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GOVERNMENT FORMATION IN MULTI-LEVEL SETTINGS: EVIDENCE FROM POST-DAYTON BOSNIA AND HERZEGOVINA

This article theorizes and analyzes the process of government formation in multi-level settings. The post-Dayton Bosnia and Herzegovina is taken as a case study, as it represents an example of a multi-level and consociational political system and an ethnically divided and post-conflict society at the same time. Contrary to the theoretical findings arguing that congruence of ruling coalitions along different levels is desirable in multi-level settings, or where large coalitions in consociational arrangements are formed primarily for seat pooling due to the need to achieve a parliamentary majority, we argue that, in case of Bosnia and Herzegovina, a grand coalition was formed based on electoral power between the moderate and hardline parties. Such strategies were not always compatible with aspirations for congruent coalitions, nor did they always strive for coalitions of convenience.

Keywords: government formation; multi-level settings; coalitions; Bosnia and Herzegovina

INTRODUCTION

The formation of government in multi-level settings is accompanied by efforts to form congruent coalitions at national and sub-national levels in order to achieve easier policy coordination between different levels of government. Therefore, the aim of

this article is to provide the probable answer to the question why the ruling coalitions in Bosnia and Herzegovina (B&H) were congruent in certain periods, while in some other periods they were not and to tackle the reasons of forming such type of coalitions. In attempts to answer these questions, we seek to contribute to the simultaneous explanation of government formation in multi-level settings and in the consociational institutional arrangement. Since the theoretical findings regarding the process of government formation in multi-level settings are related to stable Western democracies, the case of B&H is eligible for the appraisal of existing findings in the context of multi-level settings and deeply divided/post-conflict societies.

The analyses of party strategies and the process of government formation in B&H are mediated with multi-level settings and oversized consociational coalition, i.e. grand coalition, thus representing the mixture of the two different theoretical issues. One tackles the issue of coalition congruence (Debus 2008; Deschouwer 2009; Deterbeck 2012; Downs 1998; Roberts 1989; Stefuriuc 2009a, 2009b, 2013), while the other relates to the issue of the character and party composition of grand coalition (Horowitz 1985, 1991). Due to the consociational institutional complexity of B&H, any coalition formation in multi-level settings cannot be separated from consociational institutional incentives for forming a state-level grand coalition government. Unlike the sources where the dominant focus is put on sub-national coalition formation in multi-level settings, due to the specificity of the party system in B&H the focus of the research in this article will be on government formation on the state level and ‘vertical congruence’ issues (see Deschouwer 2009), with the comparison of government composition at the state and sub-state, ie entity levels. In the paper, we will use Deschouwer’s (2009) distinction between three types of vertical congruence: *full incongruence* – governments at different levels are totally different; *partial (in)congruence* – at least one party governs at both levels; *full congruence* – governments at both levels consist of the same parties.

Given that the problems of government formation in multi-level settings and post-conflict societies are analyzed independently of each other, we are deeply aware of the methodological limitations because the literature linking these two topics is understudied which is why there are no satisfactory theoretical and empirical findings. Therefore, the case of B&H and the topic of this paper represent a pioneering attempt to establish communication between these two topics. We will try to answer the question “why” through analytical narration and descriptive inference that require further comparative qualitative and quantitative verification at a higher level of generalization.

We argue that in the process of government formation in B&H the parties did not primarily strive to form ‘congruent coalitions’ (Deschouwer 2009; Stefuriuc 2009b, 2013) with the overlap of governing coalitions at the national and sub-national level, nor ‘coalitions of convenience’ (Horowitz 1985, 1991), according to which it was necessary to provide only a minimal majority that would ensure the participation in power of political representatives of all the relevant ethnic groups. In certain situations, however, the grand coalition in B&H was formed according to the division into *moderate* and *hardline* political parties and relations among the parties belonging to one of the two types significantly influenced the government formation. The notions such as moderate party and hardline party were taken from the example of a deeply divided society of Northern Ireland, which in terms of the structure of social cleavages closest to B&H. Consequently, the relevant parties of B&H were classified according to the notions and terms used in reference to Northern Ireland (see McGarry, O’Leary 2004). As will be evident on the subsequent pages, such strategies have not always been compatible with aspirations for congruent coalitions nor have they always sought to establish coalitions of convenience.

THEORETICAL FRAMEWORK AND MULTI-LEVEL SETTINGS IN BOSNIA AND HERZEGOVINA

The development of traditional coalition theories on the formation of government led to a ‘maturation in terms of the diversity of theoretical approaches and models’ (Dumont *et al.* 2011: 1-2). Critics of traditional coalition theories, which are based on the paradigm of rational choice, i.e. policy-seeking and office-seeking theories, consider that they have not been successful in explaining and predicting the formation of coalition governments. The shortcoming of the traditional theories was reflected in the treatment of coalition formation as a ‘snapshot phenomena’ (Stefuriuc 2013: 12). They were based on “government composition *outcome* without making any reference to the *process* of government formation“, therefore lacking “identification of the causal mechanisms posited by these theories“ (Dumont *et al.* 2011: 2).

In the context of analysing the formation of coalitions in multi-level settings, the theories have been replaced by a new theoretical framework, with the concept of *coalition congruence* at its center (Debus 2008; Deschouwer 2009; Detterbeck 2012; Downs 1998; Roberts 1989; Stefuriuc 2009a, 2009b, 2013). This concept implies the overlap of party compositions of government at the national and sub-national levels. The main precondition for the formation of congruent coalitions is the aspiration of

the parties to achieve policy coherence and easier coordination along different levels of government, as opposed to non-congruent coalitions that would make such processes more difficult (Roberts 1989). However, the traditional rational choice coalition theories have not completely lost their analytical usefulness in this topic because recent studies have shown that office and policy-seeking approaches have helped to explain government formation in multi-level contexts (Back et al. 2013; Debus, Gross 2016). Parties form minimal winning coalitions or coalitions with a small ideological distance that seek to be congruent with government at the national level, while non-congruence occurs in contexts where regional party systems are less nationalized or where regions have strong policy-making competencies. In this way, the integration of rational choice and coalition congruence approaches in the explanations of government formation is pointed out.

The case of post-Dayton B&H is an example of a multi-level political system, so the process of coalition formation occurs in the multi-level setting as well. After the signing of Dayton Peace Agreement (DPA) in 1995, the arrangement ‘complex power-sharing’ was established in B&H which actually means that the central part of post-Dayton institutional design is occupied by territorial self-governance of ethnic groups in the form of federalism, as a part of comprehensive consociational institutional design that ensures the mechanisms for political accommodation of constituent peoples in B&H (Bosniaks, Serbs and Croats) (see Wolff 2009, 2013). Bosnia and Herzegovina is constituted of two subnational entities: Republic of Srpska (RS), the unitary one, and Federation of Bosnia and Herzegovina (FB&H), consisting of tencantons. From a unitary state, B&H was through DPA transformed into a federal state of Stepan’s ‘holding-together’ type (Vukojević 2016), with the purpose of perseverance of the its territorial integrity and, at the same time, addressing some of the demands of Bosnian Serbs and Bosnian Croats for self-determination (Keil 2013). The Serbs, as the dominant ethnic group in RS, were given territorial autonomy at the entity level, while the territorial autonomy of Bosniaks and Croats in FB&H is restricted within cantons. The entity levels represent a meso-level that has a central level of governance on the opposite part, which is why they correspond to the theoretical framework of coalition formation in multi-level settings.

From the point of view of vertical power allocation in federal systems, B&H belongs to the so-called *inter-state federalism*, where “two orders of government largely operate separately and that compromises have to be worked out through intergovernmental agreement” (Hueglin 2013: 39). The entities are generally independent in policy-making from the central level and the central level is

independent of the entities. What can create confusion is the atypical composition of the state bicameral parliament (Parliamentary Assembly of B&H) in relation to other federal systems, since the House of Representatives represents entities (14 deputies are elected from the territory of RS and 28 from FB&H) while in the upper house (House of Peoples) the three ethnic groups are represented on a parity basis (5 delegates, from the Bosniaks, Serbs and Croats each). Regardless of this specificity, the guaranteed representation of the entities at the central level of government may lead to a conclusion that B&H is an example of ‘integrated’ or ‘intra-state’ federalism, which it certainly is not, because the representatives in the lower house of the central parliament are elected by citizens of the entities. This way of electing process is indicative of the inter-state character of the federation, because the entity representatives in the central parliament are not delegated by the entity authorities, nor do they have imperative mandates. This further means that they are not representatives of entity governments (as in ‘integrated’ or ‘intra-state’ federalism) but of entity citizens who have elected them, so that the entity governments cannot be involved in decision-making at the central level. The entity representatives are not required to represent and implement entity government policies, and such a situation most often occurs when the interests of entity representatives in the central parliament and government do not coincide with the interests of entity governments.

On the other hand, the federal arrangement is a part of comprehensive consociational institutional design consisting of: grand coalitions, mutual veto rights, proportionality and segmental autonomy (Lijphart 1977). Bosnia and Herzegovina consociation is characterized by a rigid institutional structure, which determines the ethnic groups holding exclusive right to the share of power. In other words, it is a ‘corporate consociation’ that „accommodates groups according to ascriptive criteria, such as ethnicity or religion, on the assumption that group identities are fixed and that groups are both internally homogeneous and externally bounded“ (McGarry and O’Leary 2007: 675). Given that B&H represents an example of an ethnically divided and post-conflict society (Bieber 2006; Bose 2007; Reilly 2001), political parties represent one of the key actors in the process of peacebuilding and democratization. In such societies, the process of government formation of a grand coalition type is of paramount importance, the social and political perspectives being dependent on the parties concerned.

According to theoretical framework for the analysis of coalition formation in multi-level settings (Back et al. 2013; Deschouwer 2009; Stefuriuc 2009b, 2013) in systems where sub-national governments (governments of two entities in B&H) are

important actors in decision-making at the central level, efforts are constantly made to form as many coalitions as possible, so that the congruence of the national and sub-national levels of government is maintained (as in the case of Germany). In systems where sub-national governments are not veto-players in decision-making at the center, the formation of incongruent coalitions has no effect on decision-making process in the central government, which is why less pressure from the center can be expected (as in the case of Spain). However, in such systems, due to the need to maintain bilateral cooperation between the central and sub-national levels, congruence is imposed as a preferable option even though sub-national governments are not veto-players at the central level (Stefuriuc 2009b, 2013), or as in systems without statewide parties like Belgian, congruence seems to be the preferred strategy (Deschouwer 2009).

In case of B&H, the entity governments are not veto-players in decision-making at the central level of government, so it could be assumed that the formation of incongruent coalitions has no effect on this process. Nevertheless, the formation of congruent coalitions is considered a desirable option due to easier policy coordination between the entity governments and the central government. Within the context of a non-integrated party system, the congruence certainly seems to be the preferred strategy. Moreover, due to the absence of statewide parties, the congruence is desirable because it leads to a situation where the party in the central-level government would simultaneously represent the interests of the entity citizens and the entity government, while the non-congruence would lead to potential discrepancies in representation of these two interests, which could result in destabilization of the political processes.

POLITICAL PARTIES IN BOSNIA AND HERZEGOVINA

Unlike parties in plural societies, whose electoral strategies are targeting all voters, the parties in ethnically divided B&H¹ mainly address their appeals to their own

1. The parties that are present in this article are:
DF: Democratic Front
DNS: Democratic National Alliance
HDZ: Croat Democratic Union
HDZ 1990: Croat Democratic Union 1990
HSP: Croatian Party of Rights
NDP: National Democratic Movement
NHI: New Croatian Initiative
NS: Our Party
NSRzB: People's Party Work for Prosperity

ethnic groups. The voters are predominantly supporting their own ethnic parties, with a negligible minority of floating voters that would try to transcend ethnic divisions. Bosnia and Herzegovina does not have a Bosnian or national party system, but parallel or differentiated party systems or subsystems, seen as parts of one whole (Hulsey 2010; Hulsey, Keil 2019; Kapidžić 2017, 2020). When it comes to a single party system issue in B&H, the aforementioned should be accepted conditionally, i.e. in terms of the existence of a numerical set of relevant parties. The structured patterns of inter-party (inter-ethnic) competition cannot be established at the level of the entire state, while the central level of government only absorbs entity ethnic parties, on the basis of a consociational grand coalition (Vukojević 2017a, 2017b). Moreover, in B&H there are no statewide parties that could lead to the homogenization and nationalization of election competition and homogeneity of their power. The entity ruling coalitions are completely different from each other, the government in FB&H being composed of Bosniak and Croat parties and in RS for the longest period of time of a coalition of Serb parties.

Due to the nature of social cleavages in B&H, the ethnic classification criterion is dominant in the literature. Thus, the classifications into ethnic (SDA, HDZ, SDS) and civic parties (SDP) can be observed (Pejanović 2016); Bosniak (SDA, SzB&H, SBB), Serb (SDS, SNSD, PDP), Croat (HDZ, HDZ 1990) and multiethnic parties (SDP, DF) (Kapidžić 2017); nationalist (SDA, SzB&H, SDS, SNSD, HDZ) and multiethnic / non-nationalist / civic (SDP, DF, NS) (Belloni 2007; Hulsey 2010; Piacentini 2019) and extreme nationalist (SRS, HSP), established national (SDA, SDS, HDZ), moderate (SzB&H, SNSD, PDP, NHI) and non-national parties (SDP) (Bieber 2006). There has been a discrepancy in the literature about the difference between ethnic and multiethnic parties, in terms of their operationalization. For instance, Donald L. Horowitz (1985) considers that the difference in distribution of support is crucial for the differentiation and that a party is ethnic if it „derives its support overwhelmingly from an identifiable ethnic group“ (1985: 291), and if a multiethnic party reflects

PDP: Party of Democratic Progress
SBB: Union for a Better Future of Bosnia
SDA: Party for Democratic Action
SDP: Social Democratic Party
SDS: Serb Democratic Party
SNS: Serb People Alliance
SNSD: Alliance of Independent Social Democrats
SP: Socialist Party of the Republic of Srpska
SRS: Serb Radical Party
SzBiH: Party for Bosnia

ethnic polarization towards other parties then it is not a multiethnic but ethnic party, while multiethnic is only the party that „spans the major groups in conflict“ (1985: 299). On the other hand, Kanchan Chandra (2011) argues that the key factors for the differentiation are the messages that parties send to the electorate, therefore ethnic parties being those that represent interests of a particular ethnic group, and multiethnic parties those representing interests of all significant ethnic groups without exception.

Regardless of the discussion of the criteria for distinguishing between ethnic and multiethnic parties, we believe that these classifications can be subsumed in the division into hardline and moderate parties, in accordance with their operational activities towards the consociational institutional arrangement. We further argue that moderate parties in B&H, whether ethnic or multiethnic, act in accordance with the established consociational framework, and tend to cooperate and compromise with other ethnic parties and international actors. On the other hand, the hardline parties operate centrifugally according to the institutional framework, they are uncompromising and exclusive towards other parties (whether they are moderate parties from their own ethnic group or parties from other ethnic groups) and international actors.

Table 1. The main political parties in post-Dayton Bosnia and Herzegovina

	Bosniak	Serb	Croat	Multi-ethnic/civic/non-national
Hardline	SDA, SzBiH (2006-)	SDS (1996-2006), SRS, SNSD (2006-)	HDZ, HDZ 1990	-
Moderate	SzBiH (1996-2006)	SDS (2006-) SNS, SNSD (1997-2006), PDP	NHI	SDP, DF

This typology is not conditioned by any specific time period and serves as a general framework for the explanation of the party activities toward institutional framework in the post-Dayton period, in which many parties lost their relevance or disappeared from the political scene such as the hardline Bosniak SzB&H, the hardline Serb SRS, the moderate Serb SNS, or the moderate Croat NHI. In addition, most relevant parties in the post-Dayton period have undergone various transformational phases such as changing their political attitudes, goals, coalition partners, ie. their strategies that target political institutions within multi-level settings and international actors in B&H (ICG 2003; Manning 2006, 2008; Vukojević 2019, 2020). The SDS has undergone transformation from a hardline party, initially

uncooperative and exclusive in terms of implementing the DPA, to a moderate party adopting more compromising policies towards other ethnic parties. Due to various transformations in its leadership, the SDA was for a certain period of time of a moderate type, which was reflected in its readiness to compromise and reject the unitarization of B&H, but for the longest period of time it remained in hardline position, which implied the reduction of political autonomy to the Republic of Srpska. On the other hand, the SNSD has undergone the transformation from a moderate party willing to co-operate with international actors in the DPA implementation process to a party that moved to hardline position after coming to power in 2006, operating towards the undermining of the central government and a long-term secession from B&H. The other relevant parties remained in hardline positions. The HDZ acted against anything that did not consolidate its monopoly among the Croats, and the SzBiH acted against anything that did not lead to the abolition of entity voting and the autonomy of RS. The multi-ethnic SDP and the Serb PDP remained in moderate positions. The two of them operated to implement the DPA and to reach a compromise on constitutional reforms.

COALITION FORMATION IN PERIOD 1996-2018

On first post-war general elections in 1996, the three dominant wartime ethnic parties, hardliners SDA, SDS and HDZ won landslide victories at the state and the lower levels of government. They won 36 of the 42 seats in the state parliament, but, due to the consociational nature of the state-level authorities, these three parties formed a coalition government. At the FB&H level, more than half of the seats were won by the Bosniak SDA, which formed a government together with the HDZ due to the need for power-sharing with the Croats. In RS, more than half of the seats were won by the SDS, which formed a one-party government because the RS entity at that time did not have power-sharing institutions. The elections for the state and entity parliaments showed that the dominant war parties did not have a fierce competition within their ethnic groups. The moderate coalition, i.e. The 'United List', with the largest number of Bosniak votes, achieved modest success in the FB&H and was not relevant to the formation of the government in that entity. In RS, the coalition of moderate parties, The People's Alliance for Free Peace, also performed modestly and was not relevant in the government formation. At cantonal level in the FB&H, the SDA won power in six and the HDZ in four cantons. As a consequence of electoral dominance within its ethnically defined territory, the grand coalition of the three

hardline parties was inevitable, so the outcome of the elections led to the formation of congruent coalitions at the entity and state levels.

Table 2. Coalitions at the state and entity levels

Election year/type of coalition	State level	Entity level (FB&H)	Entity level (RS)
1996 (congruent)	SDA-HDZ-SDS	SDA-HDZ	SDS
1997 (non-congruent)	SDA-HDZ-SDS	SDA-HDZ	SNS-SP-SNSD
1998 (congruent)	“Koalicija za cjelovitu i demokratsku B&H” (SDA-SzB&H)-HDZ-“Sloga”	“Koalicija” - HDZ	“Sloga” (SNS-SP-SNSD)
2000 (partially congruent)	“Alijansa” (SDP-SzB&H-NHI)-SNS-PDP-SNSD	“Alijansa”	SDS-PDP
2002 (congruent)	SDA-SzB&H-HDZ-SDS-PDP	SDA-SzB&H-HDZ	SDS-PDP-SDA
2006 (congruent)	SDA-SzB&H-HDZ-HDZ1990-SNSD-PDP	SDA-SzB&H-HDZ-HDZ 1990	SNSD-SP-DNS-PDP
2010 (partially congruent)	SDP-SDA-HDZ-HDZ1990-SNSD-DNS-SDS	SDP-SDA-NSRzB-HSP	SNSD-SP-DNS
2014 (non-congruent)	SDA-DF-HDZ-SDS-PDP/NDP	SDA-DF-HDZ	SNSD-SP-DNS
2018 (congruent)	SDA-HDZ-SBB-DF-SNSD	SDA-HDZ-SBB	SNSD-SP-DNS-US

Multiple internal divisions in the SDS occurred in 1997, culminating in dissolution of the entity parliament by President Biljana Plavšić, the calling of new elections and the formation of a moderate SNS by Plavšić (ICG 1997). The results of the entity parliamentary elections undermined the dominance of SDS, which nonetheless remained strongest party in the parliament. However, the SDS did not have a sufficient majority to solely form a government as was the case in 1996, so a post-electoral coalition formation with the unforeseen outcome ensued. As the two Serb parties with the largest number of votes and almost identical hardline course, the SDS and SRS first attempted to form a government together; however, they lacked 3 more seats to secure a parliamentary majority of 42 deputies. Having as their opposition

the coalition of Serb moderates (SNS-SP-SNSD) with 26 seats, it became crystal clear that the formation of government depended on the key support of Bosniak political parties in the parliament, i.e. SDP and the ‘Coalition for the Unified and Democratic Bosnia’, with the SDA as the strongest party. Positioned between two opposing blocks, Bosniak parties supported the coalition of moderates, so that in January 1998 a minority government was formed consisting of the SNS-SP-SNSD block. The period from January until the new general elections in September 1998 was marked with incongruence within the Serb political block, as the SDS was a part of the ruling coalition along with the SDA and HDZ at the state level. The SDA could support the SDS in entity government formation, but achieving congruence was not its primary motive in the run. The support for the moderates was more acceptable due to the simultaneous support of the international community and the willingness of the moderates to implement the DPA provisions.

After the general elections in 1998, the FB&H government was formed first and it was composed of the Coalition for the Unified and Democratic Bosnia, led by the SDA and the HDZ. In February 1999, the state-level government was formed by the Coalition SDA-SzBiH, the HDZ and the coalition ‘Unity’, composed of the SNS-SP-SNSD block. At the same time, the government formation was one of the punished biggest problems in RS because no party or coalition secured a minimum parliamentary majority of 42 deputies (see ICG 1999). Although the SDS and SRS won the largest number of seats (31) that was still not enough for majority, nor for the parties from the Unity coalition which altogether won 28 seats, so both blocks started seeking partners to secure majority. The support of other ethnic parties again proved of vital importance, with the Bosniak and Croat parties in no way intending to support SDS and SRS hardliners and eventually providing their support for the ‘Unity’ coalition in the government formation, as was the case after the 1997 entity elections.²

The outcomes of the general elections in 2000 were specific, in that the moderate parties achieved the greatest electoral success since the first post-Dayton elections and the hardliners SDA, SDS and HDZ did not provide majorities for the formation of state power. In RS, the SDS won the most seats (31) but that was not enough for majority, so the coalition with the moderate PDP was the most certain outcome, even though the representatives of the international community, especially the ambassadors

2. Coalition for the Unified and Democratic Bosnia supported the leader of SNSD, Milorad Dodik, as a prime minister, whereas the president of the coalition Safet Bičo stated: „We will support Dodik because that is the position of the IC, and because we are forced to chose the lesser of the two evils, but with certain conditions” (OHR 1998).

of the USA and Great Britain, attempted to prevent the SDS from forming a government in RS. In the FB&H, the SDA and HDZ for the first time since 1996 failed to provide majority for government formation, winning 63 of the 71 seats needed. At the state level, it was even more complicated to coalesce, as the SDA, SDS and HDZ won 19 of the 22 seats needed for majority. The SDP, as the strongest party, refused to form a coalition with any of the three wartime parties and sought partners among the parties willing to implement DPA. Such a position brought it into a coalition with the still moderate Bosniak SzBiH and moderate Croat NHI. However, the three parties together won 15 seats at the state level, so a coalition became inevitable with much smaller parties from FB&H and RS, winning only one seat each. A similar situation was at the FB&H level, where SDP, SzBiH and NHI won 60 seats and a coalition with much smaller parties was inevitable there as well.

A compromise was reached in RS in the form of an expert government backed by the moderate PDP and the hardline SDS, given that such a minimal winning coalition was more operative than any other coalition (ICG 2001). Under the powerful involvement of the international community, in January 2001 a coalition of ten parties, named 'Democratic Alliance for Change' (ICG 2002) was formed in the FB&H. Led by SDP, SzBiH and NHI, the Alliance was composed of parties of different size and ideological orientation and its main purpose was to bring the long war and post-war rule of the SDA, SDS and HDZ to an end. The Alliance represented a moderate alternative to the hardliners SDA and HDZ, although its moderateness could not be ascribed to all the parties within such a broad coalition. The ideological incoherence and different positions towards the Dayton institutional arrangement became evident with the entrance of the SzBiH in the Alliance, which in many political issues was closer to the SDA than to the SDP. The Alliance formed the government in FB&H, thus for the first time removing the SDA and HDZ from governing position. At the state-level, the Alliance formed a governing coalition together with the moderates from RS, ie. with the PDP-SNSD-SNS-SP coalition. The governing coalition reached a tight parliamentary majority with 22 out of 42 seats and included all the parties except the hitherto dominant SDA, SDS and HDZ. In addition to the influence of international actors, the readiness of the moderates to form a coalition where it was feasible proved to be crucial in the whole process of government formation. Although it was arithmetically easier for the dominant hardliners to form a coalition of convenience by attracting any junior partner to the coalition, it turned out that the moderates did not want a coalition with the hardliners, especially the SDP, as the leading moderate party. The governing coalitions were formed on the principles of a

moderate policy of DPA implementation and cooperation with the international community, which resulted in the congruence of the coalitions in FB&H and at the state level. The high party fragmentation in RS parliament prevented a coalition of moderates from being formed, so a government based on the support of the hard-line SDS and moderate PDP was inevitable. However, the RS moderates formed a coalition with FB&H moderates wherever they could, as was the case with the state-level coalition.

The outcomes of the 2002 general elections led to electoral defeats of the moderates and the creation of congruent coalitions predominantly formed by the hardliners. The party fragmentation of ethnic blocks intensified even more, thus making it much more difficult at that point to form a coalition of moderates than in the post-electoral situation in 2000. The attempts to create a new Alliance proved unsuccessful because, in addition to a large number of small parties, there was also an insurmountable difference among the parties within the ethnic groups and the parties within one and the same ethnic group (ICG 2003). In the FB&H, the hardline SDA and HDZ received the most votes, forming a coalition of convenience with a smaller coalition partner SzB&H, thus securing a strong parliamentary majority of 63 from the total number of 98 seats. In RS, the probability of forming a coalition of moderates was not high due to the large number of small parties, so the SDS and PDP continued to form coalitions in the entity government as in 2000. Eventually, the entity coalition governments reflected on the state level, where in January 2003 the government was formed by the SDA-HDZ-SzBiH coalition of the FB&H and the SDS-PDP coalition of RS.

The 2006 general elections displayed a diminished influence and strength of the SDA, SDS and HDZ, which had dominated B&H's political life since the first multi-party elections in 1990. However, the decline in the power of these three parties did not strengthen the moderates; on the contrary, the moderates of SNSD and SzBiH transformed into hardliners (Sebastian 2014; Manning 2008). They came on the political scene from the background: SNSD as a former opposition and moderate party at the state level, and SzBiH as a junior coalition partner in ex-government. Those two parties pushed their intra-group party rivals out of the position of exclusive protectors of their own ethnic groups. The post-electoral coalition process showed that majorities would not be formed without the weakened wartime parties and that the SNSD and SzBiH would continue to share power at the state level, despite the fact that their campaigns strongly condemned each other, showing radically different attitudes on what B&H should look like in the future. Nonetheless, much

like after the 2002 elections, the coalitions were congruent and the state-level government was formed of a coalition of convenience. After the elections, the government was most rapidly formed in RS, where at the end of November 2006, the dominant SNSD formed a coalition with the smaller partners DNS, SP and PDP, which since 2009 withdrew into opposition at the state and entity levels. Unlike the situation in RS, the formation of government in the FB&H and at the state level took much longer. The leaders of the SDA and SzBiH agreed on a post-electoral coalition, but much of the work remained to be done in finding different coalition partners. The problem was which of the two HDZs to include in the government, because the SDA preferred the HDZ and SzBiH wanted a coalition with the HDZ 1990. Eventually, almost five months after the elections, the state-level coalition government was formed in February 2007 and it comprised six parties: SDA-SzBiH-SNSD-PDP-HDZ-HDZ 1990, while the government in FB&H was formed no sooner than March 2007 under the coalition SDA-SzBiH-HDZ-HDZ 1990.

After the 2010 general elections, the government in RS was first formed at the end of December under the SNSD-DNS-SP coalition, which had the previous mandate as well. The ruling SNSD and the opposition SDS agreed on post-electoral cooperation and participation in the state government. The two parties remained rivals at the entity level while working together at the state level to strengthen the RS's political position within the grand coalition. After some time, such an unnatural coalition of a hardline and moderate party proved unsuccessful, because the SNSD expelled the SDS from the ruling coalition in 2013. Unlike in RS, the formation of government in the FB&H was far bigger issue and a real stalemate for the state government formation. The problem began when the moderate SDP offered a political platform for the government formation (ICG 2011). The SDP platform found support from its rival, the SDA, which, much like the SDS among the Serbs, has changed its policy towards a moderate political stance. Apart from the SDA, the other two smaller Croat parties, NSRzB and HSP, supported the SDP platform, ensuring a majority for the formation of government in the FB&H; however, it was opposed by Croat hardliners HDZ and HDZ 1990. SDP's intention to deprive the hardliners of political power was strongly opposed by the two HDZs. They decided to block the formation of the FB&H government by refusing to elect Croat delegates from the three Croat-majority cantons to the FB&H House of Peoples. The government in FB&H and government at the state level could not be formed without the House of Peoples of FB&H previously formed, or with the incompletely formed House of Peoples. The High Representative mediated in resolving the crisis of government formation, but

unsuccessfully, so the coalition gathered around the SDP violated the FB&H Constitution and formed the government in the entity (ICG 2011). Deciding on the appeal of the officials of the two HDZs on the unconstitutional constitution of the government, the Central Election Commission of B&H (CIK) made a decision according to which the House of Peoples was not properly constituted, so the election of the president was invalid. In the end, the crisis of government formation was resolved by High Representative Valentin Inzko, who suspended the CIK decision so that the coalition formed around the SDP continued to operate in the FB&H. With the end of the crisis of government formation in the FB&H, the conditions for the constitution and formation of government at the state level had finally been met. In this case, the government could not be formed without Croat hardliners HDZ and HDZ 1990, as it could at the entity level. Almost 15 months after the elections, the leaders of the six largest parties in B&H, ie. the leaders of the three ethnic political blocks (SDA-SDP / SNSD-SDS / HDZ-HDZ 1990) formed the state-level government in February 2012, after excruciating negotiations on the division of the state departments.

After general elections in RS in 2014, the loss of SNSD power was reflected in a post-electoral coalition that produced incongruent coalitions between the RS authorities and the state level. The ruling coalition made up of the SNSD-DNS-SP retained power by securing 44 of the 42 seats needed for majority. In the FB&H, on the other hand, the formation of the government was less complex than in RS because the SDA, DF and HDZ formed a coalition with strong parliamentary majority. As for the government formation at the state level, the situation was much more uncertain, because the FB&H parties had different preferences regarding the RS coalition partners. Out of a total of 14 deputies elected from the territory of RS to the state parliament, the SNSD-led coalition won seven seats, moderate coalition 'Alliance for Change' (SDS-PDP-NDP) won six, while the SDA won one seat, so it was expected that the SNSD-led coalition enters the state-level grand coalition, as the majority political representative of the Serbs. The HDZ advocated a coalition that would be congruent with the entity coalitions and was ready to form a coalition with the subsequent ruling parties in RS. Since the HDZ had previously had agreements with the SNSD on possible co-operation at the state level and it was certain at the time that the SNSD would be in power in RS, the HDZ was ready to coalesce. Contrary to the HDZ preferences, its coalition partners SDA and DF were more inclined to form a coalition with the moderate Alliance, with which they reached an informal agreement on post-electoral coalescing at the state level six months before

the elections. In such a situation, two blocks of seven deputies from RS to be elected in B&H Parliament were created, with equal chances to be a part of the ruling majority. In November 2014, an agreement was reached by which the SDA, DF and parties from the Alliance for Change agreed on the formation of parliamentary majority in which they invited the HDZ to participate. The decisive factor in the formation of the ruling majority was the election of the Alliance's joint candidate, Mladen Ivanić from PDP, as the Serb member of the B&H Presidency.³ Eventually, the HDZ joined the aforementioned majority, so that in March 2015 the state-level government was formed, consisting of the SDA-DF-HDZ-SDS-PDP-NDP coalition. The SNSD joined the opposition at the state level, while retaining power at the entity level, which led to the incongruence of the ruling coalitions. It was also the second case of incongruence in addition to the short period after the early RS elections in 1997. The entire period of incongruence, until the 2018 elections, was marked by the confrontation between the RS authorities and the RS representatives at the state level.

In the last general elections of 2018, the SNSD regained its dominant position within the Serb ethnic group, while the SDA and HDZ also continued to dominate within their ethnic groups. There was no uncertainty in RS about the formation of the government because the moderates suffered a heavy defeat, so the hardline SNSD continued to hold the political power, together with its coalition partners. Furthermore, the post-electoral calculations showed that the SNSD is inevitable as a coalition partner in forming the state-level government, against which the moderates from RS stood no chance. At the same time, Bosniak parties SDA, SBB and DF reached an agreement on forming a coalition in the FB&H. However, the government formation in that entity and at the state level government formation was constantly stalled due to the impossibility of reaching an agreement on major political issues, as a necessary precondition. At the state level, the formation of government was hampered by the impossibility of reaching an agreement on the programme related to NATO reforms that B&H was obliged to follow, while in the FB&H, with the disapproval of the SDA, the hardline HDZ conditioned the formation of the government by the Election Law of B&H amendments, which would, as they believed, resolve the issue of the representation of the Croats in the government (OHR 2020). It was not before the end of December 2019, after an agreement was reached on the submission of the annual

3. The SDA leader Bakir Izetbegović stated: „The winner is already known in RS and we have a balanced relationship in BiH because the two blocks from RS have seven deputies each, with Mr Ivanić being a member of the Presidency of BiH, which makes the citizens of RS privileged over the others“ (Hasić, Nihada. SDA, DF and Alliance for Change agreed to cooperate. *Nezavisne novine*, November 9 2014. <https://www.nezavisne.com/novosti/bih/SDA-DF-i-Savez-za-promjene-dogovorili-saradnju/272185>).

national programme of B&H related to NATO, that the coalition was formed, and it was predominantly composed of hardliners SDA, SNSD and HDZ, along with some less influential coalition partners. The FB&H government had not yet been constituted due to problems with the Election Law of B&H, although the SDA, SBB and DF have reached an agreement, so the current government represents a coalition from the previous mandate (SDA-SBB-HDZ). Anyway, the two entity coalitions and the state coalition are as congruent as in the periods after the elections in 1996, 1998, 2002 and 2006.

CONCLUSIONS

The observation of all the coalitions at the two levels of government in B&H shows the different outcomes in the formation of the coalitions, ranging from congruent (1996, 1998, 2002, 2006, 2018), over partially congruent (2000, 2010) to non-congruent (1997, 2014). Such outcomes are not 'congruent' with the addresses to the issue in the literature, where the formation of congruent coalitions is preferable due to easier policy coordination (Roberts 1989) and the maintenance of bilateral cooperation, although sub-national units are not veto-players in the central government (Stefuriuc 2009b, 2013), or in the context without statewide parties (Deschouwer 2009). So what the possible explanations for such different outcomes and the reasons for the formation of different coalitions could be?

Our explanation is based on the argumentation that the coalitions were formed on a division between the hardline and moderate parties. Achieving congruence was perceived as important but not of primary interest, because the coalition depended on the constellation of relations between the hardliners and moderates. Whenever the electoral arithmetic allowed, the moderates sought to form a coalition with the moderates and likewise the hardliners sought to form a coalition with the moderates, as more favourable coalition partners. Due to the desirability of a coalition with moderates, the coalitions ranged from congruent (1998) over partially congruent (2000, 2010) to even non-congruent (1997, 2014) at certain periods of time. These were all the coalitions in which the moderates did not make the dominant part but were certainly inevitable, because the stability of the ruling majority depended on their support. A striking characteristics of the entire post-Dayton period is the fact that there has never been a situation in which the moderates won the majority of votes within their ethnic groups. However, there were situations where the moderates within one of the ethnic groups received the most votes or the ratio between them and the

intra-group of hardliners was almost equal. Consequently, one of the two coalition options would arise.

One option was for the moderates to omit the hardliners of their own or of the other ethnic groups from the coalition. After the elections in 2000, the moderate multi-ethnic SDP rejected any kind of coalition with any of the dominant wartime hardline parties. Although the hardliners SDA, SDS and HDZ could have formed a coalition of convenience with another junior partner, in the end the moderate Alliance was formed, which was joined at the state level by the coalition of moderates from RS. The situation was similar after the 2010 elections, when the SDP in FB&H formed a government without the hardliners HDZ and HDZ 1990. According to another possibility of coalescing, the hardliners who had a majority within their ethnic group could form the government with the moderates from another ethnic group, if the intra-group ratio of the moderates and hardliners was approximate. After the early elections for the National Assembly of RS in 1997, due to the equal success of the hardliners and moderates among the Serbs, the coalition of Bosniak parties gave support to the moderate block SNS-SP-SNSD for the entity government formation. The same pattern was followed after the 1998 elections, when the Bosniak and Croat parties supported the Unity coalition to form the entity government, thus achieving the state-level congruence, the hardline SDA and HDZ having previously accepted Unity into the ruling coalition. After the 2014 elections, in the period of the state government formation, the hardline SDA opted for a partnership with the coalition of the Serb moderate parties in the Alliance for Change, in spite of the fact that the hardline SNSD had formed the government in RS. The SDA did not aim only at the post-electoral division of power or a coalition of convenience (since it could have been achieved with the SNSD as well) but preferred a coalition with the moderate Alliance, perceived as a more favourable coalition partner.

On the other hand, in cases when the electoral arithmetic was different, ie. when the hardliners from all the three ethnic groups won the most votes within their own groups, the formation of the state-level government was only a reflection of the formation of entity coalitions. The outcomes were reflected in congruent coalitions of the hardliners, as was the situation after the 1996, 2002, 2006 and 2018 elections.

The multi-level settings cannot be neglected in the process of government formation. However, it showed that the theoretical propositions related to government formation in multi-level settings did not travel well in case of B&H. It turned out that the formation of the government in B&H was not motivated by achieving any congruence whatsoever. The congruence was one of the unintended consequences of

the post-electoral power relations between the moderates and hardliners. Furthermore, it shows that the formation of a coalition of convenience has not been the primary motive of the parties in consociational policy. According to rational choice theories (Back et al. 2013; Debus, Gross 2016), the B&H parties certainly seek to maximize their post-electoral benefits but this can be mediated only by the proper choice of coalition partners from the other ethnic groups. All the aforementioned points to the necessity of further and deeper research on electoral interaction of the local elites, whereupon the case of B&H can be used as a solid basis in the field of government formation in multi-level settings, within the context of deeply divided and / or post-civil war societies in general.

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FORMIRANJE VLASTI U SISTEMIMA SA VIŠE NIVOVA: NALAZI IZ POST-DEJTONSKE BOSNE I HERCEGOVINE

Sažetak:

U radu se teoretizuje i analizira proces formiranja vlasti u političkim sistemima sa više nivoa vlasti. Postdejtonska Bosna i Hercegovina se uzima kao studija slučaja zato što ona u isto vrijeme predstavlja primjer višeslojnog/konsocijacijskog političkog sistema i etnički podijeljenog/postkonfliktnog društva. U suprotnosti sa teorijskim nalazima prema kojima je poželjna kongruentnost vladajućih koalicija duž različitih nivoa vlasti, ili gdje se u konsocijacijama formiranju velike koalicije primarno zbog postizanja parlamentarne većine, u radu se tvrdi da je u slučaju Bosne i Hercegovine velika koalicija formirana na bazi izborne snage između umjerenih i tvrdolinijaških stranaka. Takve stranačke strategije nisu uvijek bile kompatibilne sa nastojanjima za formiranjem kongruentnih koalicija, niti se uvijek težilo formiranju koalicija radi podjele plijena.

Ključne riječi: formiranje vlasti; politički sistem sa više nivoa; koalicije; Bosna i Hercegovina

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