

REFORMING DAYTON: CITIZENS' PERSPECTIVES

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THE ISSUE

By conducting a survey containing an embedded conjoint experiment, we find that citizens in Bosnia and Herzegovina have stronger preferences for reforms that directly impact their everyday lives, and which elicit widespread public support. We suggest a path forward through iterative and consultative reforms that enhance public goods.

Power-sharing constitutions are a useful tool in ending war, but they can be hard to reform or amend over time. Bosnia and Herzegovina (BiH) is an archetypical case. In 1995, the Dayton Peace Agreement (DPA) facilitated the end of war that claimed 100,000 lives and displaced half the population. The DPA introduced a complicated form of power-sharing between the three constituent peoples (Bosniaks, Croats, and Serbs). While its drafters thought it might serve as a temporary arrangement, it has proved resistant to reforms for three decades. There has been only one constitutional amendment, regulating the status of Brčko District in 2009. Several high profile attempts—the April Package and the Prud and Butmir processes—have ended in deadlock, as well as a multitude of other initiatives and negotiations. A series of decisions at the European Court of Human Rights (ECtHR) have also pushed for constitutional change but to no avail.

BiH needs to reform its constitution to remove formal discrimination that currently prevents Roma and Jews (Sejdić & Finci v. BiH, 2009), people who do not identify in ethnic terms but rather only as citizens (Zorić v. BiH, 2014), and Albanians (Šlaku v. BiH, 2016) from running for the Presidency of BiH and from being elected to the House of Peoples of BiH (parliament's upper chamber). Others, 3.7% of BiH's population who do not identify with any of the three constituent peoples, face constitutionally enshrined discrimination. Furthermore, Bosniaks in Republika Srpska (RS) (Pilav v. BiH, 2016) as well as Croats in RS, and Serbs in the Federation of BiH (FBiH) (Pudarić v. BiH, 2020) face the same discrimination when it comes to the elections for the Presidency and the House of Peoples of BiH.

Reform efforts have been elite-driven, whether spearheaded by external mediators, foreign judges, or local party leaders. Missing from the equation have been citizens' perspectives on settlement design. What kinds of institutional preferences, unmediated by party elites, do citizens want?

What kinds of changes are they prepared to accept? Can citizen preferences help to unblock Bosnia and Herzegovina's constitutional impasse? To gain a clearer sense of citizens' preferences on a range of constitutional issues, we contracted IPSOS to conduct a face-to-face survey, including a constitutional preferences conjoint experiment.

The survey ensured a nationally representative sample of respondents through a multistage stratified random sampling procedure. We had 2,506 respondents with data collection running from February to April 2025. This allowed us to assess public support for different constitutional reform options and how relatively important these options are to citizens compared with the status quo arrangements. These reform proposals allowed us to examine citizens' views on different elements of constitutional arrangements when they are considered jointly as part of a larger package of changes. Our key questions asked which changes to the constitutional status quo were most important to citizens while they were selecting between different constitutional reform proposals and to what extent there were differences in views between BiH's different constituent peoples.



City of Sarajevo

KEY FINDINGS

Citizens have stronger preferences for reforms that impact their personal circumstances

The survey assessed citizens' preferences along six dimensions: the extent and type of power-sharing, the territorial distribution of power, reform of the rule of law, reform of the civil service, levels of public support for constitutional proposals, and compensation for victims of war. We found that questions about the basic structure of the state (power-sharing and the territorial distribution of power) are less important than other dimensions of constitutional reform to citizens, such as the reform of the judiciary (the rule of law), compensation for war victims, and widespread support for reforms.

More specifically, there is a wide dislike for the judiciary status quo and a preference for reforms that would both increase the capacity and independence of the judiciary. The level of dislike for the status quo is similar across three constituent peoples. In other words, no one is happy with the current state of the rule of law and all groups support judiciary reforms. Similarly, there is a dislike for the status quo of the civil service. There is citizen support for streamlining the red tape and reforming appointments based on meritocracy.

In general, citizens care most about reforms that would directly impact their personal circumstances. For example, when it comes to compensation for victims of war, citizens prefer high levels of compensation (€50,000). This is true across all constituent peoples. We found that citizens rejected low levels of compensation (€10,000). Strengthening the courts, ensuring that judges are politically independent, reducing red tape, and appointing civil servants based on meritocracy would directly improve the rule of law and the quality of bureaucracy. All these initiatives would significantly improve citizens' quality of life.

Citizens have stronger preferences for reforms that have wide public support

On average, citizens prefer corporate consociationalism, the current power-sharing arrangement in BiH, and dislike majoritarian democracy, with liberal consociationalism falling between these options. Overall, power-sharing is a less important driver of respondents' choices than other constitutional reform dimensions.

Bosniaks and Croats do not appear to have very strong preferences about power-sharing when compared to other constitutional reform dimensions. Croats do prefer corporate



Palace of the Republic, Banja Luka

consociationalism, but not at a statically significant level whereas Bosniaks appear to favor liberal consociationalism, but also not at a statically significant level. Serbs more clearly prefer corporate consociationalism.

In terms of the territorial distribution of power, Bosniaks have a strong preference for more centralization, Serbs have strong preference for more decentralization, while Croats have no preference regarding the distribution of power between the state and entities.

The most significant—and surprising—finding relates to citizens' preferences for wide support for the reform. We find that citizens prefer reform packages that have at least 50% and, especially, 90% of the support of all citizens. Citizens value constitutional reforms that have widespread support over the specific content of any reform proposal. In other words, widespread public support for reform is more important than personal preferences for any specific form of power-sharing and any specific territorial distribution of power. This preference for almost unanimous support for a reform package is consistent across different constituent peoples. Importantly, this result challenges preconceived notions on the perceived entrenched views of constituent peoples.

In general, we find that citizens care more about bread-and-butter issues that more directly affect them than the power-sharing issues that are usually on the reform agenda.

POLICY INSIGHTS



Počitelj village, Herzegovina

Bosnia and Herzegovina needs iterative and consultative reforms that enhance public goods provisions

1. Reform efforts need to focus on changes that can improve citizens' everyday lived experiences and material conditions. Citizens have stronger preferences for reforms that impact their personal circumstances, such as the rule of law. The support for these reforms is consistent across constituent peoples, making it a logical primary focus of any reform effort and an excellent pathway to rebuild trust and goodwill in BiH. Therefore, domestic politicians, with the help of the EU and the OHR, should focus on reforms that enhance the rule of law. The EU could provide incentives in the form of aid that would directly fund public projects that benefit citizens regardless of their ethnic identity, focusing on improving the delivery and quality of everyday goods and services.

2. We recommend an iterative reform process in BiH, first tackling everyday issues before attempting to reform the highly-charged constitutional issue. Previous reform efforts have focused on highly symbolic and politically charged institutions, turning the question of reform into a zero-sum game. By focusing on whether Bosnia and Herzegovina should or should not have power-sharing—a question already settled at Dayton—too much funding, energy, and goodwill have been spent that could have been used to improve citizens' living conditions. Reforms should be built up, from simpler to more complex, rather than focusing on the most complex issue that is simply a non-starter for political representatives of two of the constituent peoples.

The benefit of iterative reform is that it can often be less difficult to reach agreement on the smaller provisions than the big one. Smaller reforms can also have a knock-on effect, directly impacting political behavior and changing institutional incentive structures, and they serve to remind parties (and their voters) that they are capable of agreement and compromise. If these changes work out, it may help them be more amenable to negotiation next time around. As citizens seem to favor power-sharing as a general principle in BiH, some liberal consociational elements might resolve the ECtHR rulings without upsetting the delicate balance of power between the three constituent peoples. Instead of trying to figure out how to fit the square-peg of the Sejdić-Finci and other ECtHR rulings in the round hole of the current corporate consociational status quo in BiH, as has been attempted for the last 15 years, the solution might be to introduce some liberal consociational elements within a system that nonetheless retains corporate features that protect group rights.

3. Citizens have been, for better or worse, left out of all constitutional reform attempts, but their preferences may hold the key to breaking the reform impasse. Citizens put a premium on wide support for reform packages, more so than even on their individual preferences for specific policies. This new insight tells us that a reform package that would be seen as widely acceptable, but might not be optimal for any side, could have a chance of passing—if the citizens are consulted. This can be done in deliberative forums, public hearings, consultation sessions and by referendum or plebiscite. Asking BiH's citizens what they want from their government and what they imagine their constitutional future to be is integral to building sustainable peace.

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