. OHR, BiH Media Round-up, January 30, 2006.
25. OHR, BiH Media Round-up, February 18, 2005.
26. Author's personal interviews with Donald Hays and Western diplomats.
27. OHR, BiH Media Round-up, February 28, 2006.
28. See European Court of Human Rights 2010.
29. Venice Commission 2006a.
30. Venice Commission 2006a, paragraphs 17, 18, and 24.
31. Bieber 2006.
32. Draft Amendments to the Constitution of Bosnia and Herzegovina 2006 (in author's personal records). The human rights package was however not

- submitted to parliament along with the rest of the amendments out of concern over the wording of the changes.
33. Venice Commission 2006b, paras 2 and 74.
 34. Venice Commission 2006b.
 35. Venice Commission 2005; Venice Commission 2006b.
 36. Venice Commission 2006b, para. 39.
 37. Marko 2005/06, 9.
 38. Venice Commission 2006b.
 39. In some countries, however, there is no primacy principle, but disputes are resolved through a judicial review in a court with jurisdiction on constitutional matters (usually the Constitutional Court). In the case of the United States, for example, the Supreme Court is the institution charged with the resolution of constitutional disputes between the states and the federal government.
 40. Author's personal interview with OHR official, Sarajevo, June 2007.
 41. Venice Commission 2006b.
 42. Author's personal interview with Western diplomat, Sarajevo, July 2007. The diplomat is referring to the recommendations contained in the 2006 Venice Commission resolution (Venice Commission 2006b).
 43. Author's personal interview with European official, Sarajevo, May 2007.
 44. Author's personal interview with Tim Cartwright, Sarajevo, June 19, 2007.
 45. Author's email interview with Dragan Čavić, January 2008.
 46. Author's personal interview with Sulejman Tihić, Sarajevo, July 4, 2007.
 47. Author's personal interview with Šefik Džaferović, Sarajevo, May 31, 2007.
 48. Author's personal interview with HDZ working group member Mile Lasić, Mostar, July 2, 2007.
 49. This section draws from Sebastián 2010a.
 50. Author's personal interview with Donald Hays, Washington, DC, July 29, 2006.
 51. Author's personal interview with Sulejman Tihić, Sarajevo, July 4, 2007.
 52. Author's personal interview with Western diplomat, Banja Luka, June 12, 2007.
 53. It will be Tihić's rapprochement to SDP – and the potential for a possible coalition with this party in the elections – that will cause further radicalization and opposition among the Islamist group and other factions within SDA (author's personal interviews with local informants, Sarajevo, May–July 2007; see also Bougarel 2007).
 54. OHR, BiH Media Round-up, February 26, 2006.
 55. Author's personal interview with Donald Hays, Washington, DC, July 29, 2006.
 56. Author's personal interview with Tim Cartwright, Sarajevo, June 19, 2007.
 57. This section draws from Sebastián 2009a. See also Sebastián 2010a, 2012.
 58. Author's personal interview with Donald Hays, Washington, DC, July 29, 2006.
 59. Author's personal interview with Osman Topčagić, Sarajevo, July 2, 2007.
 60. Author's phone interview with Michael Humphreys, April 15, 2009.
 61. See Sasse 2005 for a discussion on this issue in reference to minority rights.
 62. Author's personal interview with Swiss Embassy's Deputy Head of Mission Didier Chassot, Sarajevo, June 1, 2007. Other European officials expressed a similar view.

63. A Western diplomat suggested in a personal interview that the United States did not want to involve the OHR because of this office's links to the failed police reform.
64. Even if the EU had tied the process of constitutional reform to the signing of an SAA, it might have been rejected anyway, given local politics.
65. Cited in E. Medunjanin, "We shall consider liberalization of visas in March," *Večernji list*, p. 8, in OHR, BiH Media Round-up, January 26, 2006.
66. Author's personal interview with Western diplomat, Sarajevo, June 12, 2007.
67. Author's personal interviews with party officials, Sarajevo, May–July 2007.
68. Author's personal interview with Beriz Belkić, Sarajevo, June 19, 2007.
69. Author's personal interview with Sulejman Tihić, Sarajevo, July 4, 2007.
70. See, for example, Horowitz 1985; Gagnon 1995.

5 Beyond Dayton III: Intra-Ethnic Divisions and Collapse

1. OHR, BiH Media Round-up, April 20, 2006. The final vote followed some last-minute minor technical changes favored by the Serb party leaders. Arguably, this could have persuaded the Serb radicals to vote in favor. UK Ambassador Rycroft argued that it was thanks to Republika Srpska (RS) President Dragan Čavić that the Serb radicals were finally convinced to vote in favor of the amendments: "Despite the fact that these deputies were not from the SDS, Čavić had this leverage as president of RS" (author's personal interview with Matthew Rycroft, Sarajevo, June 7, 2007).
2. Author's phone interview with Michael Humphreys, April 15, 2007.
3. Author's personal interview with Werner Almhof, Sarajevo, June 15, 2007.
4. Author's personal interview with Beriz Belkić, Sarajevo, June 19, 2007.
5. Author's personal interview with Martin Raguž, Sarajevo, July 5, 2007.
6. Author's phone interview with Michael Humphreys, April 15, 2009.
7. Author's personal interview with Matthew Rycroft, Sarajevo, June 7, 2007.
8. Author's personal interview with Mehmed Zilić, Sarajevo, June 2007
9. "EC Delegation Head Humphreys Sends Letter to HDZ President," *Bosnia Daily* No. 1244, May 4, 2006, p. 5.
10. "Negotiations on Constitutional Changes Possible after the Elections: Dodik," *Bosnia Daily* No. 1251, May 15, 2006, p. 4.
11. "Constitution May Be Changed by 2008," *Bosnia Daily* No. 1256, May 22, 2006, p. 2.
12. "USA Feels Constitutional Changes Should Be Adopted," *Bosnia Daily* No. 1251, May 15, 2006, p. 1.
13. OHR, BiH Media Round-up, June 20, 2006.
14. The HDZ leader Dragan Čović did this too, but at the party apparatus; the expelled members kept important positions in parliament.
15. Western diplomats confirmed in personal interviews that the international community was ready to assist Čavić in his purge of the party by reversing some of the dismissals of SDS officials (especially those loyal to Čavić). On November 4, 2005, for example, HR Paddy Ashdown reversed more than 20 dismissals of SDS officials prior to the SDS Convention in November 2005, following the October agreement on police reform (see OHR decisions in November 2005 at <http://www.ohr.int>, date accessed January 25, 2013).

16. See Dragan Stanimirović, "Republika Srpska: Shuffling the Cards," *Transitions Online*, January 20, 2006.
17. Mitchell 1991, 81.
18. OHR, BiH Media Round-up, March 24, 2006.
19. Ljiljana Vidačak, "Cardinal stands up against agreements on constitution," *Dnevni list*, OHR, BiH Media Round-up, March 13, 2006.
20. OHR, BiH Media Round-up, March 23, 2006.
21. Jožo Pavković, "We are chased by Americans and Englishmen," *Večernji list*, OHR, BiH Media Round-up, April 15, 2006.
22. Author's personal interview with Christian Schwarz-Schilling, Sarajevo, July 10, 2007.
23. A. Maagić, "Tokić: Intensively, We Are Establishing Block of Patriotic Forces," *Dnevni avaz*, OHR, BiH Media Round-up, February 23, 2006.
24. Safet Halilović, cited in OHR BiH Media Round-up, March 20, 2006.
25. "The Best Cannot Come Out of Bad at Once," *Dnevni avaz*, OHR, BiH Media Round-up, March 29, 2006.
26. OHR, BiH Media Round-up, January 8, 2006; "BiH Will Fall Apart if Silajdžić Becomes President," *Nezavisne novine*, OHR, BiH Media Round-up, January 10, 2006.
27. Author's personal interview with Matthew Rycroft, Sarajevo, June 7, 2007.
28. Author's personal interview with Christian Schwarz-Schilling, Sarajevo, July 10, 2007. Christian Schwarz-Schilling came into office on January 31, 2006, replacing Ashdown as HR/EUSR.
29. Author's personal interview with Mile Lasić, Mostar, July 2, 2007.
30. Author's personal interview with Zeljko Mirjanić, Banja Luka, June 11, 2007.
31. Author's personal interview with Christian Schwarz-Schilling, Sarajevo, July 10, 2007.
32. Author's personal interview with OHR official, Sarajevo, July 2007.
33. Author's personal interview with Mončilo Novaković, Sarajevo, 5 June 2007.
34. Author's personal interview with SBiH official, Sarajevo, July 2007.
35. Author's personal interview with SBiH official, Sarajevo, July 2007.
36. Author's personal interview with SBiH official, Sarajevo, June 2007.
37. OHR, BiH Media Round-up, May 1, 2006.
38. H. Orahovać, "Raising Sanctions against BiH Would Deny Principles of Parliamentary Democracy," OHR, BiH Media Round-up, April 29, 2006.
39. Nadja Diklić, "There Would Be No Sanctions for BiH," *Dnevni avaz*, p. 5, OHR, BiH Media Round-up, May 4, 2006.
40. Michael Humphreys, cited in OHR, BiH Media Round-up, April 26, 2006.
41. This situation contradicts classical mediation literature. For example, Stephan Stedman has stated that offering guarantees is a critical factor in mediation activities, although when the guarantees cannot be delivered – and this is how it was perceived by the parties involved – such guarantees may diminish the mediator's leverage (Stedman 1996).
42. F. Mioc, "Croats Are More Important than HDZ: I Shall Vote against Constitutions," *Slobododna Dalmacija*, OHR, BiH Media Round-up, April 7, 2006.
43. Author's personal interview with Branislav Borenović, Banja Luka, June 12, 2007.

44. Sead Numanović, "Citizens Do Not Know What Is Negotiated About," *Dnevni avaz*, OHR, BiH Media Round-up, December 23, 2005.
45. United Nations Development Programme 2007. The Early Warning Report in early 2006 showed high levels of undecided. While around 40 percent of the population expressed some support for the changes, 33 percent were undecided and 10 percent were against. The strongest support came from Bosniak and Croat majority areas (more than 50 percent among the Bosniaks and 48 percent in Croat majority areas). The support in Serb majority areas was 27 percent; almost 20 percent were against and 40 percent remained undecided (United Nations Development Programme 2006).
46. Author's personal interview with Tim Cartwright, Sarajevo, June 19, 2007.
47. The civil society/education campaign on the topic "constitutional changes and local ownership" was launched in September 2005, although the preliminary phase involved discussions with key mayors to facilitate cooperation between civil society and local politics. It was only on October 24 that the first roundtable with civil society took place in Tuzla, followed by others in early December in Mostar, Banja Luka, Sarajevo, and Bihać on December 20. The goal was to introduce the participants to Bosnia's constitutional problems and inform them of possible alternative scenarios (Dayton Project, final report, December 2005, in author's personal records).
48. Author's personal interview with Sulejman Tihić, Sarajevo, July 4, 2007.
49. Crocker, Hampson, and Aall 1999,.
50. Author's personal interview with Martin Raguž, Sarajevo, July 5, 2007.
51. Author's personal interview with Western diplomat, Sarajevo, June 2007.
52. Peace Implementation Council 2006.
53. As a matter of fact, the strategic partnership between the PDP, SNSD, and SDS formed during the constitutional reform process appeared to continue through the run up to the elections.
54. "Agreement with Serbia Will Be Signed," *Bosnia Daily* No. 1342, September 19, 2006, p. 4.
55. "Dodik: If Dayton is questioned, referendum is the answer," *Bosnia Daily*, June 8, 2006.
56. The EU set up four key conditions for the signing of the SAA, namely: (1) implementation of police reform in compliance with the October 2005 agreement on police restructuring; (2) full cooperation with the ICTY; (3) adoption and implementation of all necessary public broadcasting legislation; and (4) development of the legislative framework and administrative capacity to allow for proper implementation of the SAA (European Commission 2008, 5, n. 3). Police reform was the highest priority, however. The signing of the SAA was only possible when parties reached an agreement on police restructuring in April 2008, even though such agreement failed to live up to EU standards.
57. CoE Special Representative Tim Cartwright suggested to the author that the resolution had been drafted with strong lobbying from Silajdžić.
58. "Rycroft's Statement Encouraging RS Separatists: BNP," *Bosnia Daily*, July 5, 2006.
59. "Europe Can Wait, but RS Will Have Its Police," *Bosnia Daily* No. 1318, August 18, 2006, p. 1.
60. UN Security Council 2006.
61. Solioz 2006.

62. "RS Referendum Inevitable," *Bosnia Daily* No. 1332, September 5, 2006, p. 1.
63. E. Sarać, "Silajdžić Demands Support from US Government for New Constitution," *Dnevni avaz*, OHR, BiH Media Round-up, June 14, 2006.
64. "Dodik Still Dreams of Greater Serbia," *Bosnia Daily* No. 1333, September 6, 2006, p. 1.
65. "BiH with No Entities," *Bosnia Daily* No. 1345, September 22, 2006, p. 8.
66. Economist Intelligence Unit, July 2006.
67. OHR, BiH Media Round-up, June 19, 2006. Both Tihić and Lagumdžija fell short of confirming any coalition plans during the run-up to the elections.
68. Bougarel 2007.
69. E. Sarać, "Former SDA Members Supporting Silajdžić," *Dnevni avaz*, OHR, BiH Media Round-up, June 17, 2006.
70. E. Huremović, "Collision of Tihić and Čegnić over Dodik and SNSD," *Dnevni avaz*, OHR, BiH Media Round-up, June 18, 2006.
71. Author's personal interviews with local observers and Western diplomats, Sarajevo, May–June 2007; see also Bougarel 2007, and V. Selimbegović, "To whom would Alija's spirit bring victory," *Dani*, pp. 18–20, OHR, BiH Media Round-up, June 19, 2006.
72. Bougarel 2007.
73. Economist Intelligence Unit, October 2006.
74. See IRI survey in OHR, BiH Media Round-up, June 19, 2006.
75. "SDS Party Goes Right Center," *Bosnia Daily* No. 1538, July 2, 2007, p. 2.

6 Elusive Reform and the New International Engagement

1. C. Schwarz-Schilling, "How to Move Bosnia Forward," *New York Times*, February 1, 2006; C. Schwarz-Schilling, "Speech by the High Representative, Christian Schwarz-Schilling, to the BiH Parliament. 100 Days to Make History," Office of the High Representative, May 24, 2006.
2. International Crisis Group 2009a.
3. The Agreement on the Restructuring of Police Structures adopted in October 2005 led to the setup of the Police Reform Directorate (PRD) in January 2006 empowered to put in place an implementation plan on police reform. The Directorate forwarded a final report to the council of ministers on the creation of a streamlined police structure at the end of 2006. Political parties had until March 2007 to introduce and accept amendments and adopt an implementation plan (International Crisis Group 2007). The prospects of parties meeting the deadline as the report was being forwarded to the council of ministers were small however. The Serbs' boycott of the Directorate and the ongoing polarizing rhetoric by the SBiH leader Haris Silajdžić and the SNSD leader Milorad Dodik did not offer room for optimism.
4. These calls were heightened following the International Criminal Court's verdict in early 2007 stating that genocide was committed in Srebrenica.
5. Sebastián 2007.
6. Support was precarious, however. The SDP, for example, seemed uncommitted in early 2007. The SDA leadership, for its part, was wary of further weakening the party if no changes were made to the package, and the SDS leader Dragan Čavić's resignation along with SDS's power struggles represented significant challenges. An SDS right-wing leadership, newly headed

- by Mladen Bosić, could not only spare critical votes in parliament but also make it more difficult for Dodik to reach a compromise (“Next Steps on Constitutional Reform,” US cable Sarajevo No. 2876, November 15, 2006).
7. “We’re Near Agreement on Police Reform,” *Dnevni avaz*, April 4, 2007, p. 5 in *Constitutional Changes Monitor* no. 22, April 4–11, 2006.
 8. “Separate Police and Constitutional Reforms,” *Bosnia Daily* 1531, June 21, 2007, p. 1.
 9. S. Mustajbegović and G. Katana, “Washington Summit and Reviving Bosnia’s Reforms,” *Balkan Insight* No. 84, May 24, 2007.
 10. “The High Rep’s Proposal for Phase II,” US cable Sarajevo 41, January 10, 2007.
 11. Ultimately, even though talks with the party leaders had already taken place since the fall of 2006, Schwarz-Schilling agreed to delay the official presentation of his initiative to give time for another attempt at passing the April Package.
 12. Author’s personal interviews with Western diplomat (Sarajevo, June 2007) and US official (Washington, DC, April 25, 2013). A US official who participated in the 2007 Washington negotiations claimed that Dodik was willing to reduce the minimum number of votes required for the adoption of decisions in parliament from one third of delegates from RS to one quarter (as part of a package deal that included an agreement on police reform). This amendment would have allowed four (instead of five) members from RS in the House of Representatives to block the use of entity voting (author’s personal interview with US official, Washington, DC, April 25, 2013). While the non-Serb parties have never managed to gain more than three seats in the House of Representatives as part of the Serb delegation; this amendment would have introduced a significant game changer in parliamentary dynamics.
 13. “US Wants Bosnians to End Rift for Reforms,” *The Peninsula*, May 24, 2007.
 14. Author’s personal interview with Western diplomat, Sarajevo, July 2007.
 15. Author’s personal interview with US official, Washington, DC, April 25, 2013.
 16. HDZ 1990 press release: “Against Federalization of BiH,” cited in *Oslobođenje*, May 30, 2007, *Constitutional Changes Monitor* no. 30, May 30 to June 6, 2007.
 17. International Crisis Group 2009b.
 18. “Constitutional Changes Can Result Only Through Agreement of Political Parties,” *Oslobođenje*, June 25, 2007, in *Constitutional Changes Monitor* no. 33, June 20–27, 2007.
 19. Author’s personal interview with Sulejman Tihić, Sarajevo, July 4, 2007.
 20. Slovak diplomat Miroslav Lajčák arrived in Bosnia with an excellent reputation for his role as mediator and personal representative of Javier Solana in overseeing Montenegro’s referendum of independence in 2006. Lajčák’s language skills (with fluency in more than five languages including Serbo-Croatian) and experience in Slovakia’s transition process were also considered positive assets. Ultimately, he relied heavily on Slovakia’s democratic transition and EU accession process to promote dialogue among Bosnian politicians; particularly through the setup of regular meetings outside local institutions to foster compromise on the broader terms of the reform process.

21. Office of the High Representative 2007c.
22. Leroux-Martin 2013. Ultimately, notwithstanding Lajčák's more assertive manners, he eventually resigned in January 2009 expressing great frustration and disappointment in the pace of progress.
23. Office of the High Representative 2007d.
24. The deadline had been set up in time to allow the European Commission to include a positive assessment on police reform in the annual progress report. Failure to do so would delay the signing of a Stabilization and Association Agreement (SAA) for a year.
25. Office of the High Representative 2007a.
26. Office of the High Representative 2007a. Parties were also encouraged to introduce changes to the Parliament's Rules of Procedure prior to December that year. In the absence of an agreement, the HR would impose the changes.
27. Author's personal interview with OHR official, Sarajevo, February 14, 2013.
28. International Crisis Group 2009a.
29. B92 News, "Koštunica: Serbia's top priorities – Kosovo, RS," October 25, 2007.
30. International Crisis Group 2009a.
31. Lippman 2007; Leroux-Martin 2013.
32. McMahon and Western 2009.
33. Author's personal interview with OHR official, Sarajevo, February 2013.
34. Author's personal interview with OHR official, Sarajevo, February 14, 2013.
35. As a case in point, the authentic interpretation required that "best efforts be made in order to ensure that the vote of at least one member of each constituent people ... be cast by the Chair of the Council of Ministers and the Deputy Chairs of the Council of Ministers" (Office of the High Representative 2007b; for a full discussion of these measures see Leroux-Martin 2013).
36. Personal interviews. See also International Crisis Group 2009a; McMahon and Western 2009.
37. Author's personal interview with US official, Washington, DC, April 25, 2013.
38. Sebastián 2008.
39. Action Plan for the Implementation of the Mostar Declaration, http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-other/default.asp?content_id=40959, date accessed May 9, 2013. See also International Crisis Group 2009a; Juncos 2011.
40. Leroux-Martin 2013.
41. Ibid.
42. Peace Implementation Council 2008a.
43. *Balkan Insight*, "EU Deal Triggers First Bosnian Disputes," June 17, 2008.
44. US Cable Sarajevo No. 1507, September 23, 2008.
45. P. Ashdown and R. Holbrooke, "A Bosnian Powder Keg," *The Guardian*, October 21, 2008.
46. Peace Implementation Council 2008b.
47. These dynamics prompted a set of public statements by US and European officials (including Vice President Joe Biden in a visit to Bosnia and former HR Paddy Ashdown in a US Congressional hearing in April 2009), as well as various opinion pieces warning against the reversal of the statebuilding process and the risk of a potential return to violence in the multi-ethnic country (see McMahon and Western 2009; Ashdown 2009; N. Kulish "While Europe

- Sleeps, Bosnia Seethes," *New York Times*, September 5, 2009; C. Whitlock, "Old Troubles Threaten Again in Bosnia," *The Washington Post*, August 23, 2009).
48. Solana and Rehn 2008.
 49. *Ibid.*
 50. Valentin Inzko is an Austrian diplomat with ample experience in the region. Prior to his appointment, he held various posts in Serbia, Bosnia, and Slovenia. Inzko's lack of leadership skills and international divisions over the future of the OHR have contributed to making his role as HR increasingly irrelevant.
 51. Council of the EU 2007, 6.
 52. International Crisis Group 2009b.
 53. International Crisis Group 2009b; Toal and Dahlman 2011.
 54. Office of the High Representative 2008.
 55. International Crisis Group 2009b; International Crisis Group 2010.
 56. SETimes.com, "BiH Main Parties Announce a New Decentralization Agreement," January 27, 2009.
 57. Economist Intelligence Unit, March 2009.
 58. This has translated into a Bosnian policy of unconditional support of RS within the PIC.
 59. International Crisis Group 2009a.
 60. SETimes.com, "Inzko Says BiH's Prud Process Basically Dead," July 20, 2009
 61. This section draws from Sebastián 2012.
 62. The United States was initially approached by the Bosniak and Croat leaders in the spring of 2009 to push for a new internationally-led constitutional process. In spite of Dodik's rhetoric, both Tihčić and Čović believed that the Prud talks and Dodik's interest in closing the OHR had built momentum to address constitutional changes before the electoral campaign was in full swing ("Tihčić and Čović Eager to Engage on Constitutional Reform" US cable Sarajevo 467, April 15, 2009).
 63. S. Latal, "Bosnian Leaders Debate Country's Dissolution," *Balkan Insight*, September 14, 2009.
 64. The United States however failed to assess Dodik's genuine commitment. As a case in point, once Butmir was transformed into a process, Dodik refused to participate in meetings that were chaired by international actors.
 65. Author's interview with senior diplomat with knowledge of the process, Sarajevo, February 21, 2013.
 66. Author's email communication with a senior diplomat, February 21, 2013.
 67. S. Latal, "Talks Aimed at Breaking Bosnia's Deadlock Continue," *Balkan Insight*, October 9, 2013.
 68. The initial idea was to launch a single conference with a specific proposal that would last for several days until an agreement was secured (International Crisis Group 2009a), much like what occurred in Dayton. Disagreements between the United States and the EU over the convenience of presenting a ready-made package may have served to alter the first meeting agenda and the overall Butmir strategy. As a result, a set of technical negotiations between external and local experts followed the first high-level Butmir meeting. The goal was to reach a compromise prior to the second high-level meeting (see S. Latal, "Concerns Grow as Bosnians Reject Reform," *Balkan Insight*, October 22, 2009).
 69. *B92 News*, "Bosnian Talks Still Deadlocked," October 21, 2009.

70. S. Latal, "Bosnia's Crucial Talks End without Results," *Balkan Insight*, October 21, 2009.
71. The United States has generally been reluctant to engage in direct negotiations with the SDS because it was founded by war crimes indictee Radovan Karadžić. During the April Package, however, the United States engaged with the SDS leader Dragan Čavić, given his success in keeping the SDS hardliners at bay.
72. A Western official suggested to the author that US officials asked Tihić to support the package (Author's personal interview with Western diplomat, Sarajevo, February 2013). The SDA noted in a press conference in Sarajevo that while the package did not meet Bosnian needs, it represented an improvement from the Dayton constitution (Media Intelligence Agency, "Morning Media Brief," December 8, 2009).
73. As a case in point, Dodik stated on TV on November 28, "[c]onstitutional reform is being forced upon us...to suit Bosniak politicians" (Media Intelligence Agency, "BiH Media Round-Up," November 27, 2009).
74. Media Intelligence Agency, "Morning Media Brief," December 4, 2009.
75. International Crisis Group 2009a, 5.
76. Author's email communication with senior diplomat, February 21, 2013.
77. S. Latal, "Bosnian Serb Leaders Rebuff Western Proposal," *Balkan Insight*, October 14, 2013.
78. Media Intelligence Agency, "Morning Media Brief," December 4, 2009.
79. Media Intelligence Agency, "Morning Media Brief," November 9, 2009.
80. Media Intelligence Agency, "Morning Media Brief," November 4, 2009.
81. Author's personal interview with SDP official, Sarajevo, June 26, 2010.
82. Author's personal interview with Western diplomat, Sarajevo, June 15, 2010.
83. Author's email communication with senior diplomat, February 21, 2013.
84. Author's personal interview with Branislav Borenović, Sarajevo, February 21, 2013.
85. Author's personal interview with OHR official, Sarajevo, February 19, 2013.
86. Olli Rehn, cited in "Dayton Provides Enough Space for Improvement of Bosnia's Functionality," *Bosnia Daily*, October 9, 2009.
87. Author's personal interview with Žefik Džaferović, Sarajevo, February 20, 2013.
88. Author's personal interview with Branislav Borenović, Sarajevo, February 21, 2013.
89. Author's personal interview with Western diplomat, Sarajevo, June 15, 2010.
90. Author's personal interview with Western official, Sarajevo, February 2013.
91. A third appeal was brought to the ECHR by a Bosniak resident in RS, Ilijaz Pilav, who was denied the right to run for the position of member of the presidency from RS in the 2006 elections. The ECHR's ruling is pending and will likely require further constitutional changes.
92. Sebastián 2011.
93. The elections resulted in a seemingly more moderate landscape within the Bosniak electorate, with the SDP winning a majority of seats from the Croat-Muslim Federation (followed closely by the SDA). The Serb and Croat political landscape remained unchanged, however, with the SNSD winning most

votes from RS and the HDZ dominating the Croat constituency. In terms of the presidency, the Bosniak candidate Silajdžić lost to SDA's Bakir Izetbegović and both SNSD's Radmanović and SDP's Komsić kept their presidential posts (much to the dismay of the HDZ and HDZ 1990). Government formation talks became especially difficult, given that both the SDP and SNSD (the two most voted parties in parliament) had become sworn political enemies over the years and, right after the elections, their leaders engaged in a fierce dispute over "the right to define the government on their own terms" (S. Sebastián, "The Results of Bosnian Elections Will Challenge Bosnia's Transition to Full Sovereignty," *Nationalities Blog*, October 21, 2010).

94. While Germany's engagement was welcomed by both local and international actors, the process failed as a result of the secrecy associated with it and the lack of specific proposals.
95. European Commission 2012, 5. See also European Commission 2013.
96. European Commission's Progress Reports, for example, have continued to acknowledge the lack of progress in establishing functional and sustainable institutions in Bosnia (see European Commission 2011, 2012, 2013). The European Parliament, for its part, has highlighted the need for Bosnian authorities to undertake "substantial" constitutional changes and has encouraged other European institutions "to initiate broad and open consultations as well as public discussions with all stakeholders in the country" (European Parliament 2013).
97. See Sebastián 2010b. In 2010, for example, European countries (especially Germany and France) lobbied heavily within the EU and the PIC to abandon the 5+2 agenda and to close the OHR.
98. Weber 2011, 14.
99. A new coalition government at the state-level was only possible at the end of 2012 with the inclusion of the newly created party Union for a Better Bosnia (SBB) in the government coalition. The Federation government crisis, however, remained unresolved as of July 2013.
100. EU press release, "Joint Conclusions from the High Dialogue on the Accession Process with Bosnia and Herzegovina and the Road Map for BiH's EU Membership Application," Memo12/503, June 27, 2012, http://europa.eu/rapid/press-release_MEMO-12-503_En.htm, date accessed April 9, 2013.
101. Simultaneously, the United States launched a new initiative to reform the Federation constitution. US efforts, however, started at a low level with a group of independent experts tasked with the presentation of a set of proposals to the Parliament in the Federation by May 2013.
102. Members of the group "others" could form their own caucus (or join the existing ones). That said, it is unclear how members of the group "others" could effectively participate in the decision making process in the House of Peoples within the current institutional framework given their status as a minority group.
103. Presumably, the proposal envisioned the introduction of premium votes but it is unclear whether the proposal supported weighted or "compensated" districts in Croat-majority areas to preclude members of one constituent people from electing the presidential representative of another constituent group.

104. Remarks by EU HR Ashton during her visit to Bosnia and Herzegovina, April 18, 2013, http://www.eu-un.europa.eu/articles/en/article_13406_En.htm, date accessed April 18, 2013.
105. *B92 News*, "Bosnia Steadily 'Regressing' on EU Path," April 23, 2013.
106. Author's personal interview with former SDP member, Sarajevo, February 15, 2013.
107. Media Pulse, "Morning Media Report," May 24, 2013.
108. Media Intelligence Agency, "BiH Media Round-Up," April 8, 2011.
109. N. Berberina, "Croats Want their Federal Unit," *Euroblic*, p. 2, Media Intelligence Agency, "BiH Media Round-Up," March 23, 2011.
110. International Crisis Group 2011b, 19.
111. Z. Kresić, "Tri-partite alliance of Herzeg-Bosnia, RS and Bosnia would stabilize BiH," *Večernji list*, pp. 8–10, Media Intelligence Agency, "BiH Media Round-Up," September 17, 2012.
112. Personal interviews. See also International Crisis Group 2009a; McMahon and Western 2009.
113. It is important to note that following the failure of constitutional negotiations in 2006, Dodik became profoundly disappointed and disillusioned with Bosnia's statebuilding process (author's personal interview with OHR official, Sarajevo, February 19, 2013). After all, Dodik had envisioned himself as the leader of a Bosnian government with new powers.
114. Media Pulse, "Morning Media Report," July 3, 2013.
115. International Crisis Group 2011b, 17.
116. Muehlmann 2008, 15.
117. Author's personal interview with US official, Washington DC., April 25, 2013.
118. In this context, the International Crisis Group noted in 2011, "violence is probably not imminent but is a near prospect if this continues" (International Crisis Group 2011a, 1).
119. As an OHR official noted, with the failure of the constitutional reform and the decision to close down the OHR "the international policy switched from what Bosnia needs to become a sustainable state to what the international community needs to close down the OHR" (author's personal interview with OHR official, Sarajevo, February 14, 2013).
120. Leroux-Martin 2013.
121. "Džerard Selman: Nema preglasavanja," *Nezavisne novine*, December 4, 2007, <http://www.nezavisne.com/novosti/bih/Dzerard-Selman-Nema-preglasavanja-17631.html>, date accessed May 7, 2013.
122. Leroux-Martin 2013.
123. International Crisis Group 2009a, 14.
124. S. Latal, "Obama: We Must Not Forget the Balkans," *Balkan Investigative Reporting Network* (BIRN), April 7, 2009.
125. These high-level meetings were followed up by various official visits by Steinberg and US Secretary of State Hillary Clinton in 2010 and 2012.
126. P. Mitchell, "Biden in the Balkans: US Asserts Interests in Shattered Region," World Socialist Website, <https://www.wsws.org/en/articles/2009/05/balk-m21.html>, date accessed March 5, 2013.
127. Author's personal interview with OHR official, Sarajevo, February 19, 2013.
128. UN Security Council 2011.

7 Conclusions

1. Maršić and Marko 2007.
2. The issue of intra-ethnic competition has been previously acknowledged in previous studies (see for example Zahar 2002), but it has never been explored systematically in post-conflict Bosnia and other post-conflict, divided societies.
3. Mitchell 1995.
4. See Sisk 1996; Chandra 2005; Mitchell, Evans, and O'Leary 2006.
5. Most studies focus on integrative institutional arrangements (Horowitz 1985; Sisk 1996; Reilly 2001). Rather than focusing on institutions, however, this book incorporates the role of external actors and external incentives in the analysis of outbidding dynamics.
6. The case of Iraq is particularly significant in this respect given the contextual similarities – Iraq is also deeply divided ethnically along three major groups – and the experience of a process of constitutional reform in 2005 with strong US leadership.
7. Grabbe 2002. Europeanization studies suggest that high salience is a function of the norm's significance in the domestic political agenda (asylum capacity will be high salience in those countries with many asylum seekers). In deeply divided societies, high salience can be defined as a function of how it affects the distribution of power and whether it is perceived or not as a legitimate and desirable instrument.
8. See for example Grabbe 2002, 2006.
9. According to Gallup Balkan Monitor (2009), for example, only 16 percent of Bosnian citizens from RS view the EU as being friendly to their entity (in contrast to 55 percent of citizens from the Federation).
10. Muehlmann 2008; Leroux-Martin 2013.
11. The EU's regional strategy since 2007 (aimed at keeping Serbia's radical forces at bay while moving forward with Kosovo's independence) has also encouraged a perception of winners and losers at the regional level, with some Bosnian politicians believing that Serbia is the EU's only priority (Sebastián 2009b). Tihić, for example, noted in an interview in 2009 that Brussels' priority was Serbia's European road; "they do not want people to make waves in Bosnia Herzegovina...because that promptly spills over and affects the stability in Serbia" (BBC Monitoring, "Muslim Party Leader Slams EU Policy on Bosnia," June 20, 2009).
12. Noutcheva 2006a, 2006b.
13. At this meeting, both Croatia and Turkey were accepted for Accession talks and Serbia was given the green light for starting SAA negotiations.
14. Noutcheva 2006a, 2006b.
15. Sebastián 2009b, 2010b.
16. Sebastián 2009b.
17. For a full discussion of these issues see Sebastián 2009a.
18. This challenge relates to a recent scholarly debate that revolves around the impact of the EU acting in a dual capacity, namely as a third party in conflict management and as an agent of EU integration (see Diez, Stetter, and Albert 2006; Noutcheva et al. 2004; Tocci 2007).

19. As noted in the introduction, Bosnia represents a rather unique case study of statebuilding. First, Bosnia is one of Europe's most deeply divided societies, and a prototype for post-conflict society. Second, Bosnia has experienced one of the most pervasive (and longest) forms of external intervention since the end of the Cold War, with extremely ambitious peace and statebuilding agendas and the involvement of a myriad of international organizations and external actors in charge of implementing different components of the peace agreement. Notwithstanding the Bosnian uniqueness, this section provides a set of lessons learned that can be applied to other statebuilding contexts .
20. Richmond 2009a; see also Hughes 2009.
21. Menocal 2011, 1719; See also DFID 2011; OECD 2011.
22. DFID 2011; OECD 2011.
23. *Radio Free Europe/Radio Liberty*, "Lajcak: U.S., EU 'Aware Of How Serious Situation In Bosnia Has Become,'" October 9, 2009.
24. Fukuyama 2004, 103.
25. Richmond 2009a, 95.
26. See Chopra 2002.
27. Richmond 2009a. See also Richmond 2009b, 2012; Mac Ginty 2011.
28. See Baskin 2004.
29. See European Stability Initiative 2000.
30. Donais 2009, 16.
31. Donais 2009, 21.
32. D. Walsh, "US had 'frighteningly simplistic' views of Afghanistan, says McChrystal," *The Guardian*, October 7, 2011.
33. International Crisis Group 2005b.
34. O'Leary 2009, 137.
35. Chaplin 2006.
36. Edwards 2010, 983.
37. Butler 2012, 98; see also Richmond 2009a.
38. Richmond 2009a, 94.
39. Leroux-Martin 2013.
40. Ibid.
41. See for example Chesterman 2004.
42. Crocker, Hampson, and Aall 1999.

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