Peace, Consociation and Transformation
Lessons from former Yugoslavia

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1. Introduction

As peace agreements move beyond ensuring peace, but the institutions they set up come under scrutiny for their ability to provide for good democratic governance, and in Southeastern Europe for their ability to secure membership in the European Union, the core of these institutional arrangements merit continued interest.

Power-sharing arrangements have become a central feature of peace agreements over the past decade. Recognizing the importance of ethnopolitical differences has been a core assumption of these agreements. At the same time, the agreements structure states and institutional frameworks through external intervention and treat institutional change as part of a conflict management strategy.

The importance of ethnopolitical identities, the dependence on external intervention and unconsolidated nature of the democratic systems are also key points of criticism of power-sharing arrangements. Rather than dismissing power sharing outright as option to govern deeply divided societies in post-conflict contexts, this article will argue that the key challenge for governance in post-conflict divided societies is the ability to transform stop-gap power-sharing arrangements into lasting democratic systems, which help to overcome the divisions that shape political life.

The paper will examine the ability of these multiethnic institutional arrangements to change over time. As the protection of group rights is frequently the consequence of violent conflict, the strong emphasis on ethnic identity might not only not be relevant in the long term trajectory of the development of the country, but might in fact even harm

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democratization. It is this tension between immediate goals of consociational arrangements and the long term impact which will inform the discussion in this paper.

2. Consociations as Peace Agreements

Over the past decade, as Rothchild and Roeder point out correctly, “power sharing has become the international community’s preferred remedy for building peace and democracy after civil wars.” The prominence of power sharing is not the consequence of some new found interest in the academic literature on power sharing or some normative conviction of the merits of power sharing, but a consequence of convenience and the lack of apparent alternatives. First, it is important to note that power-sharing arrangements, albeit at a low level of institutionalization, can be found in mediated settlements to civil wars which had little or nothing to do with ethnicity. Grand coalitions which incorporate the parties to the conflict are the logical solution when neither party won the conflict. Otherwise, winner-takes-it all in democratic processes after such negotiated settlements run risk of a return to conflict, as was the case in Angola in 1992.

As international efforts to end conflict shifted from international to intra-state conflicts, the importance of negotiated settlements within countries increased and power-sharing arrangements in the broadest sense of the word appear the most plausible solution. A key distinction to be introduced here is between power sharing arrangements on the basis of ethnicity (or other similar markers of identity, such as religion) and on grounds of the political affiliation of the parties. There are several key distinctions between these two types of power sharing. Non-identity-based power sharing arrangements are more limited in terms of depth and duration. Power-sharing between parties to the conflict suggest an inherently temporary nature of the arrangement, as with the end of the conflict the peace process would result in the emergence of alternative lines of stratification of political space. The power sharing arrangement do not only differ in terms of duration, but also in terms of its importance in the institutional structure of the country. Non-identity based power sharing systems are less likely to be not permeating all institutions at all levels than ethnicity based power-sharing systems. Furthermore, the non-identity driven power sharing systems are largely informal in their nature, as the groups on which they are based (parties, guerilla movements, etc.) do not constitute permanent units which can be protected through constitutional or formal legal protections.

What emerge from these distinctions are types of power-sharing in post-conflict settings, mirrored by similar types in non-conflict settings, as illustrated by table 1.

<table>
<thead>
<tr>
<th>Post-Conflict</th>
<th>Identity-based</th>
<th>Non-identity based</th>
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<tr>
<td>Bosnia-Herzegovina</td>
<td>El Salvador</td>
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Table 1: Types of Power-sharing

A particular challenge of identity-based power sharing arrangements in post-conflict settings is the conflation of group-based power sharing as institutional set-up and the establishment of a post-conflict elite power-sharing as a bargain to the end the conflict. Thus, such cases, for which Bosnia-Herzegovina is possibly the most poignant example, the settlement establishes two overlapping power-sharing arrangements: One which institutionalizes identity-based power sharing system and a “temporary” arrangements which brings the parties of the conflict together to cooperate for a transition period on issues of military, and political power. This conflation does not only raise challenges to understanding such types of post-conflict arrangements, it also runs the risk of resulting in an arrangement that “facilitate a transition from civil war, but ... thwart the consolidation of peace and democracy.”

Before considering the specific reasons for this dynamic, we shall briefly consider the alternatives to consociationalism for post-conflict arrangements in divided societies, excluding conflicts that are not identity driven. Here, consociationalism is understood to define a more narrow type of institutional arrangements than power sharing in general. While power sharing can be, as discussed above, a temporary measure to bring parties or communities together in institutions, consociationalism constitutes are more formal and lasting institutional arrangement. Furthermore, consociationalism establishes institutions aimed representing identity-based groups and provides for mix of autonomy and consensus-based decision making. Other forms of power sharing might aim for less straight forward form of representation and encourage cross-community communication and cooperation. These forms of power sharing are generally considerably more rare and do not form part of the most common in post-conflict institutional systems.

Control

A possible outcome to such conflicts is the victory of one side which would result in a form of a control model, i.e. an institutional set-up where one group would exercise full or predominant control over the institutions. Such a form of government might range from an ethnic democracy, i.e. democracy within the group in control and discrimination towards others to an outright authoritarian system. An example for such as system of post-conflict government would by post-genocide Rwanda, which has been dominated by the predominantly Tutsi Rwanda Patriotic Front. This case demonstrate that a control system might not express itself in open discrimination against an ethnic group, but here in fact the suppression of ethnicity or race as a feature of political discourse. While an unlikely outcome in a negotiated settlement, it can be the consequence of a major shift of power among the parties, persuading the weaker group to accept negotiated

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7 See Sammy Smooha and Prit Järve (eds), The Fate of Ethnic Democracy in Post-Communist Europe (Budapest: LGI, 2005), pp. 5-59.
predominance of the other group with some degree of legal protection. For example, the acceptance of Croatian Serbs in Eastern Slavonia to reintegrate into the Croatian state in the 1995 Erdut agreement without any power-sharing or other advanced protection mechanisms was a consequence of a fundamentally changed political and military balance of power and the impression of the Croatian military operation in other parts of country which resulted in the total collapse of the Serb para-state and the fleeing of the nearly entire Serb population in these regions. Finally, a form of control might be part of the peace agreement granted to parties in different parts of the country. In particular, when the conflict is territorialized, power-sharing at the centre might be combined with granting groups control in parts of the country under their control.

Altogether, Control approach is less common than power-sharing arrangements in negotiated settlements, as it requires specific circumstance for it to be feasible. Even if this is the case, there remains the challenge of a system which might in the medium-term either result in resumption of conflict as one or several groups are marginalized and as the democratic nature of such an outcome is more problematic than in case of power sharing.

**Partition and Dissolution**

Partition is a solution to internal conflicts and entails the international recognition of parts of the country. Although such an outcome has occurred over the past two decades in cases such as Yugoslavia and Ethiopia, it is exception in terms of outcomes of internal strife. Advocates of such a ‘solution’ to ethnic conflict emphasize its ability to resolve the conflict by separating the communities in question into new countries. Generally speaking, negotiated partition and independence can take place without violence (Czechoslovakia, Macedonia from Yugoslavia), but are unlikely to end an already violent conflict. In particular in the case of ethnic conflict, the absence of clear geographic separation between communities either results in massive population displacement or alternatively in a form of control in the new units. In addition, international organizations have been generally reluctant to consider the creation of new states. This policy is the consequence of a number of factors, ranging from the status quo orientation of most states and the fear of precedent setting by recognizing partition as an option to end conflicts.

In addition to these categories, there are other ways in which one can think about strategies managing diversity. Some have not been included, as they are either in conflict with democratic governance and human rights (i.e. population exchanges), or because they can be subsumed as policies of the above categories (e.g. assimilation). If these alternatives are excluded for most cases of negotiated settlements to identity-based conflicts, we derive at institutional options which recognize and manage diversity. These approaches constitute a broader bracket of policies than just power sharing, or to be precise, power sharing is sometimes used to encompass all these measures or some time to just designate a particular form of institutional design accommodating different groups.

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An alternative to consociationalism from the identity management approach, which neither establishes new borders, nor creates a system of control by one group over others, would be systems which divided power and seek to integrate communities. Unlike consociationalism, the institutions here are not established to represent ethnic groups, but seek to reduce the prevalence of ethnicity in the political system. The integrative power-sharing approach proposed by Donald Horowitz and others argues for institutional systems which promote cross-ethnic cooperation and the emergence of new political elites whose legitimacy rests among more than their own constituency. As such, this approach is transformative, rather than ‘managing’ ethnicity as consociationalism proposes to do. More recently, Donald Rothchild and Philip Roeder proposed ‘powers dividing’ as an alternative to power sharing. Here, the goal is the decentralization and deconcentration of the state horizontally and vertically to provide for multiple institutions that would be controlled by respective majorities, but these different majorities would differ, allowing for different communities to be a majority in parts of the institutional system.\textsuperscript{10} In short, a system of government which draws on the US experience of checks and balances.

Without further discussing this particular option, it is possible to note that unlike the other alternatives to consociationalism, it holds the most potential for managing diversity. At the same time, a limited number of empirical cases and the fact that they have not been the primary approaches in post-conflict settings over the past decade, justify the focus on consociational arrangements in this paper.

3. Are Consociations Unconsolidated Democracies?

Following the third wave of democratization, culminating in Central and Eastern Europe after 1989, came the sobering observation that much of passed as new democracies, were in fact formal democratic institutions with important qualifiers. Whether these are authoritarian regimes with a democratic façade, semi-authoritarian governments or ethnic democracies which privilege one dominant community over others, the incomplete or backsliding democratic transformation characterized much of the world which had just undergone democratization. Thus, considering that post-conflict consociational systems emerged in much of the same category of countries, the question arises whether consociations are just another form of ‘qualified’ democracies. While Arend Lijphart has argued that consociations are a generally desirable form of government for their mechanisms of deliberation and consensus-seeking, critics have, as discussed earlier, emphasized the constraints to democratization a consociational system might entail. Part of these differences in interpreting consociational systems can be cleared up by making a clear distinction between post-conflict consociations and systems which have emerged through a more enduring historical process. Next, we shall consider which variables might disqualify post-conflict consociational systems as consolidated democracies and whether these variables are a consequence of a deeply divided society alone, or whether the institutional architecture which manages

such a society is in fact reinforcing the unconsolidated nature of the democratic system. Unlike some political philosophers, starting with John Stuart Mill, who argue about incompatibility of diversity and democracy,\textsuperscript{11} here we argue that a particular form of diversity, namely a deeply divided society, regulated through specific institutions, i.e. consociational institutions, constitute a type of unconsolidated democracy. Whether and how such a democracy can consolidate will be discussed in the next section.

3 a) International Arbitration and Mediation
A particular feature of post-conflict consociations is the strong reliance on arbitration and mediation by external actors. This is matched by a similar role of domestic arbitration mechanisms with consociational arrangements in general. The importance of such mediation and arbitration structures is easily explained. With complex decision-making procedures which allow for varying degrees of vetoes—formal or informal—there is a need to either mediate the conflict arising or to arbitrating between two unreconciled decisions, which pit majority vs. minority or two or more communities against another. Arbitration and mediation can take place through democratically legitimized institutions, such as special parliamentary bodies, as is the case with the senate in Belgium, or through judicial institutions, as the constitutional court, for example in Cyprus (1960-1974). In absence of institutions that would enjoy the type of overarching broad legitimacy to take such a role in post-conflict societies, international actors frequently take on such a function. In some cases, this might be formally recognized as the High Representative in Bosnia-Herzegovina, or the international judges on the Bosnian constitutional court. In other cases it might be entirely informal, such as some Western ambassadors in Macedonia or representatives of the OSCE or other international organizations at the local level in Macedonia, Kosovo or Bosnia-Herzegovina. International mediation and arbitration can take over a significant part of the decision-making capacity of democratic institutions. Per definition, these international actors are not constrained by democratic procedures in the respective country and decision-making practices lack transparency. This constraint to democratic governance has been clearly recognized in the case of Bosnia-Herzegovina by the Venice Commission of the Council of Europe,\textsuperscript{12} but is equally visible in other post-conflict consociations, even if not formally institutionalized to the same degree.

3 b) Informal vs. Formal Institutions
A general feature of unconsolidated democracies is the competition between informal and formal institutions. The strength of informal institutions can be interpreted either as cause or as result of weak formal institutions, but their prevalence is a re-occurring feature of both divided societies and nation states in Southeastern Europe.\textsuperscript{13} The interrelationship between consociationalism and informal institutions is interesting from a number of angles. First, some authors have argued in favor of informal power-sharing institutions as

\textsuperscript{11} John Stuart Mill, \textit{Considerations on Representative Government}, (New York: Harper & Brothers, 1862), Chapter XVI. Available at: http://www.gutenberg.org/ dirs/etext04/conrg10h.htm
they are likely to reflect a greater degree of social consensus and trust in these institutions than a rigidly institutionalized one and as they might be more susceptible to change over time. Second, informal institutions can be a feature even in highly institutionalized power-sharing systems. For example, in Bosnia-Herzegovina, two types of informal institutions can be observed. Negotiations between ethnic communities have taken place primarily through informal meetings of key party leaders, both in 2002 over amendments to the entity constitutions and in 2004/5 over changes to the country’s constitutions, rather than through formal institutions. In addition, communication between ethnic leaders and the community they (claim to) represent does not take place only through the established structures of community self-government, but through informal channels and institutions. Similar informal institutions can be observed in Macedonia. The importance of informal institutions in consociations is two-fold. First, informal institutions allow for a greater lack of transparency and back-room dealing than most formal institutions. Such a decision-making process is not unique to post-conflict consociations, but can be found among a broader sample of power-sharing systems. Not least the decision-making mechanism of the European Union has displayed this feature. In short, the argument here is that non-transparent decision-making can result in greater flexibility for political elites and thus more likelihood of compromise. The second aspect draws back on the previous sections regarding the dual nature of most post-conflict power-sharing systems. By not only sharing powers between groups, or their representatives, but also between particular representatives or elites, informal institutions are necessary to maintain both systems of power sharing rather than just the former.

The challenge arising from informal institutions in consociational arrangement is composed of the importance these institutions enjoy in such systems and the way in which formal institutions are not able to compete with informal institutions, but frequently legitimize them.

3 c) Ethnicity and Collectives

A key challenge arising from consociational systems is the recognition and indeed emphasis of ethnicity as the primary structuring feature of the political system. In deeply divided societies, where identity profoundly matter in informing political choice, the importance of ethnicity is without doubt a major obstacle to the functioning of democratic institutions and the consolidation of a democratic system of government. As such, the consociational system is often symptom, or rather response, than cause of a fundamental challenge to the quality of democracy in a given society. Viewed from this perspective, ethnically blind systems of democracy and other institutional arrangements, which do not consider the deep divisions within the particular society, constitute far greater obstacles towards the consolidation of democracy than consociationalism. Instead, institutions have to reflect the division in a society and manage these. As a result, both institutional arrangements which ‘underplay’ ethnicity can constitute a challenge to democratic consolidation, as can systems which overemphasize ethnicity.
The fact that a particular type of diversity and identity constitutes a challenge towards the development of a consolidated democracy does not alleviate the challenge arising from ethnic politics in consociationalism altogether. Frequently, consociational system can reinforce the importance of ethnicity in the context of post-conflict societies through third particular dynamics. First, consociational systems establish elite cartels in a post-conflict setting between ethnopoltical leaders. The assumption that elites are induced towards moderation and compromise seeking in consociations might hold true for arrangements which were negotiated, but do not apply to post-conflict settings. Second, administrative procedures, group autonomy and other aspects of consociational arrangements maintain the importance of ethnicity in everyday live for most citizens and thus provide little room to counteract ethnopolitical elites and weaken the significance of ethnic divisions in society. Third, the fact that the nature of institutionalized ethnicity often precludes and ‘opt out’ mechanism for elites or citizens reduces space for non-ethnic politics and social interaction.

4. Transformation to What?

In recent years, a number of scholars have questioned the paradigm of ethnic conflict, suggesting that at least some of the conflicts which have been fought along ethnic lines have not been ethnic conflicts. Instead, ethnicity is not an independent variable which causes conflict, but a tool which can be used in conflict. The function of ethnicity in mobilization and de-mobilization has been subject of disagreement, but much evidence suggests that ethnicity is not the primary cause of conflict. If conflicts are not ‘ethnic’, Chip Gagnon provocatively asks, why should their solutions be? While there is no space to discuss the premise whether or not ethnicity has been important in mobilization

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of conflict, there can be little doubt that in the case of former Yugoslavia, ethnicity increased in importance as a social identity progressively in the 1980s. This was not an even process and started at varying levels. As a result, the importance of ethnicity was lower in some parts of the country, whereas in others ethnicity dictated social relations well before the crisis in the country spread and ethnicity became common currency among political elites. The importance of ethnicity varied between republics, between villages and cities, from region to region and for families and individuals. However, as an astute observer noted in regard to one of the mass rallies organized in support of Miloševic in 1988/89, the demonstrators “came as workers and went home as Serbs.”

The conflict spread the importance of ethnicity through the space of former Yugoslavia and made it an inescapable feature of political and social life in large parts of the region. Thus, conflicts which might not have been ethnic to begin with, became ethnic over time. If we accept logic of the citation above, the challenge of an institutional system cannot be to merely recognize the fact that workers have become Serbs and maintain this transformation and ensure that workers who became Bosniaks, Croats, Albanians, etc. govern the country together in a consociational arrangement. Instead, a post-conflict institutional arrangement has to recognize the fact that the workers now identify as Serbs, etc., while at the same time providing for means that these Serbs will be able to identity as workers again, or otherwise, be it by region, religions, profession or favorite holiday destination.

The premise that post-conflict consociations ought be considered as temporary thus rests on two arguments. First, as discussed in previous sections, the quality of democracy is constrained in consociational arrangements which might be acceptable for a post-conflict setting, but not for a long term democratic consolidation. Second, ethnicity is real in as much as individuals believe in its importance for their social and political life in a particular set of circumstances, but it is not permanent in terms of importance and exclusiveness.

Some critiques of consociationalism exactly focused on the static, if not primordial conception of ethnicity as an underpinning assumption. As this paper argues, there is no need to throw the baby out with the bathwater. Consociational arrangements have not become the default option among international policy makers because of some belief in the primordial nature of ethnicity, but for the lack of convincing alternatives in ending internal conflict. The key questions to address, however, are how consociational systems can transform themselves and into what they transform.

First, we shall turn to the second questions: What is the long term trajectory for societies which are governed by consociational arrangements? Before attempting to answer this question, two disclaimers are in order. First, there will not be one type of political system for a large variety of post-conflict power sharing systems, ranging from Afghanistan and Iraq to Macedonia and Bosnia-Herzegovina. Second, when discussing democratic consolidation in other cases there is a clear understanding of a set of institutions and

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17 This is not to argue that much international intervention in ethnopolitical conflict has been shaped by a primordial understanding—implicit or explicit—of ethnicity.
practices which would constitute a consolidated democracy. While there is considerable variation in the nature of the institutions, there is a clear sense of what the abstract goal of the transformation is. Developing such a clear goal for deeply divided societies is more complex. A simple ‘ethnically’ blind liberal state might be a goal and feasible in cases that ethnic identity altogether ceases to matter as a form of political identity, but such a trajectory appears unlikely in most deeply divided societies. Consequently, a consolidated democracy in a divided, post-conflict society requires more than a consolidated liberal nation state.

What is “more” in comparison with a liberal democratic state in terms of recognition of ethnicity is “less” than in the case of the post-conflict consociational arrangement. It would be simplistic, however, to consider consociational democracies and liberal democracies as opposites of a continuum and consolidation simply being a movement from one (consociationalism) towards the other (liberal democracy). If viewed from this perspective, shedding any form of institutionalized ethnic representation or rights is a step to consolidation. Such an understanding would not only run the risk of underplaying informal institutions and political behavior informed by ethnic identity which might in fact jeopardize democratic consolidation altogether. Moreover, one needs to examine in which ways recognition of ethnicity can take different forms over time, which might be more adequate for different stage of democratic consolidation.

One key direction to consider here is a shift from political negotiations over identity, embodied by consociationalism, to a rights-based approach to identity. This is not to suggest that power sharing or any other particular form of political participation should become a well defined minority or group rights.\(^{18}\) Rather, the combination of firmly established rights and political representation needs to be balanced carefully. Consociational regimes with a low degree of minority rights guarantees run the risk of permanently negotiating rights which might otherwise be legally enshrined and protected. On the other end of the spectrum, democratic systems which have low levels of minority representation and co-decision-making in institutions, but a high level of minority rights protection might suffer from inadequate mechanisms to protect these rights or have rights which do not match the particular communities’ needs.\(^{19}\)

The strengthening of minority rights, based on a clear human rights foundation can remove certain issues from political contestation. Thus, a number of the reforms initiated in Macedonia after the signing of the Ohrid Framework Agreement in 2001 established particular minority rights which are mostly enjoyed by the Albanian community, but once established as a right, such as the use of Albanian in parliament, ceased to be controversial. Consolidating the substance of what might be otherwise contentious ‘vital interests’ of communities in the form of rights, can remove them from the political debate and thus shift political deliberation to other fields. This is just one direction in which change can be contemplated, illustrating that not only decrease in the importance of

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18 Tom Hadden warns of tendency to have rights preventing essentially political accommodation and the reduction of ethnicity, see “Integration and Autonomy: Minority Rights and Political Accommodation,” Ian O’Flynn, David Russell (eds), Power Sharing, New Challenges for Divided Societies (London: Pluto, 2005), pp. 30-44.

ethnicity can be a consideration, but also the form in which ethnicity shapes the overall political and legal system.

Turning to the “how”, the process of accomplishing change in deeply divided societies is nearly as important as the “what”. As Roeder and Rothchild convincingly argue, political elites empowered and entrenched through consociational arrangements are unlikely to abolish the same for the sake of a greater good. Considering alternatives to an elite driven process of change, there are two obvious options: Internal revolution and external imposition.

Considering a wave of democratic breakthroughs which swept away semi-democratic (or semi-authoritarian) political leaders from Bulgaria in 1997, Slovakia in 1998, Croatia and Serbia in 2000 and eventually Georgia in 2003, Ukraine in 2004 and Kyrgyzstan in 2005, such a scenario might seem tempting to overcome cumbersome consociational arrangements in divided societies. The mass protests which ensued in Lebanon in early 2005 after the assassination of former Prime Minister Rafik Hariri, appeared at first to carry many of the features of the ‘colored’ revolutions which have engulfed the post-communist space. In fact, the cross-communal protests did succeed in securing the Syrian withdrawal—the prime mediator and arbiter in Lebanon—but could not overcome the confessional nature of the political system, even if it was the goal of some protestors. More striking is the absence of mass protests against the governments in Bosnia-Herzegovina. All the main causes of electoral revolutions in neighboring Croatia and Serbia appeared to be in place in Bosnia-Herzegovina: a semi-authoritarian nationalist political elite, marred by corruption scandals, economic stagnation a fundamental sense of alienation of the population from the political system and elite. However, there was not one Bosnian population which had a joint enemy, rather than three separate ones (one for every nation) and no single political goal, no matter how modest. In Lebanon the mobilization was confessionally divided and thus could not move beyond the goal for Syrian withdrawal, a goal not even shared among all communities. In Bosnia-Herzegovina, the fragmentation of identity and its territorialization have prevented mass protests in the first place. Even if more successful, there is always the acute danger that in an ethnically polarized environment, mass protests either take on an (unintended) ethnic dimension or the demands are unable to unify all communities and result in counter-mobilization. In conclusion, revolutionary change in deeply divided societies is both unlikely and considerably more dangerous than in other semi-democratic contexts.

The second form of extra-institutional change to consociational systems is external imposition. Considering that most post-conflict consociational systems have been internationally mediated, if not outright imposed, such a form of change appears plausible. Reducing the importance and rigidity of ethnicity through external imposition is, however structurally constrained. First, if such imposition takes place against the will

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20 For a more detailed discussion on the importance of a process-based approach to change in divided societies see my text, “Institutionalizing Ethnicity. Managing Change in Deeply Divided Societies,” ECMI Working Papers, No. 19, 2004.
of political elites, which are the starting assumption for contemplating this form of change, institutions are unlikely to enjoy the appropriate legitimacy to move the country in question towards a greater degree of democratic consolidation. Second, as discussed earlier, the nature of international intervention favors ethnonationalist elites in power due to structure of mediation which favors “representatives” of groups over new elites—which might not even exist—which have a more amorphous constituency. This is not to argue that externally driven change is generally impossible or destructive. In fact, gradual Europeanization has been at least partially successful in transforming institutions in Bosnia-Herzegovina and Macedonia, even against the will of political elites. Here, however, there has to be a certain degree of cooperation with political elites which brings us to the question under which circumstances and how ethnopolitical elites are willing to reduce the influence of ethnicity in a post-conflict political system.

Considering that extra-institutional means are unlikely to provide for the transformation of consociational systems, the attention has to focus on processes in which such arrangements can carry the seeds for change from within.

First, institutions can have a way of surprising their drafters or the elites which voted for them. Unintended consequences of institutional design are frequent phenomena, in particular in periods of democratic transformation when institutions and legal systems are frequently adjusted. These might facilitate or constitute an obstacle towards democratization. Three examples highlight this dynamics. In 1990, the League of Communist in Croatia put in place an electoral law which favored the largest party, a policy designed to help the party, but instead it facilitate the absolute power of the main opposition party, the nationalist HDZ of Franjo Tudjman. In the same year, in Bosnia-Herzegovina, a cross-ethnic electoral system encouraged voting across ethnic lines, again imposed by the local League of Communists with the goal of stemming the nationalist parties’ support. Instead, supporters of nationalist parties voted across ethnic lines and secured an absolute national victory. In 2001, during discussions on a permanent electoral law for Bosnia-Herzegovina, the moderate coalition in power did not lobby for the inclusion of preferential voting system which was on the agenda, but accepted the strict national representation which would bring the nationalist parties back to power in 2002. While hardly a reliable rule for instituting change in divided societies, it can provide a window for opportunity or a risk to reform efforts, which directs our attention to the framing of such changes in the domestic context in which they are proposed.

Still, this form of change presupposes opposition from elites towards change away from rigid consociationalism.

There are two options which might suggest the evolutionary potential of consociational systems. First, if we assume that political elites maintain power through consociational systems not in order to represent group interests, but vice versa, the question remains whether access to political power remains an attractive option for ethnic entrepreneurs. One of the arguments Chip Gagnon puts forth in his recent book is that one of the reasons

26 Suad Arnautovic, Izbori u Bosnii i Hercegovini ’90. (Sarajevo: Promokult, 1996).
why transitions to democracy were possible in Croatia and in Serbia by 2000 was the shrinking importance of the state and the ability of elites to secure their access to resources through other means, such as privatization etc.  As a result, access to state power provides considerably less resources than at the beginning of the transformation period when most economic resources, media and social control were directly exercised by the state. This argument in effect, coincides with Donald Horowitz argument in favor of reducing the competition over one centre of power in divided societies. An argument for change here would suggest once the state has been reduced in its significance in providing multiple means of control within a society, elites will be more willing to change the political system to reduce rigid consociational features. The counter-story would be the case of Lebanon, where confessional politics have flourished despite a relatively slim state without many resources, i.e. without a proper public broadcasting system.

Second, a form of change can draw on the external circumstances of the institutional system and the elite orientation. Assuming that ethnic elites are unwilling to change and adopt institutions would be presupposing a very static concept of elite. Just as there are ample evidence of moderate political elites embracing ethnicity, such movement occurred in the opposite direction. In divided societies, moderate and extreme ethnonationalist elites are rarely distinct categories which would allow little movement between. Instead, elites are flexible and have changed. In particular, the process of Europeanization has reframed consociational arrangements in periphery of the European Union form being a post-conflict arrangement towards their compatibility with the requirements of European Union integration.  Whereas the EU has not always been consistent, i.e. negotiating the loose state union of Serbia and Montenegro, while arguing that the more coherent joint Bosnia state is too weak for EU integration, it has introduced the categories of efficiency and the ability to integrate into the discourse. Although a shift of discourse does not have to translate into policy, but can remain a simulation, evidence from the Europeanization process suggests that real transformation in occurring in complex consociational system which are in the process of EU integration.

5. Conclusions

This article suggests while options in ending conflict in deeply divided societies are limited, the development of institutions over time allow for more flexibility. Critics of consociationalism need to be taken seriously, as they identify a number of key weaknesses, which make it difficult to suggest that consociationalism is an ideal solution for divided societies, rather than the least bad. Problems arising for practice cannot be attribute to ‘bad’ implementation or excessive consociationalism, but are in fact inherent to the system, especially when applied in post-conflict settings. The key challenge arising

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for a successful transition from a post-conflict system to a consolidate democracy rests
with the ability of the consociational system to transform itself.
As this article discusses, a number of features of consociationalism frequently obstruct
the consolidation of the democratic system. At the same time, one has to be careful not to
confuse general features of the society—deep divisions, low levels of trust—with the
institutional system as causes. By focusing the debate on the need for understanding more
clearly the mechanisms and direction of institutional change and development, I argue
that there is neither a simple process nor a clear goal in terms of institutional
development, but that consociational systems are not inherently ‘stuck’ without any
ability to evolve over time.