

Croatian Membership in the European Union

Implications for the Western Balkans

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Repercussions for the Democratic Consolidation of Bosnia and Herzegovina

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Introduction

Consolidation is at the same time a buzzword and a very ambiguous concept. It has been used extensively in both research and policy-making throughout a large number of areas and across disciplines. This usually resulted in a muddling of concepts and produced policies calling for the ‘consolidation’ of states, peace, democracy, economies, institutions, electoral systems, political parties, and various other state and societal structures. In order to cover the variety of observations ascribed to it, consolidation would have to be broadly conceived as a certain quality of institutional and societal conditions in a country at a given point in time, which in itself doesn’t say very much. Trying to figure out influencing factors and repercussive effects of consolidation becomes impossible with an analytical concept so broad that it can take on any meaning, while at the same time meaning nothing at all. Before asking whether Bosnia and Herzegovina (hereafter also Bosnia or BiH) is consolidated or not, and to what extent, it is necessary to narrow down the concept and make analytically useful.

At first the term would have to be limited to the territorial state as a unit of analysis. This would mean that consolidation would not, for example, specifically look at armed groups, but take them as an indicator of the consolidation of peace in a country. While this state-centric approach has its limitations, it allows for a comparison of various countries using both qualitative and quantitative indicators regarding their level of consolidation. Second, consolidation should be perceived as a continuum, not as a dichotomy, meaning that we would have various degrees of consolidation between two poles of an ideally consolidated and ideally non-consolidated country. No country is therefore fully consolidated, nor non-consolidated, but rather consolidated to a higher or lesser degree compared with others or a mean value. Along this continuum it is possi-

ble to identify thresholds that allow us to classify countries into distinguishable categories, usually as non-consolidated, partially consolidated, and consolidated. Third, consolidation should not be perceived as a 'condition' but rather as a process where states are generally moving towards a more consolidated system. That said it is important to add that consolidation is not a one-way street and that consolidation can stall, backslide or even break down. At last, we can distinguish between various areas, systems or regimes of consolidation within the territorial state such as peace and security, democracy, economy, and judiciary. While each covers an important and indispensable policy area, they are all mutually interdependent. At the same time a different theoretical and analytical approach is needed to comprehensively examine and evaluate the quality of each system. There is no appropriate or preferred choice of system and each is significant in its own regard. For my reflection on the consolidation of Bosnia I will specifically look at the democratic consolidation of the country, as this best fits my area of expertise.

Democratic consolidation

Democratic consolidation, as a term of its own, has been described as a catch-all concept lacking a core meaning¹ that has been overstretched to be of any analytical use. Meaning next to nothing on its own, it has to be brought into theoretical context in order to be applicable on a country basis. Democratic consolidation is part of the broader process (or research agenda) of democratization. According to Gerardo Munck, democratization can be subdivided into a number of concepts and research fields, namely 1) democratic transition, 2) democratic stability or consolidation, and 3) quality of democracy.² These three concepts together form the process-oriented essence of democratization that can generally be perceived as the move towards more and broader democracy. As there are no clear boundaries within this process, the distinction between the three concepts is often contentious and it is a matter of debate where one ends and the other begins. Still, it is possible to conclude that transition has to precede consolidation, while quality of democracy is in-

¹ Diamond, 2001: 69.

² Munck, 2001: 123; Munck, 2007: 45.

creased throughout the process, even after consolidation has been achieved. Democratic consolidation usually begins after the first open, free and fair elections following a democratic opening have been held and describe the process of making democracy the “only game in town”,³ and preventing any backsliding towards authoritarian rule.

Since there is no single or correct definition of democracy, our understanding of democratic consolidation varies according to the definition we adopt. The minimal definition of democracy by Schumpeter is focused only on the electoral process; while the most commonly accepted definition by Dahl also looks at preconditions leading up to democratic elections.⁴ Accordingly,

“the essence of consolidation is generally agreed to be defining and fixing the core rules of democratic competition, in other words, transforming the set of democratic rules and institutions agreed upon in the transition phase into regular, acceptable, and predictable patterns”, while a “‘consolidated democracy’ in this understanding denotes a minimal or electoral democracy that has already lasted for some period of time, and that can be expected to last into the future”.⁵

The focus is primarily on regular, free and fair elections, as well as on a peaceful transfer of power between contestants (political parties). According to a rule of thumb two consecutive democratic elections and one transfer of power are required to consolidate democracy, meaning that Bosnia can certainly be classified as a consolidated democracy. There are also no *relevant* elements in the state and society who dispute the essence and open contestation of electoral politics, in fact making democracy the only game in the proverbial Bosnian town. But does this mean that Bosnia is a consolidated democracy? With a multilayered definition of democracy I argue that this is not the case.

³ Linz & Stepan, 1996.

⁴ Schumpeter defines democracy as an “institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote” (2003: 9); while Dahl defines polyarchy, his equivalent of regular democracy, as “a political order distinguished at the most general level by two broad characteristics: Citizenship is extended to a relatively high proportion of adults, and the rights of citizenship include the opportunity to oppose and vote out the highest officials in the government” (*1989: 220).

⁵ Doorenspleet & Kopecký, 2008: 701.

More complex definitions of democracy and democratic consolidation take into account a whole array of rights and liberties.⁶ But at the same time that the concept becomes more complex and multilayered, it becomes increasingly vague and inflated with numerous objective and subjective criteria. This results in a large number of terms, commonly described as ‘democracy with attributes’, that are often used to identify varieties of non-consolidated democracies. Various attempts to streamline such an expanded concept of democratic consolidation have been made, of which the work of Wolfgang Merkel stands out in succeeding to outline an analytically useful framework. Building on a broad definition of democracy, democratic consolidation consists of a multilevel model with four complementary areas of consolidation: 1) constitutional consolidation, 2) representative consolidation, 3) behavioural consolidation, and 4) the consolidation of civic culture and civil society. Constitutional consolidation refers to the “the consolidation of the central constitutional organs and political institutions, such as the head of state, government, parliament, judicial and electoral systems”, while representative consolidation “involves the level of territorial (parties) and functional (interest groups) interest representation”.⁷ These two levels put together, as well as the resulting configuration influences behavioural consolidation that “refers to reducing the attractiveness for powerful actors (...) to pursue interests outside the democratic institutions and against the democratically legitimated representatives”.⁸ Finally, the consolidation of civic culture and civil society emerges as consolidation within the previous three levels solidifies, where this last level must be perceived as a long-term process that

“may last for decades and only be complete after a change of generations. Only after all four phases of consolidation have been completed is it possible to characterize consolidated democracy as largely resistant to endogenous crises and exogenous shocks”.⁹

⁶ Linz & Stepan, 1996.

⁷ Merkel, 1998: 39-40.

⁸ Ibidem.

⁹ Ibidem.

Apart from determining the extent and form of democratic consolidation, which means looking at the current situation in a particular country, it is necessary to take into account the various internal and external factors that influence it. Needless to say that democratic consolidation does not take place in a confined and controlled environment, but rather within a dynamic setting influenced by various structural factors and actor preferences. Within the academic literature a large number of factors have been proposed that can exert either positive or negative influence on democratic consolidation. Some of these factors are also important for the process of democratic transition, but a clear distinction should be made between those that facilitate the democratic opening of authoritarian regimes and those that contribute to the consolidation of democracy. The most important ones for democratic consolidation are summarized in the following table:

	Positive influence on democratic consolidation	Negative influence on democratic consolidation
Structural factors	<ul style="list-style-type: none"> • Sound economic development • None or limited number of previous (failed) democratic transitions • Democratic neighbouring states • Good relations to (neighbouring) democratic states • Regional incentives to democratize • Local acceptance of the state and citizenship rules 	<ul style="list-style-type: none"> • Economic contraction and recession • Many previous (failed) democratic transitions • Non-democratic state neighbourhood • Isolationist policies • Lack of regional democratic political dynamic • Disagreement on the state and citizenship within the country
Actor preferences	<ul style="list-style-type: none"> • Active local civil society 	<ul style="list-style-type: none"> • Externally imposed or clientelistic civil society

Table 1: Effects of democratic consolidation.¹⁰

¹⁰ Compiled from: Gassebner, Lamla & Vreeland, 2013: 172, and Doorenspleet & Mudde, 2008: 818.

From this table it is possible to draw two broad conclusions that I will apply to the case of BiH: democratic consolidation foremost happens as a result of processes occurring within the state, and that external factors and actors can exert relevant influence on domestic processes.

The democratic consolidation of Bosnia and Herzegovina

To come back to our initial question of whether Bosnia is a consolidated country, the answer is negative, albeit not universally. Building on Bertelsmann Transformation Index (BTI) methodology¹¹ it is possible to analyze consolidation of the individual levels of the state identified by Merkel. Regarding the constitutional consolidation of the country it is necessary to look deeper at a number of issues that include the problem of stateness, political participation, free and fair elections, rule of law, and the stability of democratic institutions. Undoubtedly the stateness problem is crucial for the consolidation of BiH. Although the very existence of the country is no longer openly disputed by mainstream political parties¹² the structural makeup of BiH is highly disputed, the main arguments being in favour of a firmly federalized state or stronger centralization of policies and institutions. There has been little progress on this substantial problem as it has continuously been overshadowed by technical questions of constitutional reform.

In a way, under intense external pressure, local political actors have been attempting to build a house, while following three different construction designs. Regarding participation and contestation through free and fair elections things look somewhat more optimistic. Elections are held at regular intervals and are openly contested by numerous actors with a variety of political programs. A serious problem has been posed by the 'Sejdić-Finci verdict' of the European Court of Human Rights that declared the political rights of minorities and other non-constituent peoples

¹¹ <http://www.bti-project.org/> (25.09.2013.), also see Merkel, 2007.

¹² An analysis of referendum threats and the threat of establishing parallel institutions indicate that this political rhetoric can be directly linked to concrete political goals and serve as an argument in interparty negotiations on state vs. entity prerogatives.

¹³ violated. The rule of law and the reform of the judicial sector is another important area that has so far not contributed to democratic consolidation. Although the situation in this sector is better than in other countries in the region, BiH still shares many of the problems and issues that plague post-communist and especially Western-Balkan countries, foremost involving corruption, political clientelism, organized crime, and insufficient judicial capacities and legal impartiality. Finally the stability of democratic institutions is an area that is least questioned, as no viable alternative to democratic institutions exists, where threats to institutional stability foremost include economic concerns and limited public trust and support. Generally constitutional consolidation can be seen as partially consolidated, where further consolidation depends on resolving the stateness issue amongst local actors.

Regarding representative consolidation in BiH it is necessary to focus on the development of political parties and interest groups. Arguably this level of consolidation is only minimally consolidated in BiH. While political parties do dominate the political landscape, the power basis of these parties is not genuine interest representation but a form of patron-client relation that makes electoral success dependent on providing certain good and benefits for a limited number of citizens. Representation can further be understood as ethno-representation that never entails representing BiH citizens or members of different ethnic groups, but solely the members of one's own group. This form of representation in turn fosters clienteistic practices even more resulting in a strongly flawed consolidation.

The third level of behavioural consolidation concerns the presence of non-institutional veto-actors and threats to the institutionalization of democracy. I argue that Bosnia is actually very much consolidated in this regard as no serious alternatives to democratic rule are widely accepted, and no relevant actors pose a threat to, or have the legitimacy to undermine, the democratic decision-making process.

¹³ The constituent peoples across the whole state are Bosniaks, Croats, and Serbs. Additionally there are currently seventeen recognized national minorities and non-ethnic citizens who are all grouped under the label of 'Others'.

Finally, the consolidation of civic culture and civil society is arguably the least consolidated level of democratic politics in BiH where only minimal consolidation has been achieved in the civil society sector. An active civic culture is only present in more urban areas and amongst younger people, while there is virtually no respect for civic action on behalf of any political elite in the country. Prevalent is an atmosphere of pessimism and fatalism, characterized by an overwhelming passivity of BiH citizens. This resignation with formal politics is a universal trait of everyday life in BiH where the long-term process of consolidating a civic culture is in the very beginnings.¹⁴

Regarding the influence of structural and actor-centred factors on BiH consolidation, I shall limit my brief analysis on three of the most important ones. In the political science literature, economic development is regarded as the most important structural factor that influences democratic consolidation. Within the BiH context the influence of this factor is both positive and negative. The Bosnian economy is strongly tied to both regional and wider European economies and has been negatively influenced by the economic crisis starting in 2008. Nevertheless, throughout the years since, and especially during the past two years, it has not suffered serious economic contraction, while maintaining monetary stability. During the past five years GDP declined slightly in two and rose somewhat in the other three. Still perpetually high and unemployment and regular fiscal deficits pose a direct threat to economic stability, while a persistent lack of substantial foreign direct investments hinders stronger economic development.

Diffusion is the second important structural factor and refers to the democratic neighbourhood of Bosnia and Herzegovina. All of Bosnia's neighbours are democracies and are better consolidated than BiH itself. This creates numerous opportunities for institutional cooperation and exchange, and the sharing of experiences and lessons learned on the path towards consolidation. Furthermore the European Union (EU) is com-

¹⁴ Such initial civic movements include the “Babylution” during the summer of 2013, a citizens protest aimed to end a political deadlock that prevented urgent legislation on citizen ID numbers from being passed.

mitted to vigorously promoting democracy in the region by engaging domestic political elites through the process of European integration. Croatia also plays an important role in this process that will most likely become even more significant in the near future.

At last, the stateness issue, or lack thereof, is a serious structural factor limiting the democratic consolidation of Bosnia and Herzegovina. It is thereby not so much the very existence of the state that is disputed, but its form. Bosnia's citizens, ethnic groups and political elites simply do not agree on how the joint state should look like and which level of government should have certain competences. Even more so troubling is the absence of an informed public discussion on the stateness issue. There is no such discussion amongst political elites, nor between elites and citizens, and least of all between citizens of different ethnic groups. This lack of common and public deliberation is, in my understanding, the core problem facing Bosnia and Herzegovina. In the absence of a discussion on BiH stateness, the only agreement is that there is a lack of agreement. No viable or consolidated democracy can be built on such a premise.

In terms of policy recommendations I shall be very brief. As an open debate on BiH stateness that actively involves the citizens of the country does not exist, while at the same time any political debate involving the future of BiH is hijacked by opportunistic ethno-national political elites, the EU, its member states, and other foreign actors can encourage this discussion. Engaging citizens and letting their voices be heard might open up new ideas and pathways for reforming the state while working towards solving the stateness question and strengthening democratic consolidation.

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