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DOOMED TO FAIL? REBOUND EFFECT AND CONFLICT MANAGEMENT PROBLEMS IN BOSNIA AND HERZEGOVINA[1]

Abstract

New institutionalism resurrected political institutions, arguing that they constrain behavior of political actors. Consequently, the consociational model was founded on the assumption that the institutions and practices associated with it create a structure of incentives for leaders of ethnic groups that should encourage them to moderate and cooperate. However, in post-conflict, deeply divided countries where institutions are weak and often externally imposed, political actors can interpret and exploit them, stretching their boundaries and adapting them to new conditions, or simply avoiding them. As Robert D. Putnam notes, "two centuries of constitution-writing around the world warn us that the designers of new institutions often write on water – institutional reform does not always change fundamental patterns of politics" (1993: 17). Following this statement, the main aim of the article is an analysis, rooted in the new institutionalism, of the relationship and the inevitable tension between political institutions and actors in post-war Bosnia and Herzegovina. By proposing the term "rebound effect", the paper tries to explain the dysfunctionality of the Bosnian model of consociationalism. Using congruence theory (Almond & Verba 1965), I also hypothesize that coherence between political actors (their political culture) and political institutions (the patterns of behavior they imply) is crucial for the so-called "behavioral realisation" of any constructed structure – institution, and, as a result, for the entire political system and its functionality.

Keywords: Bosnia and Herzegovina, consociationalism, new institutionalism, political institutions, rebound effect

Bosnia and Herzegovina[2] is in a state of dysfunction. Despite substantial interventions by the international community – manifested by millions of dollars channeled towards its

[1] This theme was explored in depth in my book *Ordynarna demonstracja władzy. O zarządzaniu konfliktem w Bośni i Hercegowinie*, published by Universitas in 2022. What follows is a concise synthesis, grounded in the comprehensive research that informs the book.

[2] The terms Bosnia and Herzegovina, Bosnia, and BiH are used interchangeably in the text.

rehabilitation and redevelopment – the country remains beset with challenges. Its political system is not only tainted by corruption but is also mired in a state of inertia. For a span of 13 years, Bosnians have been in anticipation of the implementation of the anti--discrimination constitutional reform, a consequence of the European Court of Human Rights' judgment in the Sejdić and Finci v. Bosnia and Herzegovina case. Additionally, the functioning of institutions in one of its constituent units, the Federation of Bosnia and Herzegovina, have been in a state of suspension since 2018. Increasing separatist inclinations, encompassing both Serb and Croat factions, are palpable. Since the summer of 2021, Serb representatives, particularly from the SNSD (*Savez nezavisnih socijaldemokrata*), have been consistently boycotting and thereby impeding the functions of central-level institutions in a deliberate bid to obstruct decision-making mechanisms. In a contrasting vein, the dominant Croat political party in Bosnia, HDZ BiH (*Hrvatska demokratska zajednica Bosne i Hercegovine*), is brandishing threats of thwarting the scheduled general elections for autumn 2022, conditional on alterations to the electoral law that align with their stipulations.

The evident bad governance at the state level, culminating in suboptimal institutions and poor service provision, invariably bears repercussions on its citizenry. Nearly 18% of the populace subsist on an income below KM 416 per month (KM 1 = EUR 0.5), with 15% entrenched in absolute poverty, characterized by incomes not exceeding KM 235 (CCI 2018: 63). This economic quagmire has precipitated a marked emigration trend among the youth. What then, underpins this difficult situation in Bosnia? Contrary to prevalent assumptions, the tribulations of Bosnia and Herzegovina are not merely attributable to residual ethnic conflict or the purported "ancient hatreds" that is posited to influence the dispositions of both domestic and international political elites (Marko 2006; Sarajlić 2008). Moreover, the institutional system, founded on the consociational model[3] as the primary tool of conflict management in Bosnia and Herzegovina, viewed by many as the source of ethnic polarization and political stagnation (Belloni 2007; Mujkić 2007; Sarajlić 2008; Vukoja 2007; Jung 2012: 495), is also not the reason here. This is evidenced by instances since 1995 where these very institutions have functioned more effectively.

Consequently, consociationalism in Bosnia has not worked as Lijphart envisioned. Its institutions did not become catalysts or constraints to foster cooperation among local elites and ensure political stability and functionality. Instead, they have transformed into arenas of abuse and deviation. Given this context, the article seeks to critically evaluate the Bosnian consociational model from a unique research perspective, emphasizing the interplay between structures and actors – between institutions and political elites. By examining the mutual influence between political actors and institutions in the everyday operations of the consociational system, the proposed perspective underscores the limitations of the prevailing, rigid structural viewpoint. This predominant perspective, which exclusively emphasizes constitutional engineering with the intent of reshaping

[3] For clarity in this article, the terms "consociational model/consociationalism" and "power-sharing model" are utilised interchangeably, although literature frequently suggests that "power-sharing model" is a broader concept, encompassing both consociational and integrative strategies (Sisk 2002; O'Leary 2013; McGarry & O'Leary 1993; Wolff 2013).

institutions to modify the behavior of political elites (Jarstad 2001: 19), proves to be markedly inadequate.

This article posits a research hypothesis that suggests a bilateral relationship between political institutions and elites, challenging the literature that implies a one-directional relationship. The notion of constitutional engineering traditionally implies institutions' absolute influence on actors, a phenomenon I term the "constraining effect". This implies a scenario where actors conform to institutional rules of the game. Yet, this is not a characteristic consistently manifested in the Bosnian power-sharing model. Contrarily, political actors' deviations and exploitation of institutions, – a phenomenon I have designated as the "rebound effect", can be also observed. This effect represents instances where actors diverge from institutionally set rules. In the former relationship, actors operate in alignment with institutions, for example by respecting the division of competences between the federal and entity levels or adhering to efficiency principles in coalition formations. In the latter scenario, actors exhibit deviant behavior, either by manipulating institutions or by outright disregarding them. For instance, they might establish alternative power structures, sidelining the ones constitutionally mandated, or they might reinterpret the role of established mechanisms, such as the veto. As a result, it is crucial to accentuate that the actor-institution interplay is governed by not just one, but two distinct effects. The long-standing assumption about the supreme position of institutions within the consociational model is thus flawed.

Delving deeper, I have hypothesized that the prevalence of one of the effects is primarily shaped by the discrepancy between the elites' polarized and confrontation-oriented political culture and the state's consociational institutional structure, which mandates consensual conduct for optimal functionality. This dissonance has led to the near-absolute subjugation of the state by political elites –state capture which renders democratic mechanisms virtually dysfunctional. To elucidate, while the 1995 Dayton Peace Agreement ushered in peace for Bosnia, the state's political and institutional apparatus, inclusive of conflict management tools introduced then, effectively established a foundation which permitted a select elite not just to seize power but also to exert dominance over political institutions. Consequently, unencumbered by societal accountability ensnared in a web of patronage, and not confined by established institutional norms, political elites manipulate the Bosnian political system as a malleable framework, tailoring it to cater to their interests and patterns of behavior.

In the proposed perspective, political institutions are perceived by actors not merely as constrains imposing certain behavioral patterns but also as both the outcome and the arena of continual power strugles, aiming for advantage in the political system. Actors endeavor to gain this upper hand by "interpreting or redirecting institutions, or by subverting or circumventing rules that obstruct their interests" (Streeck & Thelen 2005: 19). In cases such as Bosnia, the consequences of such behavior are, on the one hand, the systemic gridlocks, stalling decision-making, on the other hand, the emergence of informal institutions that recalibrate the overall model dynamics. Furthermore, adopting the conceptual framework introduced by the congruence theory, the Bosnian scenario illustrates that the prevalence of one of the effects is determined by the congruence between institutions and the behavioral norms they mandate and the political culture of the actors.

Consociationalism – Institutions, Actors, and Congruence

Although consociationalism[4] has over time become "the dominant model for managing ethnically divided societies" (Taylor 2011: 1; Andeweg 2000: 517), it was initially developed in the 1960s by Arend Lijphart as a theory of "consociational" or "consensual" democracy (1969, 1975, 1977, 1985, 1999). The term was first employed in 1969 to depict the Benelux countries, Scandinavia, Switzerland, and Austria. These states, through the consensus-driven behavior of their political elites and power-sharing dynamics, epitomized stable yet divided societies. Its antithesis was the centrifugal democracy, typified by deeply divided societies where elites exhibited competing behaviors (Lijphart 1969; Lijphart 1977: 114–119) – akin to the patterns observable in Bosnia and Herzegovina today. This means that at the start, consociationalism was not delineated through the lens of institutions or constitutional engineering. In 1969, Lijphart described the "essential feature of consociational democracy" as "less of a specific institutional arrangement and more of a deliberate concerted effort by elites to stabilize the system" (Lustick 1997: 116; Lijphart 1969: 216).

With time, drawing from an analysis of European countries with divided societies, Lijphart posited that consociationalism might be "exported". A model centered on four institutions deployed in post-conflict multi-ethnic states could encourage cooperative behavior and consensus attitudes among political elites representing different ethnic factions. This led to a conceptual framework postulating a reciprocal, albeit unidirectional, connection between institutions and the behavior and attitudes of elites (Lijphart 1999: 307; Jarstad 2001: 29). Consequently, consociationalism transitioned into a conflict management strategy for divided societies, premised on the notion that elite behavioral patterns could be institutionally directed. The model evolved to have two distinct definitions: the first describes it as one of four democracy types, determined by two factors: societal structure (plural or homogeneous) and the behavior of political elites (either cooperative or antagonistic). The second interpretation narrows it down to four institutional arrangements (Lijphart 1977:25) and this dominates current scholarly discourse.

As a result, consociationalism started to become synonymous with institutional solutions and post-conflict constitutional engineering (McRae 1974: 10). However, championing the management of ethno-national conflicts through institutional design operates on the premise that institutions diminish uncertainty in human behavior. They provide mechanisms for future conflict management and peaceful objective attainment (Hartzell & Hoodie 2007: 21). This method hinges on the belief that adapting rival groups – mainly their political elites – through institution-building can usher in peace and cooperation (McGarry 2001: 124). These four institutions are: the principle of shared executives i.e. the formation of grand coalitions; the principle of autonomy; the principle of proportionality (each group is proportionally represented in key public institutions and is a proportionate beneficiary of public resources and expenditure); and the principle of veto (each group is in a position to prevent changes that adversely affect its vital interests) (McGarry & O'Leary 2006: 43–4; 2006).

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[4] In Polish literature, introductions to the consociational democracy model can be located in works by Adam Jelonek, *Dylematy konsocjonalizmu. Przypadek Malezji* (2004: 11–32), and Krzysztof Krysieniel, *W cieniu Dayton. Bośnia i Hercegowina między etnokracją i demokracją konsocjonalną* (2012: 48–67).

As previously alluded to, these institutions and practices aimed to erect an incentive structure, thus establishing a conduit to mediate differences between ethnically delineated elites (Sisk 2002: 33). Yet, this premise largely accords primacy to the constraining effect – the dominance of institutions over actors, with little consideration given to the potential emergence of a rebound effect, i.e. the opposite situation. It presumes that institutions remain unchanging and that involved actors consistently have, and will maintain, the incentive to uphold and perpetuate them (Cordell & Wolff 2011: 139). In other words, consociationalism suggests that in ethnically split societies, formal institutions, as system pillars, ought to bridge the void left by diminished social trust and capital. In fact, they should prove even more effective than in homogeneous societies (Easterly 2001: 690). However, the reality in divided countries that have experienced armed conflict can diverge significantly. Challenging the ascendency of neo-institutionalism, Robert D. Putnam (1993: 17) astutely observed in the 1990s that: "two centuries of constitution-writing around the world warn us, that designers of new institutions are often writing on water. Institutional reform does not always alter fundamental patterns of politics".

Thus, in states like Bosnia and Herzegovina – emerging from brutal conflict, deeply divided, with fragile and susceptible political institutions often erected from the ground up or externally imposed – actors might interpret and manipulate these structures in various manners. They might stretch their limits, adapt them to novel situations or sidestep them via deviant behaviors (Jackson 2010: 77). This indicates that a constraining effect is not guaranteed. Conversely, scenarios may arise where actors dominate institutions – a phenomenon I term the "rebound effect". During volatile periods, such as post-conflict reconstruction, the argument's logic can invert. The supposition that "institutions shape politics" can flip to the notion that "politics shapes institutions" (Witte 2006: 46). Acknowledging this dynamic is crucial, especially in contexts where institutions shoulder augmented responsibilities – for instance, conflict management, as the consociational model implies.

In the language of James G. March and Johan P. Olsen's theory (1984), political actors in a post-conflict and multi-ethnic environment tend to operate according to a logic of consequentiality rather than a logic of appropriateness. Instead of adhering to what social (or institutional) norms dictate, they base their actions on a cost-benefit analysis. Thus, the literature of new institutionalism acknowledges that the relationship between actors and institutions is bidirectional. Dependin on a case, both constraining and rebound effects co-exist. The rebound effect might manifest as a single or repeated behavior (forming an informal institution defined as recurrent and socially accepted rules of the game). Notably, deviant behavior does not necessarily instigate the creation of a new institution, which means it does not always imply institutional change. In both cases, it rather reduces the system's functionality. In the case of Bosnia and Herzegovina, the negative implications seem more prevalent. This leads to a significant query: when do we witness a rebound effect, and when do we observe a constraining effect?

The literature centered on a society's political culture offers an answer. The congruence theory, devised by Gabriel A. Almond and Sidney Verba, examines the interplay between political culture and institutions. They posit that for political stability, these elements need to align (Eckstein 1997; Almond & Verba 1965: 21; Sheafer & Shenav 2013: 235). Per their initial hypothesis, a mismatch between citizens' democratic values and the liberties granted

by political institutions renders a state unstable – whether the populace receives more or less freedom than they desire (Sheafer & Shenav 2013: 233). Thus, more democratic institutions do not necessarily equate to a more stable regime. Similarly, in consociational systems, having more consociational institutions does not guarantee more cooperative regimes. Within this framework, Eli Margoli (2010: 326) provides an insightful definition of stability: the degree to which formal roles and structures align with their informal analogues. The larger the "gap", the higher the instability.

Consequently, for a political system, political culture is a systematic structure of values and rationales that provides consistency in the operation of institutions and organizations, and the degree of normative consensus about political behavior is the most important determinant of the level of political integration (Ake 1967: 2; Inglehart 1990). Relating this to the constraining and rebound effects, I assume that the congruence between the institutions (the type of behavior they require) and the political culture of the actors (given the specificity of consociationalism – the political elites, not the citizens)[5] is crucial and determines which effect prevails: the lack of congruence produces a rebound effect resulting from the fact that the actors, seeking congruence, try to find a new point of stability by changing the rules of the game to suit their political culture. In such a clash, it is often simpler to manipulate or disregard institutions than to reshape political culture. Having appropriate power-sharing institutions is thus vital but not the sole prerequisite for functional consociationalism. An accommodative culture is equally indispensable. This assumption echoes the theory's original formulation in the 1960s (Steiner 2011). Thus, it is crucial to differentiate between an institutional rule and its behavioral manifestation in particular contexts (March and Olsen 2005: 11). As Elinor Ostrom (2005: 138) articulates, the distinction lies between "rules-in-form" (dead letters) and "rules-in-use" (actively obeyed rules).

Consociationalism: The Bosnian Model of Conflict Management

Bosnia and Herzegovina emerged from the 1992–1995 war territorially and politically divided, with a society deeply segmented into three ethno-national groups: Bošniaks, Croats, and Serbs and with a brief experience of independence and democracy in the early 1990s. The armed conflict concluded with the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina, commonly referred to as the Dayton Peace Agreement (DPA), on 21 November 1995 at the Dayton (Ohio) Air Force base. This introduced a model of conflict management in Bosnia and Herzegovina based on consociationalism. Among the objectives of the agreement were not just the cessation of hostilities but also the establishment of lasting peace, reversing the effects of ethnic cleansing, and the drafting of a constitution. It was intended to be "not just a peace treaty, but a kind of operational manual for the entire post-conflict reconstruction process" (Haynes 2008: 4–5). Even though the DPA proved to be an effective tool that led to the end of the war (Morrison 2009: 9) and the establishment of at least negative peace, it has been criticized for not

[5] Consociationalism, when categorised as a political regime type, presumes citizen passivity, with the onus of inter-group communication resting solely on the elites (Schendelen 1984: 148).

fulfilling all its objectives. These included not only the reconstruction of the state and the establishment of a functioning democratic system but also achieving positive peace and political stability (Mansfield 2003: 2055; Koneska 2017: 37; Merdzanović 2016: 1; Mujkić 2007).

The new political system, introduced by the DPA, was distinguished by consociationalism at both the community and institutional levels, and asymmetric, multinational federalism, which can also be seen as an aspect of the state's consociational structure (Bieber 2006: 46). Therefore, power-sharing based on classical, formal and corporate consociationalism, with an emphasis on ethnic identity, became the core of the post-war order (Chandler 2000: 67; Bose 2002: 216; McCrudden & O'Leary 2013: 21, 25). The DPA has constructed a plural consociational arrangement within the boundaries of a single state – at both the state level and the constituent units level – the entities[6] (Weller & Wolff 2006: 4), including cantons and some multi-ethnic municipalities. The rationale behind implementing consociational solutions was that ethnicity had already been heavily politicized and manipulated by local political elites prior to the war. As a result of the armed conflict, ethno-national divisions deepened in Bosnia and Herzegovina and combined with territorial disputes, becoming politically institutionalized (Kasapović 2005: 7–8).

Annex IV to the DPA established in Bosnia and Herzegovina a constitutional system incorporating four elements of the consociational model at various levels of governance. At the central level, these include grand coalitions within the Presidency and the Council of Ministers (both institutions based on the principle of ethnic parity); territorial autonomy via two federal entities (*entitet*), namely the Serb-dominated Republika Srpska and the Muslim-Croat Federation of Bosnia and Herzegovina; a representative system centered on the principle of proportional group representation, occasionally implementing parity arrangements; and a complex veto mechanism allowing any group to halt the legislative process (Merdzanovic 2016: 7). However, despite its intricate political system, significant multi-party fragmentation, and concerted efforts to democratize the state, Bosnia and Herzegovina is categorized by Freedom House (2022) as a transitional or hybrid regime. This regime blends democratic and autocratic elements, with the number of points and the country's ranking in the Nations in Transit – an index created by Freedom House – continuously declining over the years.

While formally an electoral democracy, in practice, Bosnia and Herzegovina operates as a corrupt state dominated by cartelized politics and overarching political patronage. It is a hybrid regime captured by ethno-national elites, whose dominance originates from the form of consociationalism implemented post-DPA, or more accurately, from its dysfunctional nature. This has enabled kleptocratic elites to monopolize all transformation processes the country has undergone since the 1990s, resulting in a system that invariably leans towards authoritarianism (Blagovcanin 2020). This impacts public sentiment significantly. Residents from both federal entities view the central government as the least popular state institution, with only 19% support in the Federation of Bosnia and Herzegovina and 21% in Republika Srpska, compared to a regional average of 30% (BTI

[6] The translation of constitutional units used in Bosnia has been maintained, i.e. from English *entity* to *entitet* in Bosnian.

2020: 18). Due to the weakness and instability of the institutions and the dominant position of the political elite, the system established in 1995 is also characterized by the pronounced presence of the rebound effect.

The Rebound Effect in Post-War Bosnia and Herzegovina

Bosnia and Herzegovina has been endowed with political institutions whose functioning hinges on the ability to forge a consensus among political elites representing different ethnic blocs. This principle is evident in both the executive and legislative branches at almost every administrative level of the state. For the elites, this compromise proves cumbersome. For years, it has been perceived as an unfamiliar concept, ill-fitted for their political game characterized by zero-sum competition with pronounced nationalist undertones. In this competition, it is most advantageous to be a radical, uncompromising figure; at least to the extent where one is not accused by rivals from the same group of making concessions to "ethnic enemies". This was the tenor of political discourse, especially in the immediate post-war years. Yet, over the past two decades, the system has been so thoroughly commandeered by nationalist parties – those that gained prominence in the early 1990s – that it remains largely unaltered today.

In light of such a political culture, institutions struggle to offer the necessary incentives that might instigate a shift in elite behavior, leading to their subordination. The resulting incoherence amplifies the rebound effect: a surge in situations where elites act contrary to the institutional rules of the game. This yields low functionality and stability across the entire system. From 1996 to 2020, the rebound effect has significantly influenced the operations of consociational institutions such as the formation of governing coalitions (notably during the 2006 elections and the 2010 crisis), the employment of veto mechanisms (highlighted by the introduction of the entities' veto), and the country's federal structure (the principle of autonomy) which is distorted by the autonomous policy of Republika Srpska, the establishment of parallel institutions by Croats, and deviations from proportionality seen in events like the Komšić case and challenges in representing the "others".

The magnitude of this phenomenon undoubtedly aligns with the character of the local political arena. Although more than a quarter-century has elapsed since the war's end, the political landscape bears a striking resemblance to that of 1992 and 1996. The scene is still dominated by pre-war nationalist parties: SDA (*Stranka demokratske akcije*), HDZ, and the relatively "newer" party, SNSD, which succeeded the SDS (*Srpska demokratska stranka*) in 2006. These parties, having amassed considerable resources, close wartime affiliations, stringent media control, economic superiority, and receiving validation from the DPA and international community, solidified their positions as principal defenders of their respective ethnic communities, granting them unparalleled influence. Furthermore, barring two exceptions – the SDP (*Socijaldemokratska partija Bosne i Hercegovine*) and the DF (*Demokratska fronta*) – there have been scant trans-ethnic campaigns in consecutive post-war electoral cycles proposing a perspective of Bosnian reality that diverges from the ethno-nationalist narrative, a perspective that offers no space for the cross-ethnic compromise demanded by institutions.

Many inclinations and viewpoints, foundational to political culture, exhibited by these actors are not only diametrically opposed but also challenge the very existence of the state in its current form. Dominant Serb parties, initially the SDS and now the SNSD, have consistently championed policies opposed to a unified Bosnia and Herzegovina, resisting the fortification of central institutions and advocating for a reclamation of powers centralized post-1995. The strategy of HDZ BiH (with HDZ 1990 closely mirroring this stance) is centered around advocating for the rights and autonomy of Croats within a system they perceive as favoring other ethnicities. They lobby for a constitutional reform creating a Croat entity from the territory of the Federation of Bosnia and Herzegovina, culminating in a state composed of three distinct, ethnicity-based regions, effectively cementing the outcomes of the war and theethnic cleansing it had triggered.

With the attitudes of the political elites in perspective, the fate of such consociational institutions like autonomy and veto becomes clearer. Conversely, parties from the Bosnian bloc endeavor to build a unified state without internal divisions (entities), a stance influenced by the Bosniak population's dispersal and longstanding beliefs of Muslim organizations. Within the SDA, SBiH (*Stranka za BiH*), SBB (*Stranka za bolju budućnost*), and, to a certain degree, the SDP, ideological variations on this matter are hardly discernible. Yet, their emphasis on centralization runs counter to the interests of both Serbs and Croats. Rampant ethnocentrism results in politics dominated by group identity and needs, which are not subject to negotiation and consensus. Here, consociationalism is viewed more as a mechanism ensuring autonomy and self-determination for individual constituent nations than a means of mutual duty and responsibility sharing for the state's collective benefit. As a result, the production and reproduction of conflict and enemies remains one of the most important social mechanisms of elite reproduction (Ćurak 2009: 45), and consociational institutions rooted in the ethos of collaboration and compromise scarcely have a fighting chance in this context.

Principle of Autonomy

Bosnia and Herzegovina is a state composed of two entities: the Federation of Bosnia and Herzegovina and Republika Srpska, as well as the independent Brčko District (territorial constituent unit of an asymmetric nature). Additionally, there are three constituent peoples: Bošniaks, Croats, and Serbs. Besides being a highly decentralized state, with federalism at two levels of government (one of the entities, the Federation of Bosnia and Herzegovina, is also a federation divided into ten cantons), it is also an asymmetric federation (Bieber 2006b: 60–62). The principle of autonomy is the most strongly contested by all three constituent peoples among the consociational institutions implemented in Bosnia and Herzegovina after 1995. It is also the one for which the rebound effect is particularly pronounced. This is because the territorial structure of the country was not clearly defined in the DPA, and has since undergone significant reforms in post-Dayton practice. Additionally, the solution introduced is intricate and, in practice, satisfies no one.

Of the numerous examples of how political elites have abused and continue to abuse the institution of autonomy, two stand out: Croat parallel structures and Serb pro-autonomy anti-centralism policies. The Croats, deprived of their own territorial unit, have been trying

for over two decades to establish alternative structures – self-governing parallel institutions modelled after Herceg-Bosna, which was founded during the war. The Serbs, endowed with their own territorial unit by the DPA, concentrate on boycotting shared central institutions and obstructing decision-making processes in the name of Serb "autonomy". This has evolved into a strategy that has become one of the primary means of realizing the rebound effect. The first example can be seen as a direct challenge to, and rejection of, Bosnian institutions. It involves a complete withdrawal from central-level structures to set up parallel Croat institutions. This was attempted twice, if not three times, with a peak in 2000–2001 when Croat self-government was established in Bosnia and Herzegovina. The second example pertains to a complex and more indirect set of policies executed by Serb politicians from the Republika Srpska. Their goal is to preserve the autonomy of the entity in its pre-reform state and undermine the central level, illustrating that it is the Serb entity, not the Bosnia and Herzegovina as a state, that is the functional constitutional level. Alongside boycotting federal institutions, politicians of the Republika Srpska have effectively challenged and obstructed the fundamental element of federalism: the distribution of competencies between entities and the federal level. In both cases, the rebound effect manifests as formal abuse, consistently resulting in parallel structures that challenge the prevailing constitutional order.

Principle of Proportionality

All main political institutions in Bosnia and Herzegovina have been constructed according to the principle of proportionality and parity (territorial, entities-based, and ethnic). This illustrates the complexity and multi-layered nature of the Bosnian consociational model and the extent to which the system introduced by the Dayton Agreement has imbued ethnicity with a territorial dimension. The role of the "national key" – or put differently, the ethnic quota system – is to address the issue of proportional representation, which stands as the most fundamental and significant organizing principle in the political life of a divided society in post-Dayton Bosnia and Herzegovina. In contrast to the socialist era, where it was primarily implemented informally, it is currently upheld by documents of constitutional importance (Pearson 2015: 214). Yet, it is also employed in contexts without a formal obligation to ensure proportional representation of constituent peoples. Thus, the formal institution has been supplemented by its informal counterpart, as seen in the Central Bank and the Constitutional Court (Bieber 2006: 59).

The expansion of the public sector, a direct outcome of this, means that the principle has enabled political parties to exert and expand their power and influence. Firstly, due to clientelism, parties control the allocation of public sector roles. Secondly, they leverage their oversight of public procurement and its ties to politically affiliated companies to capture public funds and maintain public peace by offering jobs when they are generally scarce (Blagovcanin 2020: 37–8). In comparison to the country's federalization, the principle of proportionality is the one institution that the political elite has approached in the most pragmatic yet consistent manner. From their perspective, it unmistakably secures them a stake in all government and administrative branches, but it remains susceptible to misuse. There are always seats left to claim, after all. Among the starkest examples of the rebound

effect's emergence are the so-called Komšić case and the issue of seats designated for the "others", that is, minorities.

Both relate to the matter of legitimate representation, but the elites' perceptions diverge based on their preferences. For instance, HDZ BiH, similar to major Serb parties, contends that only an individual or party endorsed and elected by a majority of their ethnic group can genuinely represent their interests. This inherently excludes non-ethnic or transnational parties and, as a result, Komšić as a representative of the Croats in the Presidency. Nonetheless, this does not prevent them from taking seats meant for minorities or "others" by assigning specific identities to their candidates (who may conveniently switch their ethnicity as circumstances dictate) or by enlisting minority members on their lists who will never truly represent their electorate. Conversely, multi-ethnic parties argue that any legally elected Croat, irrespective of the support's origin, can represent Croats – even if chosen by another constituent nation. In practice, both factions act in alignment with their vested interests, steered by their ambition for dominance and authority. The established rules remain a loose framework, easily manipulated by the opportunistic elites. From the vantage of political representatives of constituent peoples, the principle of proportionality assures them a stake in all power and administrative sectors. However, it does not shield them from exploitation, but rather fuels their ambition for greater power and advantage.

Principle of Veto

The informal nature of the veto procedure currently in use indicates that this is yet another institution where its practical application deviates from its formal provisions within the Bosnia and Herzegovina political system. While the official veto mechanism in the Bosnian consociational system, known as the vital interests clause, is deemed ineffective and challenging to employ, political players resort to a voting process that demands a qualified majority – often referred to as the informal "entity veto" – to align decision-making processes with their political culture, which is often characterized by non-consensual and zero-sum objectives. Since all dominant parties favor non-action over compromise, which would undermine their standing with voters, it appears logical to integrate further blockades into the system informally. As a result, the rebound effect in the form of excessively and inappropriately used structures prevails again.

Ethnic guarantees, such as the minority veto, have the effect of increasing the extent of mutual intransigence and perpetuate a permanent impasse, the long-term consequences of which are difficult to measure (Belloni 2007: 51), but the past 25 years of post-war development of the Bosnian political system indicate that concerns of obstruction and misuse are warranted. Ultimately, the institution appears to be custom-designed for exploitation and an unyielding approach. However, it was unforeseen that the formal veto clause, seldom utilized by the elites because of its intricate process, would be supplanted by an informal institution that would assume its duties. Consequently, the rebound effect emerges, firstly, as a substitution – with the elites opting for a different institution to fulfill the role of a more challenging one, and secondly, as a total departure from the institution's original design.

Principle of Grand Coalitions

The only formal rule governing the coalition-building process in Bosnia and Herzegovina is the principle of representation. This dictates that the government must include representatives from all three constituent nations. In practice, this has been informally accepted to mean that political parties representing all three blocs should be included. However, this does not necessarily mean that the strongest party from each bloc has to be involved[7]. This principle ensures that each actor has a share in the exercise of power, giving them no reason to openly oppose it. The outcome is often the formation of coalitions that, either ideologically or quantitatively, appear destined to fail from the outset. Political parties often do not adhere to the principle of efficiency, a notion interpreted by the Constitutional Court of Bosnia and Herzegovina as a general principle that should also govern the composition and functioning of the government. Florian Bieber (2006) characterized post-war coalitions as "coalitions of the unwilling". These are formed between parties that have opposing electoral campaigns and often hold contrasting views about the country's future and the policies they wish to implement.

The composition of the various Councils of Ministers translates directly into their effectiveness, which is often reflected, among other things, in their legislative output. In the case of Bosnia and Herzegovina, the government largely holds a near-monopoly on the legislative initiative. However, legal regulations do equip other entities with legislative initiative. For instance, during the 2006–2010 term, the parliament approved 170 bills. Out of these, 124 (73%) were initiated by the Council of Ministers. Interestingly, of the 130 bills that were declined, 49 (38%) were government proposals, a statistic that highlights the instability of the ruling majority (Trnka 2009; Marković 2012a: 320, 328–9). Looking at averages, in the initial two terms, 7.5 laws were passed annually. This number increased to 17.5 in the 2000–2002 term. The period from 2002–2006 saw the highest annual enactment with 47 laws, a figure that has not been matched since. During the 2002–2006 term, which was characterized by an active OHR stance, 229 laws were ratified. In contrast, between 2006–2010, while 170 laws were passed, 130 were turned down. The ratio from 2010–2014 was 85 approved to 67 rejected. In the subsequent 2014–2018 term, the Bosnia and Herzegovina Parliament only ratified 14 laws, but made amendments to another 45. A notable trend during this period was the increasing adoption of laws under emergency procedures (CCI 2018; Blagovcanin 2020: 33). The years 2003 and 2004 saw the highest numbers of laws passed, 40 and 73, respectively. The government responsible for these laws held just 27 parliamentary seats which was adequate to approve legislation but was neither a minority government nor a surplus majority one. The coalition was a mix of moderate national and national parties, both of which were under significant international oversight (CCI 2018: 31).

Aside from the challenges faced during the coalition formations in 2010 and 2018, when political actors overtly manipulated the system's rules and the misalignment between

[7] Another informal institution is that the chair of the Council of Ministers rotates among the constituent nations, a rule aimed at simplifying the coalition formation process. Moreover, the formation of the government often depends on the political landscape in both entities. As a result, a party's position in the central government is influenced by its standing at the entity level and the coalitions it forms there (Steiner & Ademović 2010: 609).

their orientations and institutions led to a rebound effect, they have also been subtly maneuvering within the framework of grand coalitions itself. By overtly neglecting the efficiency principle and forming coalitions that are both numerically excessive and ideologically mismatched, they push the system's boundaries to realize their partisan objectives. While the constitution mentions government composition in relation to both entities but does not specifically mandate the formation of an extensive grand coalition, this has been the interpretation introduced by political actors. Hence, it is plausible to argue that grand coalitions, introduced by political elites, have become an informal institution. This could have potentially offered some stability. However, the institutional framework of consociationalism has created an environment that is simply used by political actors to become part of the ruling coalition and gain access to resources – ideological differences, coalition agreements or any kind of setting of a common agenda are completely overlooked (Burgić 2015).

Conclusions

When Lijphart (1977: 105–6) formulated the model of consociational democracy, it was one of four subtypes within his typology of political systems. This typology was based on the juxtaposition of two factors: the structure of society, whether plural or homogeneous, and the behavior of political elites, either coalition-based or antagonistic. By this classification, Bosnia and Herzegovina would be categorized as an unstable centrifugal democracy – characterized by a divided society and antagonistic political elites – rather than a consociational democracy. However, the evolution of Lijphart's theory and its subsequent shift towards constitutional engineering altered the criteria for classification. As a result, due to its institutional structure, Bosnia and Herzegovina is now regarded as one of the most prominent consociations globally. Furthermore, it is a dysfunctional one, an "experiment" wherein institutions construct a system overwhelmed with the imperative to "get along", the political elites prioritize their interests, and the international community further complicates an already challenging situation.

The objective of this article was to examine the consociational model established in Bosnia and Herzegovina. The research perspective employed, which centered on the interrelation between institutions and political elites, revealed that it is distinctly bi-directional. Beyond the constraining effect anticipated by constitutional engineering, the interaction also gives rise to the reverse effect – rebound. This phenomenon, evident in each of the consociational institutions discussed, seems to stem from a lack of congruence between elites and their political culture rooted in ethnic particularisms, and consociational institutions founded on consensus and cooperation. Elites, who advocate for boycotting central institutions fearing they jeopardize the identity of the constituent nation they represent, cannot comply with the same rules that they oppose.

The examples mentioned earlier highlight the considerable discrepancy between what the institutional system, or the "rules of the game", attempts to enforce on actors and the resources, attitudes, and values these actors embody. Regardless of how dominant and oppressive the structure may be, no matter how monopolistic and influential the media, or how alluring the incentive system, political culture imposes significant constraints (Almond 1983: 127–8) on the operation of institutions. This is because underlying actors' attitudes

tend to persist considerably, thus reshaping the potential for constitutional engineering in practice. As long as ethno-nationalism and antagonism continue to be the primary frameworks legitimizing the parties and their policies, as well as their obstinacy and conflicting objectives, consociational institutions, being evidently weaker, are bound to yield to the aberrant conduct of political actors.

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