



## Decentralization in Bosnia and Herzegovina: No Floor, No Roof

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Interview with  
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*Q: How do you perceive the prospects for decentralization in general, and in Bosnia and Herzegovina in particular? What are the major values/objectives put forward by the case for decentralization?*

**Sehic:** The issue of decentralization has to be situated within a given historical, political, social and cultural context of the area in question. Historically speaking, the regions more open and flexible towards new and progressive processes are those which have had a continuity in progressive development and usually no dramatic, degressive disruptions. On the other hand, the militarily and politically instable regions, as the case has always been with the Balkans, are much less receptive for radical changes in governmental structures. Just to illustrate, in one of the recent surveys almost 100% of the Bosnians have claimed that among all politicians, it is Alija Izetbegovic who reminds them most of Josip Broz Tito. Of course the comparison is inappropriate, even more so, it demonstrates a lack of taste: Josip Broz Tito was a politician of a format! Such a comparison, however, illustrates very well the incapacity of the public opinion in this area to follow and meet the rhythm of changes. The same is true with decentralization. Given the totalitarian political system in the Socialist Republic of Bosnia and Herzegovina as a member-state of the late Yugoslav

Federation the public administration was highly centralized. Most of the major competences and decisions were allocated at the republic or federal level. The municipalities, as the basic formal institution of local government and the lowest tier of public administration, hardly had any real powers. Nonetheless, even that was much more when compared to what the municipalities within the new Federation of Bosnia and Herzegovina were given after the Washington Agreement had been signed, more precisely, after the Constitution of the BiH Federation had been passed.

*Q: In European countries, decentralization and local government have always been understood as one of the major factors of democratization. How much can these generate democratization processes in Bosnia and Herzegovina?*

**Sehic:** It is well known that the standards for decentralization and local self-government have long been established. When saying this I first of all refer to the European Charter on Local Self-Government which was in the form of a Convention signed in 1985. The Convention aims at a further endorsement of the major principles that govern the activities of the Council of Europe, namely those of democratic consciousness and the defense of human rights at all levels of public administration. It was then that the fundamental principle was formulated, saying that the level of local autonomy is of itself a direct indicator of authentic democracy. As it was pointed out in the course of the preparatory debates, the objective of the Convention was to provide a flexible normative framework, which would properly take into account differences displayed by various national constitutional arrangements and administrative traditions respectively. Nonetheless, some common denominators for local self-government have been accepted. In the post-Dayton Bosnia and Herzegovina, however, these common denominators and major principles have received a substantially different connotation and, in consequence, implementation. This has first of all to do with the totalitarian inheritance

that remained after the collapse of the late Yugoslav Federation. Given that within the territory of Ex-Yugoslavia civil society did not exist at all, democratic forces within different ethnonations were not prepared to enter a transnational coalition which could have acted as an integrative force for the dissolving state, once communism ceased to perform this function. The totalitarian regime was indeed dismantled. Nonetheless one must keep in mind that the first free elections alone could not generate democracy. Besides, the character of the late regime excluded in principle civic identity, which means that the "citizens" of the late Yugoslav Federation integrated the "mentality of the subjects". In consequence, the new regimes within member-states profiled themselves as nationalistic and instead of communism the ethnonationalism came fore as the promoter of "natiototalitarianism" and secessionism. The decisive fact was that, unlike Spain after Franco's death, the first pluralist elections in the 90s did not take place at the federal but at the republican/provincial level. Such a sequence of elections was of itself a prologue for the war which has most tragically affected Bosnia and Herzegovina.

*Q: Could you comment on the past, present and eventual future aspects of decentralization in Bosnia and Herzegovina as a whole, namely both in Republika Srpska and in the Federation?*

**Sehic:** Within the Republika Srpska and the Federation of BiH as a whole, the Dayton Constitution introduced a four-tier organization of power: the common unitary state - federation - cantons – municipalities. The Federation alone has a three-tier organization of state power. All that leads to the conclusion that decentralization has been established as one of the major structural tenets of the state organization. On the other hand, decentralization as a method of governance is far from being accomplished. The reality of politics in Bosnia and Herzegovina testifies to a high concentration of political, economic and military powers within the Federation on one side, and the cantons, on the other, while the

common state as the highest governmental level and the municipalities as the lowest tier of public administration dispose of marginal powers. This has greatly helped the nationalistic power-holders to instrumentalize decentralization as a means of ethno-centralization rather than as an effective tool for democratization. Given such trends, Bosnia and Herzegovina can easily replicate the situation which the late Yugoslav Federation faced by the end of the eighties and the beginning of the nineties. To make the point more clear: Due to the strategy of power-holders in Bosnia and Herzegovina decentralization can once again be misused in order to generate war in this area, especially since the totalitarian regimes in Croatia and FR Yugoslavia have not at all given up their territorial claims towards Bosnia and Herzegovina.

This is the context to locate, define and discuss the issues of decentralization and local autonomy in BiH. Republika Srpska has kept the territorial-administrative organization which existed in the pre-war BiH. When compared to the Federation of Bosnia and Herzegovina, this entity is – however paradoxically it may sound – both a step closer and a step further away from decentralization. On the one hand, the municipalities have more powers than this is the case in the Federation of Bosnia and Herzegovina, and these specially cover economic policy. On the other hand, however, the absence of cantons or other regional authorities within the territory of Republika Srpska has significantly contributed to a great centralization of power at the level of this entity as a whole. In principle, the institutional set-up of the Federation itself provides for much better solutions, but these are far from being implemented on manifold grounds. Namely, the underlying idea, that of having the cantons act as major institutional generator for decentralization as well as a direct link between the municipalities and the federal government; this idea has been misused to a more than significant extent. Of course the cause leads once again back to the ruling oligarchies, who have given the preference to their primary real-political interest of remaining in power at

the cost of having Bosnia and Herzegovina administratively organized according to the democratic principles which are taken for granted in most European countries. In consequence, the remedy/solution for this major problem of governance in Bosnia and Herzegovina would be to increase and strengthen the powers of the common state as a whole, and make of them an integrating factor, as well as to increase competences of municipalities as an avenue to grass-root democracy. This is why it is necessary that the international community keep on to substantially influence basic trends in the region and thus endorse the democratic forces and the development of the emerging civil society. This is the only socio-political framework which makes the respect and guarantee for all rights and freedoms of the citizens feasible.

*Q: Can you be more concrete in your claim that the ruling oligarchies have a substantial interest to instrumentalize decentralization?*

**Sehic:** What I have more particular in mind is the genesis of political problems overshadowing the Federation. After the Washington Agreement had been signed in 1994, none of the crucial prerequisites for constituting an authentic democratic society have been accommodated. Refugees are still denied their fundamental right to come back to their home, be it Bosniacs as a minority in Stolac, be it Croats as a minority in Bugojno. The atmosphere of fear and further radicalization of interethnic cleavages, tensions and mistrust persist as primary interests for the two ruling nationalistic parties in the Federation of BiH, namely the Croat Democratic Community (HDZ) and the Muslim Party for Democratic Action. It seems that these two parties get along perfectly well in their common efforts to remain in power by instrumentalizing media and major mechanisms of political decision-making. Given such a socio-political context, the categories we are talking here about – those of democracy, human rights in general and of decentralization as a generator for democracy in par-

ticular – these stop having any substantial relevance, since the present situation is apt to very well accommodate the interests of the two ruling nationalistic parties. More pointed out: the case for decentralization has been perverted and pursues a fully different logic, that of ethnonationalism and oligarchic rule.

*Q: You have already referred to the new cantonal structure as one of the first steps to mark the general strategy of decentralization. Can you be more precise as to what it looks like in practice?*

**Sehic:** To the nationalistic power-holders, the cantons looked as a very useful institutional avenue to round up ethnonational territories within the Federation of Bosnia and Herzegovina. This may indeed be a good introduction into what Zagreb has recently re-actualized, namely the demand for the dissolution of the Federation into a Bosnian entity on one side, and a Croat entity on the other. It means that the cantons missed their function of promoting decentralization processes and balanced intergovernmental relations within which they would act as a linkage-level between the federal authorities and the municipalities. The cantons themselves turned into para-states. If I could be more illustrative and say: The Federation as a state reminds of a house which has neither the floor nor the roof, since the cantons have taken over too much powers for themselves in both directions, thus depriving federal and local authorities likewise of their respective powers. This is how the cantons have turned into the crucial institutional avenue to endorse the processes of centralization. As to the municipalities, they have been by the latest draft version of the Law on Local Government Draft reduced to marginal local authorities basically in charge of sport, tourism and hotel management. They have, however, at the same time remained without competences necessary and proper to effectuate these powers, such as fiscal policy. On the other hand, on purely real-political grounds and motives, federal authorities do not seem to have much problems with the ongoing unconstitu-

tional increase of the powers of the cantons, probably because of already indicated common interests of the ruling oligarchies. The logic which has until now been otherwise taken for granted, namely that a strong municipality is the best guarantee for a strong democratic state, simply cannot be pursued under the given circumstances. Even more so, one can hardly work with the European standards of democracy and economic rationality since the national homogenization performs devastating effects upon any progressive political initiative.

*Q: Given the "gloomy" situation you have described, what are the prospects for regaining interethnic confidence and for the restitution of multiethnic values in the post-war BiH society?*

**Sehic:** As I have already said, the cantons have gone so strong that they have themselves turned into states within the state. The point of further discussion may also be the fact that the given constitutional solutions allocated significant powers to the cantons without having at the same time provided for the instruments to control the misuse of these powers. Practically speaking, the cantons are mini ethno-nation-states in which the minority population only formally participates in power. This formalism, which has greatly been endorsed by the personal interests of the representatives of the minority population in power structures, it is of itself detrimental to the minority protection. In everyday life the minorities have been denied any possibility for economic and social prosperity and progress. The facade, consisting of the minorities' churches, minorities' cultural societies and educational institutions, makes part and parcel of such formalism. In fact, minorities have turned into a marginal category of the population, which has no effective institutional avenues and legal remedies to claim its right to be equal with the majority in the major segments of economic, social and political life. Be it the cantons with the Croat or with the Bosniac/Muslim majority, the jobs and all other facilities will be given to the majority population. The minority rights have

been reduced to the freedom of confession and the right to have cultural-educational institutions. This alone – is nothing! Anyone who looks upon his own life in terms of quality and dignity should try to get out of such an atmosphere. The existing decentralization policy in the Federation pursues the strategy of rounding up ethnonational territories and the elimination of ethnic minorities, rather than the strategy of carrying out and of further endorsement of positive effects of decentralization.