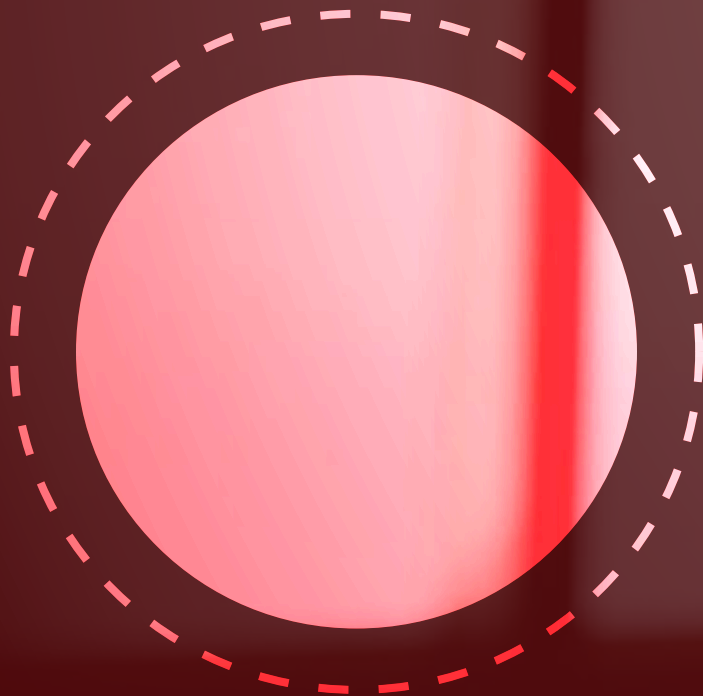


**POLITICAL PLURALISM
AND INTERNAL
PARTY DEMOCRACY**
NATIONAL STUDY FOR
BOSNIA AND HERZEGOVINA





POLITICAL PLURALISM AND INTERNAL PARTY DEMOCRACY

**National Study for
Bosnia and Herzegovina**

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Publisher:



Centar za monitoring i istraživanje CeMI

Bul. Josipa Broza 23A

81 000 Podgorica

e-mail: cemi@t-com.me

www.cemi.org.me

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Design:

Studio Mouse - Podgorica

Layout and printing:

Studio Mouse - Podgorica

Circulation:

300

The RRPP promotes social science research in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia). Social science research aids in the understanding of the specific reform needs of countries in the region and in identifying the long-term implications of policy choices. Researchers receive support through research grants, methodological and thematic trainings as well as opportunities for regional and international networking and mentoring. The RRPP is coordinated and operated by the Interfaculty Institute for Central and Eastern Europe (IICEE) at the University of Fribourg (Switzerland). The programme is fully funded by the Swiss Agency for Development and Cooperation (SDC), Federal Department of Foreign Affairs.

The views expressed in this study are those of the authors and do not necessarily represent opinions of the SDC and the University of Fribourg.



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POLITICAL PLURALISM AND INTERNAL PARTY DEMOCRACY

National Study for
Bosnia and Herzegovina



**BALKAN COMPARATIVE
ELECTORAL STUDY:**
IMPACT OF PERSONAL VOTE
ON INTERNAL PARTY DEMOCRACY

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FOREWORD

National study on internal-party democracy in Bosnia and Herzegovina forms a part of larger three-year scientific project titled „Balkan Comparative Electoral Study: Impact of Personal Vote on Internal Party Democracy, implemented within the “Regional Research Promotion Program“ (RRPP), and conducted by the University of Fribourg, Switzerland with financial support of the Swiss Agency for Development and Coordination (SDC). Centre for Monitoring and Research (CeMI) from Podgorica (Montenegro) is the project leader of a four-country study of the Western Balkans, whereas project partners are the Faculty of Political Sciences, University of Belgrade, a non-governmental think-tank organization KIPRED from Pristina, Kosovo, and a team of researchers from the Faculty of Political Science, University of Sarajevo: Mr. Suad Arnautović, Ms. Nermina Mujagić, Mr. Damir Kapidžić, Mr. Amer Osmić and Ms. Elma Huruz. The whole project is supervised by an international team of experts in the field of electoral systems from the University of Lausanne and the Swiss Centre of Expertise in the Social Sciences (FORS). A mentoring team is comprised of Georg Lutz, Brian Kleiner, Nicolas Pekari, Josep Colomer, Åsa von Schoultz and Ioannis Andreadis.

Internal party democracy in Bosnia and Herzegovina is for the first time studied in the country within the scope and methodology defined in this research. Since the introduction of political pluralism in Bosnia and Herzegovina in the 1990ies, this political phenomenon has never been a subject of significant theoretical research. Hence, this research may be viewed as a pioneer initiative to provide an opportunity for further theoretical research and wider debate on electoral reform, or to provide practical solutions in the legislation governing political organization as well as in the electoral legislation in the countries that are subject to this study. In this context, the study examines the impact of a personal vote on development of internal party democracy. Out of the four Western Balkans countries that participate in this study, only Bosnia and Herzegovina and Kosovo have electoral systems that, alongside voting for political parties, provide for personal voting.

Key outputs of this scientific research, that is: interpretation of results of the survey conducted among candidates in the most recent general elections, and development of four national-level policy papers and two binary studies (Bosnia and Herzegovina – Kosovo; Serbia – Montenegro) is to serve decision-makers in the process of modification and upgrade of the electoral and party system in the countries that participate in the study. Project results shall provide a solid basis for such interventions. This publication is one of these project results.

It consists of five study papers that attempt to shed light, from different angles, on the legal and political background that sets the scene for political life in Bosnia and Herzegovina. Political parties are the sine qua non of such spectrum.

Field research is a specific segment of this project that involves enquiry about attitudes of the BiH 2014 General election MP candidates. The research was based on a comprehensive questionnaire that, among other things, includes questions about the candidates' experiences in the functioning of internal party democracy in Bosnia and Herzegovina. The results of the research have been publicly presented, and they will be published too.

This publication is the authors' attempt to bring readers in Bosnia and Herzegovina and wider, closer to understanding the setting within which the BiH political arena operates, which is rather specific and has undergone immense changes over relatively short time span. Namely, immediately after the establishment of political pluralism in Bosnia and Herzegovina in 1990, the sphere of politics and parliament went through the crisis, that was further fostered by aggression against the internationally recognized State of Bosnia and Herzegovina. The war was brought to an end after the signing of still controversial General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Peace Agreement. The Agreement does not explicitly address the issue of political organization in Bosnia and Herzegovina nor the way political parties should be organized and should arrange their internal functioning. After over twenty-five years of practice in the functioning of political parties in Bosnia and Herzegovina, it is certain that political organization reform is one of the most essential and urgent political reforms in Bosnia and Herzegovina. In parallel with this reform, it is necessary to reform the country's electoral system, which has also been identified as the key obstacle to adoption and implementation of the principles of free and fair elections.

This publication includes five separate research papers that make up a single research document. The publication's aim is to familiarize the reader with main features, historical background and legal foundation of the political system in Bosnia and Herzegovina, with regard to political parties' functioning in Bosnia and Herzegovina.

In the first chapter, professor Mujagić sheds light on the current political system in Bosnia and Herzegovina, with all its flaws that have been systematically incorporated into the system through the Dayton Agreement.

Current political system is assuredly discriminatory and anti-civilizational, since it does not provide all citizens, residents of Bosnia and Herzegovina, with free and fair access to all public services.

Assistant professor Damir Kapidžić analyzed the party system of Bosnia and Herzegovina. Key findings in this chapter point toward the conclusion that profound

reform is necessary in structural organization and acting of political parties in Bosnia and Herzegovina. Fragmentation in the political arena is evident, in the sense of normative and legal regulation, as well as organization and formal structure, all of which significantly contributes to overall inefficacy of the political system and exerts a negative impact on the electoral system.

The study of Dr. Arnautović presents key features of the electoral system. Our intention was to present the electoral system of Bosnia and Herzegovina and compare it to five founding principles of every democratic electoral system. The study revealed certain lack of principles of equality and universal suffrage in the electoral system in Bosnia and Herzegovina, in particular in respect to electing members of the BiH Presidency and delegates in the House of Peoples of the BiH Parliamentary Assembly.

M.Sc. Amer Osmić analyzed pre-election promises and media representation of the political parties. His study also examines the means of communication between candidates and political parties on the one hand, and the electoral body in Bosnia and Herzegovina on the other hand, in particular via pre-election promises communicated through electronic media and posters.

M.Sc. Elma Huruz examined the statute of major political actors in Bosnia and Herzegovina from the aspect of functioning of intra-party democracy. Her research interests lie in the process of selecting party's candidates for the state-level positions, principally in the Parliament, and, subsequently, in the process of selecting political party management. These issues are one of key topics addressed throughout the study.

The research team from Bosnia and Herzegovina expresses its gratitude to the colleagues from the Center for Monitoring and Research (CeMI) from Podgorica, in particular to M.Sc. Zlatko Vujović, for the invitation to join this very challenging scientific project, as well as for very fruitful and respectful cooperation during the project implementation.

In Sarajevo, August 2015.

prof. dr. sc. Suad Arnautović

Nermina Mujagić

PART ONE

POLITICAL SYSTEM

1. POLITICAL SYSTEM

1.1 Historical overview

When discussing about the political system of Bosnia and Herzegovina, the first thing one should know is that, over the past twenty years, or since 1992 international recognition of Bosnia and Herzegovina as an independent and sovereign state, this system has been acknowledged as a separate discipline field of study. In fact, abundant history of Bosnia and Herzegovina has been studied in a fragmented manner, that is, in the frame of the states that incorporated Bosnia and Herzegovina - from Medieval Bosnian state that was in 1463 incorporated into the Ottoman Empire, through Austro-Hungarian Empire and the Kingdom of Yugoslavia, all the way to revival of the BiH statehood in the Socialist Federal Republic of Yugoslavia on 25 November 1943, and, finally, BiH declaration of independence that followed breakup of Yugoslavia (Ibrahimagić, 1999).

1.1.1 Bosnian Medieval Statehood

After the partition of the Roman Empire into eastern and western halves¹, Bosnia and Herzegovina inhabited geopolitical space between two dominant cultural and civilizational influences. Mutual permeation of Judeo-Christian, Greco-Roman and Islamic culture and civilization allowed Bosnian-Herzegovinian citizens to develop proper cultural and civilizational spirituality and Bosnian political identity. At this particular period of time, the first form of a state-political organization of Medieval Bosnian state was established, whose residents called themselves Bosnians ('Bošnjani'). This name had a dual connotation. It was understood in the context of a state, as well as in a religious and ethnic sense. From the standpoint of state legal system, Bosnia and Herzegovina at that time had its rulers (for instance, a Bosnian

1 In literature that deals with historical development of BiH until Austro-Hungarian rule, official documents use only a term 'Bosnia'. Hence, I am adopting this authentic term.

ruler Ban Kulin (1180-1204), during which reign the Bosnian state experienced political and economic stability, and expansion), followed by nobility and the church, the Bosnian Church, whose adherents called themselves Krstjani („Christians“).

In a cultural-historic sense, an important role will be played by Bosnian Cyrillic known as BOSANČICA, widely used as a script for many charters and historical documents. For instance, Charter of Ban Kulin, issued on 29 August 1189, which allowed Dubrovnik merchants full freedom of trading across Bosnia, is considered a “birth certificate” of the Bosnian state. As medieval European state, Bosnia had its own parliament called ‘Stanak’, while one Hungarian document from 1137 confirms that Bosnia was an independent state in the early XII century (“bosniensis ducatus”) (Babić, 1972: 79). Two forms of rule were present at that time: the rule of bans and the royal rule. Pope’s letters to the rulers of Bosnia and various charters issued by the Bosnian rulers testify the independence of the state and not its vassal status (Klaić, 1994: 79). During this period, the Medieval Bosnian state functioned in accordance with the standards of the then customary law and state protocols typical of the states at that time. “Bosnian law was not codified; however, Bosnian customary law was written down in different forms” (Ibrahimagić, 1999: 27). Categories such as “faithful service”, “religious gentlemen”, “noble heritage” form the basis on which to build private-legal and public-legal relationships in Yugoslavia. In particular under King Stephan Tvrtko’s reign, Bosnian Kingdom expanded the borders of the Bosnian Medieval State into wide region, what none of the medieval state rulers were able to accomplish (Klaić, 1994: 262). However, fighting between the Bosnian nobles and continuous incursions by the state neighbors, primarily Hungary, contributed to the weakening of the state power, and made the country an easy prey for the Turkish rule.

1.1.2 Turkish occupation (1463 to 1878)

With the arrival of Turkish forces, Bosnia will lose its medieval state autonomy and independence. Yet, it will not completely lose all other features of the Bosnian-Herzegovinian identity. Despite sudden Islamization (in particular of feudal lords and dependent peasants), BiH would remain a country of expressed multi-religious identity. The Ottomans established their social, political, economic and legal order in the occupied territories. The main Ottoman sources of law were the sharia law and the state „sultan“ law called Kanun. Hanif School of Law was put in place in Bosnia and Herzegovina. In case that Qur’an and Hadith offered no legal solution, fatwa was issued. In that period, Ottomans nonetheless allowed for certain preservation of the BiH uniqueness. Religion was the only criteria for identification of the BiH population.

Apart from Islamic, Catholic and Orthodox religious groups, Jewish religious community in BiH was developing at that time, reinforced by the Spanish Sephardim who arrived in the 16th century (Vera Kržišnik-Bukić, 1997). Legal status of these communities was formalized in the millet system which recognized the rights of particular religious communities, thus contributing to major preservation of multi-religious identity of Bosnia and Herzegovina. During the Ottoman rule, the Muslims enjoyed greater privileges than others. However, there was a clear distinction between identity of Turks and Muslims. Turks called Bosnian Muslims as Bosnians, while Bosnian Muslims called Turks as 'Turkaši' (Turks). The unity of the Bosnian people was reflected in the fact that, in the 1930's, during European national awakening and shaking of the Turkish foundations in Europe, the so-called anti-reform movement was established, stemming from clear political stance on the BiH independence. It was a movement for autonomy of Bosnia and Herzegovina led by Captain Husein Gradašević. One of requirements of this movement was the autonomous status of the Bosnia within the Ottoman Empire. The Bosnian Uprising and the myth about it fall among the most active agents of the Bosnian identification process, since Bosnianhood of Gradašević was, among other things, motivated by feudal interests of the nobility in the Turkish central government. Hence, the Bosnian Uprising did not stem from the European 'Spring of Nations', although it took place at the same time. Nevertheless, Ivan Frano Jukić was closer to the genuine 'European Spring of Nations' since his concept of the 'Bosniakhood' (representing popular spirit of Bosnianhood with three established religious communities) originated from wider South Slavic movement. His efforts and efforts of others to revive the Bosniakhood failed.

1.1.3 The Austro-Hungarian Rule (1878-1918)

Austro-Hungarian occupation of Bosnia and Herzegovina put an end to the 415 year-long Ottoman rule over Bosnia. After the Congress of Berlin, BiH Austro-Hungarian authorities annexed Bosnia and Herzegovina. So, after the Ottoman Empire the country was ceded to Austria-Hungary, since under Article XXV of the Treaty of Berlin, Austria-Hungary was allowed to "occupy and administer the provinces of Bosnia and Herzegovina" (Sućeska, 1995: 99). Besides the Treaty of Berlin, Carigrad's convention (1879) and the Law on Rule over Bosnia and Herzegovina, adopted in parallel by the Parliaments of Austria and Hungary on 22 February 1880, established a legal foundation for governance over Bosnia and Herzegovina. During the Austro-Hungarian rule in Bosnia and Herzegovina, the country remained as a corpus separatum under the rule of the Emperor, as well as managed by the Joint Government, Government of Austria and Hungary, legislative bodies of the two

states and Delegations, all of which acted as a joint parliamentary body. However, even under Austro-Hungarian administration, efforts were put to cherish cultural particularity of the Bosnian-Herzegovinian identity. Owing to strong nationalistic propaganda of Serbia and Croatia, contemporary regime attempted to establish a concept of Bosnian nationality through revival of the aforementioned medieval tradition and the concept of "Bosniakhood". Besides a magazine titled 'Bošnjak' (Bosniak), which focused on propagation of the Bosniak ideology, Austro-Hungarian statesman Benjamin Kallay strived to promote and strengthen 'Bosniakhood', but to no avail. Sometimes it is claimed that Bosnian-Herzegovinian peoples are mostly to blame for this failure. Yet, such claim calls for comprehensive and complex analysis.

Even though Bosnia and Herzegovina was governed by Austria-Hungary until 1908, the country was not a colony of Austria-Hungary for reason that Austria-Hungary did not have legally unlimited authority over Bosnia. However, from the standpoint of economy, Austria-Hungary led colonial policy. Nevertheless, with the annexation of Bosnia and Herzegovina, Austria-Hungary terminated all restrictions that applied during the European mandate, and the sultan sold his sovereignty to the Austro-Hungarian Empire for two and a half million pounds sterling, thus extending the legitimacy of Austria-Hungary rule in Bosnia (Ibrahimagić, 1999: 45). Under the constitutional structure of Austro-Hungarian Empire, Bosnia, as *corpus separatum*, was a country with its own laws, even though these laws were adopted by some other party. Bosnian administrative reorganization in 1912 contributed to strengthening the role of military in the country's governance. This period is also characterized by the fact that Bosnia and Herzegovina inherited the legal system of Turkey, which includes the elements of Islamic law, Ottoman *Tanzimat* (reform) law and a few international contracts, what clearly distinguished it from two other legal systems within the Monarchy. Externally, BiH did not have a country-status, since it was subjected to Austria and Hungary. After BiH annexation, as a permanent goal of Austro-Hungarian policy in BiH,² international law was no longer in force, and Bosnia was the subject of internal Austro-Hungarian law. Thereafter, the 1910 Constitution of Bosnia and Herzegovina was sanctioned, whereas legislative power in Bosnia and Herzegovina was vested with the crown, that is, with a contemporary ruler (Imamović, 1997). Among other things, as a result of rivalry between Austria and Hungary over governance of the country, BiH would become one of the main causes of constitutional and political instability of the Monarchy.

2 International and internal position of BiH remained undefined in part due to formal sovereignty of the sultan over Bosnia and Herzegovina, who aggravated consolidation of the Austro-Hungarian rule and resolution of the agrarian question.

1.1.4 South Slavic Embrace

Following World War I and defeat of the Austro-Hungarian monarchy, Bosnia found itself for the third consecutive time in a multi-ethnic community (Vera Kržišnik-Bukić, 1997: 25) Namely, in September 1918 National Council of the united state of Slovenes, Croats and Serbs (orig. abbrev. SHS) adopted a memorandum on secession of South Slavic states from Austro-Hungary. Contemporary ruler of BiH handed over power to the National Council, which elects national BiH government made up of Serbs, Croats and Muslims. A sequence of events led to the situation in which the National Council stopped working. Soon after, BiH Government also shut down. Bosnia and Herzegovina held the status of a province within the Kingdom of Serbs, Croats and Slovenes. Hence, BiH jurisdiction was at the province-level.

After the Kingdom of Serbs, Croats and Slovenes united with the Kingdom of Serbia and Montenegro ("old" Yugoslavia), due to centralized and absolutist approach on the one hand, and inequality for other south Slavic peoples on the other hand, "old" Yugoslavia disintegrated at the beginning of World War II, that is, in 1941. This period of history is regarded as the dark period for Bosnia and Herzegovina. In other words, various political streams in newly-established South Slavic state suggested various administrative-legal solutions for the country breakup. Conflicts between Serbia and Croatia proved portentous not only to the BiH territorial integrity but also to Muslims who tried to nationalize, like Serbs or like Croats. Yugoslav Muslim Organization(JMO) demonstrated resistance to assimilation. Nowadays JMO is considered the most conscientious political subject of that era (Vera Kržišnik-Bukić, 1997: 35). This party set up conditions for accepting to vote on the Constitution of the Kingdom of Serbs, Croats and Slovenes, under the condition that BiH keeps its territorial integrity within its existing boundaries. These demands were incorporated in the Vidovdan Constitution approved in 1921, that affirms 'national unitarism and state centralism' following a principle: one people, one state. The Constitution incorporated Article 135 which stipulates that, in case of regional partition, BiH shall maintain its territorial integrity within its existing historical boundaries.

However, on 06 January 1929, the King abolished the Constitution, consolidated supreme royal rule, dissolved the parliament and established military government, at which point historical ground of the state disappeared. In the same year, the "Law on the Name and Division of the Monarchy into Administrative Regions" was passed.

General administration was carried out on banovinas (banates), counties and communes. At that time, Bosnia and Herzegovina had 4 banates, out of which only one was located on the territory of Bosnia and Herzegovina: Vrbaska Banovina (Banjaluka), Drinska Banovina (Sarajevo), Zetska Banovina (Cetinje), and Primorska

Banovina (Split). These banates deeply impinged upon the territory of the neighboring countries. Looking back, it seems obvious that division of the Monarchy into banates was the start of the country's division. Well-known Cvetković-Maček Agreement settled ten years later established Banovina of Croatia, which annexed one part of Bosnia and Herzegovina to NDH (Independent State of Croatia). On 16 August 1939, a Decree for the Establishment of the Banovina of Croatia was issued, that included Savska Banovina and Primorska Banovina, as well as 13 counties in Bosnia and Herzegovina, while the rest of the counties were to fall under Banovina of Serbia. Beginning of World War II prevented the implementation of this agreement. This state lasted until the outbreak of World War II, after which Bosnia and Herzegovina recovered its historical territories.

BiH peoples continued their political activities within the new community of South Slavic peoples, and they did so through political parties. Taking into account the fact that, at that period, political parties were formed around two dominant regional blocks - Serb and Croat ones, subsidiaries of Croatian, that is, Serb parties were active in contemporary BiH, alongside Communist Party of Yugoslavia, the Yugoslav Democratic Party and Yugoslav Muslim Organization.

At that time, Bosnia and Herzegovina had no official House of Representatives or National Assembly. Yet, the delegates from Bosnia and Herzegovina were elected to the National Assembly which held sessions in Belgrade, the capital of Yugoslavia (Saračević, 2009: 158). After the end of World War I, more precisely in 1919, socialist-oriented supporters established Socialist Labor Party of Yugoslavia. At that time, divergence between Communists and Reformists was already taking place, leading to founding of the Socialist Party of Yugoslavia. Social democratic parties did not have a major impact between the two world wars. Only after the end of World War II, the Communist Party of Yugoslavia monopolized political life, while actions of the Social Democrats became marginalized and repressed.

1.1.5 The Second World War and resumption of the territorial integrity of BiH

At the 2nd session of the Anti-Fascist Council of the National Liberation of Yugoslavia (orig. abbrev. AVNOJ), BiH was established within its current boundaries, while on the 1st Session of the National Anti-Fascist Council of the People's Liberation of Bosnia and Herzegovina (orig. abbrev. ZAVNOBiH) held on 25 and 26 November 1943, a resolution was adopted which proclaims that peoples of Bosnia and Herzegovina have lived together on the same territory for centuries, inextricably mixed and tied together with many joint interests. For this reason, "the peoples of

BiH desire that their country (which is neither Serbian, nor Croatian, nor Muslim, but rather equally Serbian and Croatian and Muslim) be a free and united as blood brothers BiH, in which the full equality and unity of all Serbs, Croats and Muslims³ will be secured, as well as equality of members of other peoples who lived in Bosnia and Herzegovina“ (Ibrahimagić, 1999). Consequently, Bosnia and Herzegovina was a specificum in itself in the Socialist Federal Republic of Yugoslavia. So, “new” Yugoslavia was made up of „five federal units established on the national principle: Slovenia, Croatia, Montenegro, Macedonia and Serbia, where single nationality formed a majority of the total population in each federal unit, while BiH, “although not a single-nation federal unit, was granted a status of a federal unit based on the criteria of its economic-cultural and historical specificity“. Bosnia and Herzegovina, as a community of equal citizens of Serbs, Croats and Muslims in the frame of Socialist Federal Republic of Yugoslavia, was granted its legislative powers, conferred on the National Assembly of Bosnia and Herzegovina, established on the third session of the State Anti-fascist Council for the National Liberation of BiH (orig. abbrev. ZAVNOBiH) held in Sarajevo in April 1945. Constitution of the People’s Republic of Bosnia and Herzegovina (orig. abbrev. NR BiH) was adopted on 31 December 1946. The Constitution defines Bosnia and Herzegovina as a “people’s state, federal in form”, which unites with other republics (Croatia, Serbia, Slovenia, Macedonia and Montenegro) in the Federative People’s Republic of Yugoslavia on the basis of the right to self-determination, including the right of separation. With Constitution adopted in February 1947, BiH changed its name from the People’s Republic into the Socialist Republic of Bosnia and Herzegovina (orig. abbrev. SR BiH), thus affirming the principle of equality of its peoples and nationalities, the right to separation from the federal community, and the principle of equal representation in all forms of social and political organizations and communities (Saračević, 2009: 159).

However, in early 1920s it became evident that the State Anti-fascist Council for the National Liberation of BiH, that was supposed to finally resolve the national issue in BiH, would not do so. Namely, the breakup of Yugoslavia was followed by encroachment on the Bosnian territory, which was obviously not sufficiently manifested in the decisions of the contemporary authorities. Furthermore, unresolved status of Muslims revived old national hegemonic appetites of Serbs and Croats in Bosnia and Herzegovina. Yet, Bosnia and Herzegovina truly lived Tito’s motto of “brotherhood and unity“. Based on the 1991 census, 5,54% of the BiH residents ethnically declared themselves as Yugoslavs. It seemed that Bosnian Muslims, Bosnian Croats and Bosnian Serbs, alongside members of other peoples and

3 At that time, Muslims were not given the status of the people; this status was recognized only with adoption of the Constitution from 1974. With Decision of the Bosnian Parliament from 1993, Muslims officially declared themselves Bosniaks.

nationalities in BiH, were satisfied with national equality that operated based on the 'ethnic key' (proportional representation when filling cadre positions), without great pomp. A large portion of the academic and intellectual community in BiH even nowadays fondly remembers these decisions, and refers to them, in particular to the Socialist, Republican Constitution from 1974⁴, that did not dispute 'Bosnian people in the state'.

1.2 BiH independence after the break-up of Yugoslavia – legal aspect

After all, Constitution of the Republic of Bosnia and Herzegovina, as well as constitutions of other countries had to be changed, especially in the areas that did not meet the criteria of constitutional democratic statehood (for instance, party monolithic state administration), with reference to everything that stood for authentic foundation of the old regime. 1974 Yugoslav Constitution led to final „phase of Socialist Yugoslav statelessness“ (Dimitrijević, 2006: 163). Yugoslavia of that period fell into the state highly reminiscent of Hobbes 'state of nature', in which all means were allowed, while the state was falling apart under the auspices of nationalist actors who desired to disunite Yugoslavia by using the instruments of coercion (the case of Yugoslav National Army – JNA). After Slovenian parliament's decision to leave contemporary Yugoslav community, general chaos followed in the country. Ever more obvious dominance of nationalism led by Slobodan Milošević awakened national consciousness with the neighboring countries. Hence, Slovenia's declaration of independence was followed by secession of Croatia and Bosnia and Herzegovina. 1974 Yugoslav Constitution was used as a tool by the Communist Party of Yugoslavia to promote nationalism, since ideology of national equality should have been complementary to the ideology of Socialist Self-administration. Nonetheless, this ideology grew into a collection of aggressive nationalisms“ (Dimitrijević, 2006: 163).

During 1990, the Assembly of the Socialist Republic of Bosnia and Herzegovina (orig. abbrev. SR BiH) amended the Constitution of the Socialist Republic of BiH, to enable introduction of a multi-party system and to outline a way for formation of political parties for the upcoming elections scheduled for 18 November 1990. SR BiH initially banned association of citizens based on religious and ethnic grounds,

4 With 1974 reform of the Constitution of the Socialist Federal Republic of Yugoslavia, federal republics were given the right to secede as bearers of sovereignty. They were also granted higher degree of independence from the central government in Belgrade.

directly because of the specific context of a multi-ethnic country. Yet, the Constitutional Court of the Socialist Republic of Bosnia and Herzegovina subsequently approved formation of parties on ethnic grounds, arguing that any ban on such association violates basic human rights and freedoms. This event formally marked the start of political pluralism development in Bosnia and Herzegovina. Political parties were partly funded through reform of former political organizations from one-party dominant system,⁵ and partly through conceiving their political party programs based on ethnic principle.⁶ Other parties were founded as well, such as the parties with civil commitment (parties which advocate the interests of all BiH citizens, without ethnic exclusivity).⁷

15 political parties participated in the first multi-party elections held in 1990, while three main ethnic parties SDA (Party of democratic action), SDS (Serbian Democratic Party) and HDZ (Croatian Democratic Union), won a total of 84% MP mandates in the Assembly of the Socialist Republic of Bosnia and Herzegovina. However, the three leading parties could not agree either on a political program or on a vision of the future development of the Socialist Republic of BiH. Yet, they formed a government on a partnership basis (Pejanović, 2006: 52). The main line of division between the parliamentary parties in 1990 concerned the future model of territorial organization of BiH, in which process two opposing viewpoints have been coined. First viewpoint advocated for sovereign and independent development of Bosnia and Herzegovina and its withdrawals from the Yugoslav community,⁸ while the other viewpoint advocated for BiH to remain a part of the already broken community of the Socialist Federal Republic of Yugoslavia.⁹ Considering that two national parties (SDA and HDZ, as well as five opposition parties) advocated for sovereign and independent development of BiH, and SDS for any other alternative, on 24 and 25 January 1992 the Assembly of the Socialist Republic of Bosnia and Herzegovina adopted a Decision to hold a referendum for establishing the future status of BiH. Voter turnout was 64% of 2/3 of registered voters. Out of this number, 99% of the citizens voted for independence of BiH and its withdrawal from the Yugoslav community. However, non-recognition of the legitimacy of the

5 The Socialist Party evolved from the League of Communists, Social Democratic Union evolved from Socialist Labor Union of Bosnia and Herzegovina, while Liberal Party of BiH evolved from League of Socialist Youth of BiH.

6 The Party of Democratic Action (SDA) mostly gathers Muslims (later on Bosniaks), Serbian Democratic Party (SDS) mostly gathers Serbs and Croatian Democratic Union (HDZ) Croats.

7 These are: The Party of Yugoslavs, Democratic Party, Union of Reform Forces for BiH (SRS za BiH) and others.

8 This alternative was supported by SDA, HDZ and other opposition parties: Social Democratic Party (SDP), SRS for BiH, Democratic Socialist Alliance (DSS), Liberal Party (LS) and Muslim Bosniak Organization – MBO.

9 This alternative was supported by SDS and the Serbian Renewal Movement (SPO).

referendum for BiH independence (that, from the constitutional and legal aspect, reflected actual democratic will of the majority of BiH citizens) by Serb political leaders led to the parliamentary crisis in BiH, and the outset of bloody war conflicts (Pejanović, 2006: 55). The bloodiest conflict in Europe after World War II was characterized by ethnic cleansing, concentration camps, mass murder, rape and indiscriminate shelling, all of which resulted in the deaths of around 100,000 and 110,000 people, while around 2.2 million people were displaced.

1.3 Current political system and constitutional order

1.3.1 Constitutional anarchy during the state of war

1992-1995 war period gave rise to illegal constitutions in an attempt to legitimize territorial conquest that involved ethnic cleansing (RS Constitution, Constitution of Herzeg - Bosna), and in response to which, a few other pseudo-constitutions were established, such as the Constitution of the Federation of Bosnia and Herzegovina. This Constitution, which was passed as “a separate form of legal document in reaction to the social facts”, and “aiming at peace and balance restoration” (Šarčević, 2010: 430) between the contemporary Republic of Bosnia and Herzegovina and Croatian Republic of Herzeg-Bosna, was in force as long as amended version of the Constitution of the Republic of Bosnia and Herzegovina was in force. The amended version of the Constitution of the Republic of Bosnia and Herzegovina was declared unconstitutional by the BiH Constitutional Court in 1993. During the war, two parallel assemblies existed - the Assembly of the Republic of Bosnia and Herzegovina and the RS Assembly, alongside the House of Representatives of the Croatian Republic of Herzeg Bosna that was declared on 28 August 1993. All three assemblies had taken over legislative function across their territories, over which they exerted military powers until the end of the warfare. Before the Annex 4 to the General Framework Agreement for Peace in Bosnia and Herzegovina, which incorporates current BiH Constitution, entered into force¹⁰, the Constitution of the Republic of Bosnia and Herzegovina remained in force (this Constitution implies the Constitution of the Socialist Republic of BiH). Following the path of ‘establishment of civic democracy’, the Constitution was amended in late July 1990 with “twenty one amendment intervention”, and was later on adopted, in the session of the BiH

10 General Framework Agreement for Peace in Bosnia and Herzegovina was agreed on 21 November 1995 in Dayton, USA, and signed on 14 December 1995 in Paris. Republic of Bosnia and Herzegovina, Republic of Croatia and Federal Republic of Yugoslavia were parties to the Framework.

Presidency held on 24 February 1993, in the form of revised text (Šarčević, 2010: 49). On the other hand, the fact that the revised text of the Constitution was declared unconstitutional by the BiH Constitutional Court reveals the state of ambiguity, incompleteness and statelessness on the road to constitutional democracy in BiH, in particular during the war in Bosnia and Herzegovina.

1.3.2 The Dayton Agreement and building of concordant democracy

Provided that demarcation between the absolutist, authoritarian or totalitarian states is made by defining 'quality of government', rather than the size of the government, Bosnia and Herzegovina is not a constitutional democracy, for reason that, in Preuss Ulrich's words, constitutional democracies are characterized by political power that is subjected to codes of rules that do not aspire to have the status of legal norms, and that are applied via particular agencies responsible for implementation of laws (particularly courts, including a constitutional court)" (PreussUlrich Klaus, 1993: 1). When describing constitutional definition of the state and minority rights in post-communist countries of the South East Europe, and identifying the identities of the states such as Albania, Bosnia and Herzegovina, Macedonia, Serbia and Slovenia, which allegedly 'insist on loyalty to liberal constitutionalism', Nenad Dimitrijević concludes that these states "have not reached a controversial concept of the national state" (Dimitrijević, 2001: 57). "These privatized ethno-nationalist states....are explicitly founded on neo-liberal ethical preference of particular collective cause of a (majority) national group, which in consequence divides citizens along the lines of their ethnic affiliation" (Dimitrijević, 2001: 57). In Bosnia and Herzegovina there are three constituent dominant ethnic groups, that is, Serbs, Bosniaks and Croats. These ethno-nationalist states, just as Bosnia and Herzegovina, as founded on two mutually exclusive postulates. In case of Bosnia and Herzegovina, the Constitution articulates democratic legal and political institutions, procedures of political decision-making and a catalogue of individual rights. However, the value of liberal constitutionalism elements is contested in the very introduction of the Constitution, with nationalist features of the state. The Preamble of the Constitution establishes the following: "Bosniaks, Croats and Serbs as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina hereby determine the Constitution of Bosnia and Herzegovina" (Constitution of Bosnia and Herzegovina)¹¹. As a result,

11 With General Framework Agreement for Peace in Bosnia and Herzegovina, key principles of the state, legal and political organization of Bosnia and Herzegovina were agreed on. The Constitution of Bosnia and Herzegovina is an integral part of this Agreement, as Annex 4 of the Agreement, which consists of a preamble and 12 Articles. Under Article 1, the Constitution defines key principles, such as continuity, democratic principles, composition, movement of goods, services, capital and persons, capital, symbols and citizenship of Bosnia and Herzegovina. Other Articles

procedures of political decision-making are largely ethnic, i.e. collective, while the catalogue of individual rights in the political sphere is obfuscated, at the cost of collective rights. Political power, concentrated through mobilization of ethnic identities, is not subjected to special rules or norms. In this fashion, country designed in such a way is actually virtual property of three constituent peoples - Serbs, Croats and Bosniaks, while all 'Others' are tenants, i.e., non-owners of Bosnia and Herzegovina. The phenomenon of 'constituency' is also discriminatory, and, as such, actually "the cause of constitutional crisis and non-functioning of the state institutions of Bosnia and Herzegovina in the last two decades" (Seizović, 2014: 7).

Literature that attempts to define the BiH system of government provides different definitions of the system, from "asymmetric confederation", "union of two independent political entities", "a segmented state", "weak federation", "incomplete federation", etc. However, no one has questioned the value of the international treaty that ended the war in Bosnia and Herzegovina. Annex 4 of the General Framework Agreement, commonly referred to as Dayton Constitution, in the Preamble sets out democracy as a goal, thus referring to more than just power relations that existed at the Peace Treaty conclusion, because democracy was not at all alive at the end of the war. The Constitution of BiH establishes that Bosnia and Herzegovina shall remain with its present internationally recognized borders. Yet, at the same time, the country is awarded a federal structure with institutions of concordance i.e. consociational democracy (Lijphart, 1977). It is established that Bosnia and Herzegovina consists of two Entities, that is, Federation of Bosnia and Herzegovina and Republika Srpska, while the status of Brčko District was subsequently regulated by Decision on the Brčko District. Federation of Bosnia and Herzegovina covers 51% of the territory, while Republika Srpska covers 49% of the territory of BiH. Entity constitutions stipulate that Federation of Bosnia and Herzegovina consists of federal units (Cantons), while Republika Srpska resembles a unitary autonomous republic. More precisely, Article 1 of the BiH Constitution sets out that "Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska". Framer of the Constitution introduces a concept of 'entity', and, so, avoids classical terms, such as: province, republic, region, and so on. Before the adoption of the Dayton Constitution, one of the Entities already had its own constitution, constitutional structure and the name of Federation of

define and interpret, among other things, the issue of human rights and fundamental freedoms, responsibilities and relations between the Institutions of Bosnia and Herzegovina and the Entities, Parliamentary Assembly, Presidency, Council of Ministers, Standing Committee for military issues, Constitutional Court, Central Bank, Finances and budget, General Provisions, Amendments, Transitional Arrangements and Entry into Force: see "Constitution of Bosnia and Herzegovina": http://www.mvp.gov.ba/dobro_dosli_u_bih/drzavno_uredjenje/ustav_bih/?id=261 – accessed on: 27.10.2014

Bosnia and Herzegovina. Consequently, the framer of the Constitution does not use the term 'federal unit', since this would lead to setting up of an illogical structure, in which Federation of BiH would be set up as a federal unit. On the other hand, if we state that BiH is a Federation, this would imply that existence of Federation with the Federation. Or, if we state that Bosnia and Herzegovina is a Republic, that would imply existence of Republic within the Republic.

Even though, from a formal and legal point of view, the Constitution defines integral BiH state borders, proclaims free movement of persons, capital and services throughout the country, guarantees fundamental human rights and freedoms, it has not installed instruments for actualization of these principles. What is more, the Constitution installed ethnic elements, even though we cannot define Bosnia and Herzegovina as the typical state founded on ethnic federalism, for reason that this model implies that each ethnic group is territorially organized in a federal unit, as is not the case with BiH, especially in relation to territorialization of ethnic segments of the political community. If this was so, there would be a symmetric relation between the names of the entities.

Nonetheless, in political terms, this symmetry is evident in the formula of the constituent peoples. BiH is a political union of the three constituent peoples, with the system of government based on distinctive elements of ethnic federalism. This formula does not correspond with the essence of Bosnia and Herzegovina, as a multi-cultural society without internal borders. The term citizen, i.e. BiH citizen, was made very insignificant, and totally replaced by a term 'nation / nationality'. Consequently, legitimate power in Bosnia and Herzegovina is vested in ethnic groups and not in citizens. For this reason, citizens fulfill their political affiliation only as members of certain ethnic group.

However, according to some theoreticians, territorial division of power within one state (Lake/Rothchild 2005, 109) is a feature of many other peace agreements. Still, according to Gromes, Bosnia and Herzegovina differs from other cases in the sense that the entities have different internal structure and that the Peace Agreement incorporated concordational model of democracy in the Constitution in a very detailed and rigid way (Gromes, 2009: 49, 50). Based on this model, international actors are given very important positions in the institutions of Bosnia and Herzegovina (High Representative in BiH and the 'Bonn Powers', for instance).

Such concordational democracy is primarily characterized by: "constitutional ethnization of society, internationalization of the state law, temporary nature, legalization of crimes and war goals, ethnic-consensus democracy, ethnic enactment of political decisions, external assistance, the loss of state sovereignty, constant violation of human rights and legal inconsistency of the constitutional solutions" (Šarčević, 2010: 427).

Many citizens of Bosnia and Herzegovina, representatives of local and foreign authorities, representatives of various international organizations and experts from various fields considered a new political system as “Frankenstein”, “a monster”, a straitjacket, more or less due to aforementioned characteristics of the political system. Hence, almost twenty years since the signing of the Dayton Peace Agreement, a fundamental political conflict has been going on in ethnic political communities over territorial, administrative and legal political structure of BiH. The Bosniak community believes that the international community forced BiH citizens to accept ethnic division, and that there is no historical, economic and geographical justification for such a structure. Furthermore, the Bosniak community believes that creation of such Bosnia was possible only based on aggression and genocide. The Serbian community in post-Dayton Bosnia and Herzegovina holds that Republika Srpska acquired and upheld its territorial and legal continuity since 1992, and that, contrary to belief by Bosniaks and Croats, it was not established by the Dayton Peace Agreement. The Serbian community rather believes that the RS was verified by the Peace Agreement, and that, therefore, its existence cannot be called into question. The Croatian community believes that the Dayton Peace Agreement “opened” a question of Croatian national identity in that it regulated “inter-ethnic relations to the detriment of the Croatian people in BiH; as a result, there is an attempt to address dissatisfaction by requests for formation of the third entity, that should allegedly be viewed as a logical, justified and rightful programmatic goal of the Croatian people, as long as BiH consists of the Entities and as long as there exists Republika Srpska (Šaćić, 2007, 12-13).

1.3.3 The International Administration in Bosnia and Herzegovina

The complexity of the political system is also determined by the role of OHR (Office of the High Representative) and the High Representative in BiH. Because of this, BiH is often considered as a semi-protectorate of the international community.

Dayton Peace Agreement granted to the High Representative limited competencies by proclaiming him as the last instance „on the ground“ for interpreting the Annex 10 (Article V). At the PIC Conference in Bonn in December 1997, the Peace Implementation elaborated on this provision of the Annex 10 and extended the mandate of the High Representative by empowering him to be able to remove from office BiH public officials. Besides, the High Representative was also able to declare decisions of the parliament as null and void, amend them or impose laws. Hence, by August 2008, the High Representative “removed over 190 public officials from office, and used Bonn powers in around 860 cases” (Gromes, 2009: 51). Consequently, functionality of the system was provided by Office of the High

Representative of the international community on a number of occasions. So, OHR was regarded as a new political institution in the country. Considering rather low capacity of the Parliament to function as a legislative body in matters that were of vital interest to the BiH development, High Representative imposed 112 laws in the period 1997-2007. In such a way, the institution of the Office of the High Representative substituted for the political vacuum, since leading parliamentary parties were not able to reach consensus on principal issues of common interest, such as appearance of a coat of arms or a flag, the anthem, the appearance of notes, common defense and security policy, police reform, reform of the broadcasting service, etc. Irrespective of the fact that, in such way, continuity of the BiH political system was ensured, the process itself is questionable from the aspect of legitimacy of representative democracy, as the decision-making process circumvents legally elected representatives of the people, while the High Representative is not authorized by the Constitution to propose legislation (Saračević, 2009: 164).

1.4 Legislative powers

1.4.1 Parliamentary Assembly of Bosnia and Herzegovina

Characteristic of the state parliamentarism in Bosnia and Herzegovina or state legislative powers may be understood only in the context of concordational democracy. Namely, Parliamentary Assembly of Bosnia and Herzegovina, as the carrier of legislative power, has two chambers - the House of Representative as the representative body of the citizens, and the House of Peoples as the representative body of three constituent peoples: Serbs, Croats and Bosniaks. The House of Representatives comprises of 42 Members, with two-thirds elected from the territory of the Federation and one-third from the territory of the Republika Srpska. The House of Peoples comprises of 15 Delegates, five Croats, five Bosniaks and five Serbs, with Bosniak and Croat delegates being elected by the Bosniak and Croat delegates to the House of Peoples of the Federation of Bosnia and Herzegovina, and Serb delegates being elected by the National Assembly of the Republika Srpska. Consequently, legislative power is vested in the 'ethnic delegates' (House of Peoples of the BiH Parliamentary Assembly) and 'Entity Parliamentarians / MPs' ('House of Representatives of the BiH Parliamentary Assembly'). Representatives of the House of Representatives of the Parliamentary Assembly of BiH represent the interest of the citizens from their entity, as directly elected holders of legislative power, while delegates of the House of Peoples of the Parliamentary Assembly of BiH are delegated by representatives

from the Entity Assemblies, and they indirectly represent exclusively the interests of the three constituent peoples. So, the Dayton principle of ethno-territorial division of BiH is applied for selection of representatives and delegates. In other words, the Dayton Constitution implies territorial organization of BiH as the community in which Serbs should exclusively reside on the territory of Republika Srpska, while Bosniaks and Croats should reside on the territory of the Federation of Bosnia and Herzegovina (FBiH) in order to be entitled to their political rights.¹² According to thus conceived form of representative democracy organization, politicians from the Federation of BiH may be the only ones to represent the interests of the FBiH citizens. That is, politicians who reside on the territory of the RS may be the only ones to represent the interests of the RS citizens. In such a way, further social integration between political parties and citizens was restricted.

House of Peoples applies similar principle of territorial distribution of seats: one-third of the delegates are exclusively elected from the territory of Republika Srpska, while remaining two-thirds (one-third delegates from the Bosniak people and one-third delegates from the Croat people) are elected from the territory of FBiH (BiH Constitution, Article IV (1) and Article IV (2)). The category of "Others", that is, other, unconstitutional peoples as national minorities, is not at all represented in the House of Peoples, even though, according to 1991 census, 7,7 per cent of population describe themselves as "Others". Consequently, their rights have been violated.

Next, entity-based voting has grown into ethno-territorial blockade mechanism. The Council of Europe defines this type of voting as the main obstacle to the economic progress of Bosnia and Herzegovina and its progress towards the EU and NATO. Moreover, entity-based voting strengthens and stimulates politicians to fuel their wall-building around the entity by addressing only voters from their entity. Ethnic groups are thus oriented toward self-determination, while political leaders simply use existing Dayton institutions to expand their rights and undermine the state. Therefore, a question is often raised as to whether such parliamentary system is legitimate, for reason that the country in which national interests of one of the constituent peoples are decided by representatives from one-third of the BiH territory, can in no way reflect the principle of representation of the whole people belonging to one of the constituent peoples (Saračević, 2009: 165). Such election of representatives and delegates in the two Houses of the Parliamentary Assembly of Bosnia and Herzegovina is in opposition to Protocol 12 of the European Conven-

12 Number of mandates of the delegates from the two Entities is distributed according to the place of residence of a candidate, so that political party candidates and independent candidates from the RS are entitled to one-third of the mandates, while candidates from the FBiH are entitled to two-thirds of the total mandates in the House of Representatives of the BiH Parliamentary Assembly.

tion of Human Rights, which stipulates general prohibition of discrimination on any grounds in terms of participation in the public institutions and administrative bodies. In the institutional sense, BiH Constitution legalizes “impenetrable decision-making model in the Parliamentary Assembly, the Presidency and the Council of Ministers“, and “encourages disintegrative policy and a political party system that lives off conflicts and a status of permanent opposition of the ‘constituent peoples’. Various re-interpretations of our Constitution increasingly indicate that the Constitution “does not correspond to a doctrinal concept of a constitution, does not meet organization and legal requirements and does not fulfill classical constitutional functions. It is impossible to introduce harmonized state policy based on the premises of the current constitution” (Šarčević, 2010: 427).

In the context of present constitutional order, even vital national interest of the people in Bosnia and Herzegovina does not represent a category per se. It is rather a sum of the interests of the entities and constitutional interests, while representative role of the BiH Parliamentary Assembly is manifested through partial, fragmented functionality which is formalized in a system of conflicting, exclusivist and elitist policies (Saračević, 2009: 165). Hence, it seems that Bosnian-Herzegovinian society, as the presumed holder of sovereignty, is not conceived as a whole within the existing system, but rather the sum of three constituent peoples, which are, in a constitutional sense, projected as the holders of sovereignty. Thus, based on the logic of the constitution, three constituent peoples function as three separate societies, with their own sovereignty (Šaćić, 2007).

In regard to relationship between the state and the entities, there was a limited transfer of competencies from the entity to the state level, including joint defense policy, joint police forces and taxation policy. However, the process of development and strengthening of the state institutions will continue to be conditioned by the entity consent to the transfer of authorities and their efforts to reach consensus on a common future (Saračević, 2009: 167).

After long experience of incomplete statehood that is evident today, Bosnia and Herzegovina can no longer be reconstructed as a nation-state, primarily because the principle of the nation-state as we know it in Europe is set aside only for homogeneous ethnic communities. On the other hand, Bosnia and Herzegovina is a multi-ethnic community, in which ethnic groups have acted as nations for a very long time. This would ultimately lead to further territorial stratification of the country and even higher degree of discrimination.

1.5 Executive powers

1.5.1 Presidency of Bosnia and Herzegovina

Presidency of Bosnia and Herzegovina represents the collective head of the state and the holder of the executive power. Representation and equality of the constituent peoples is based on the principle of parity (election of the members from the constituent peoples: Serbs, Croats and Bosniaks) and wide application of the principle of consensus in the decision-making. Each member of the Presidency has the ability to use its veto rights¹³ if he / she holds that a particular decision violates vital national interest of the entity, and in case the veto actually protects vital national interests.

Such structure and decision-making process of the Presidency implies that the Presidency is a confederal body and Bosnia and Herzegovina a confederation. Yet, this statement may be challenged by an argument that the constituent peoples rather than entities are directly represented in the Presidency (Marković, 209: 210). As regards Bosnia and Herzegovina, the entities are not at all represented in the Presidency, although its members are elected from the entities. Since there is no formal or legal relationship among the elected members and the entities from which they were elected, owing to the fact that the Presidency members are not obliged either to follow the policy of the entities from which they were elected or to fulfill orders by the entity institutions, we cannot talk about BiH system sharing characteristics of a confederal system. The very fact that the Presidency represents the constituent peoples indirectly implies and attests concordational elements of the political regime in Bosnia and Herzegovina (Marković, 2009: 213).

Even though the constitution guarantees equality of the three peoples in respect to their being entrusted the task of the president of the country, it does not guarantee all individuals equal right to vote to elect Presidency members. While Bosniak and Croat members of the Presidency are elected exclusively by voters in the Federation of Bosnia and Herzegovina, Serbian Presidency members are elected in the Republika Srpska (Article V(1)). Consequently, whole categories of the citizens in the

13 Element of confederal arrangement is also regarded as the power of the Presidency Members to exercise a veto role on decisions of this institution. Namely, if a member of the Presidency vetoes a decision, legislative power holders at the Entity level will make a final decision on the veto; hence, one may conclude that the power to annul is vested in Entities. For this reason, some authors characterized Bosnia and Herzegovina as a confederation. See more in: Marković, Goran (2009), "The Presidency", in *Introduction to the political system of Bosnia and Herzegovina: chosen issues* (Ed: Saša Gavrić, Damir Banović, Dr. Christina Krause), the Sarajevo Open Center and Konrad Adenauer Foundation (Office in BiH), Sarajevo.

Entities, depending on their ethnic affiliation, are directly or indirectly excluded from the process of election of the Presidency members (Marković, 2009: 214). By such election procedure of the Presidency members, Constitution of Bosnia and Herzegovina contradicts itself. The Constitution incorporates certain international human rights conventions. One of them is International Covenant on Civil and Political Rights. Article 25 of the Covenant prescribes that every citizen shall have the right and opportunity “to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage.”¹⁴

Although in all elections until 2006, the voters voted for candidates from amongst its constituent peoples, so that one may say that, due to strong national polarization of the electorate, each Presidency member actually represented the people of his constituency, the process of election does not rule out the possibility that a member of the Presidency from one of the constituent peoples is elected by votes of the voters of other two constituent peoples. In such event, one constituent people would not have their legitimate representative in the Presidency, as it happened once (Komšić case). This indicates a serious drawback of the direct election of the Presidency members (Marković, 2009: 215).

1.5.2 Certain specificities of the decision-making process of the BiH Presidency

There are a few specificities in regard to election of the Presidency members and the decision-making process of the Presidency. As Marković noted, it is interesting that the BiH Constitution does not provide a definition of the Presidency as a political institution, but it instantly establishes composition and election procedure of the Presidency members, followed by definition of the members' term and powers vested in the Presidency. In other words, the Constitution avoids essential designation of this institution, what is most likely conditioned by the fact that, at the time of adoption of the Constitution, national political elites could not agree on the legal status of Bosnia and Herzegovina (state or confederation), and, consequently, could not reach an agreement on constitutional role of the Presidency (Marković, 2009: 211). It was only after adoption of the Election Law of Bosnia and Herzegovina that the issues that had not been established in the Constitution were addressed in the Election Law, such as: the number of votes necessary for election of the Presidency members, rotation among members every eight months so that every member of the Presidency takes over the role of the Chairman, replacement of the Presidency member who is unable to permanently or temporarily carry out

14 http://www.pravni.ns.ac.yu/UN_ugovori-ICCPR.pdf.

his or her functions, or who vacates his or her office for any reason, etc. (Marković, 2009: 212).

Conclusion

In view of all this, it is obvious that contemporary Bosnia and Herzegovina is much further away from the constitutional democracy than regimes that had preceded it. Circumstances that detach us from democracy cause a wide rift and bring political participation to a gridlock, significantly reducing development of internal party democracy. For this reason, Bosnia and Herzegovina needs a moral constitution that will encourage citizen participation, not only in a context of loyalty but also in a context of the most legitimate expression of moral autonomy of a person. BiH needs a social order above all in order to protect human dignity of all its citizens regardless of identity. Yet, taking into account constellation of relations between political actors in Bosnia and Herzegovina, consensus on these rights can be reached only from the position of universalist demands of the citizens for dignity that every person is entitled to. In such a way, human dignity retains connotations of self-respect and social recognition, and stands outside of all national borders, thus preventing momentous spread of mere rhetoric on human rights which is not mirrored in reality, and, in the case of Bosnia and Herzegovina, abuse of such program by national and ethnic politics. Therefore, agreed constitutional and legal arrangements with citizens, rather than arrangements that strengthen the power of the state, an ethnic group, a nation or any other entity, are an opportunity for the BiH citizens to escape the clutches of ethno-nationalism.

Damir Kapidžić

PART TWO

PARTY SYSTEM

2. PARTY SYSTEM

Introduction

Political parties occupy a central place in contemporary representative democracies. Interrelatedness of political parties and a political system of a country is best described through study of a party system. The roles of political parties in democratic systems are multiple, while a central role is to coordinate between elected leaders and citizens. Political party establishment and conduct of free elections are often seen as the start of democratic governance. At the same time, a multi-party system is considered as one of the key foundations of a democratic system, which calls for continuous social support to various political parties. For the purpose of this working study, it is necessary to review a political system of Bosnia and Herzegovina (BiH) in its form during the first half of 2015.

Social divisions that differ between countries provide main bedrocks of the establishment of political parties. In this way, political parties gather themselves around certain social divisions and identity characteristics that may be founded on economic, religious, national or other basis. Since the mid-1970s, greater focus has been placed on the establishment of competitive political systems and more permanent forms of political parties (Lipset, 2000). It is difficult to offer a comprehensive definition of a party system. The most acceptable definition was offered by Sartori, who calls it “the system of interactions resulting from inter-party competition” (Sartori, 2005: 39). The party system of democratic states is based on rules and behavioral patterns, which arise through a tangle of competitive relations and interactions among political parties, and make party competition forms more predictable and mutually dependent within social framework of power struggles. Hence, a party system is much more than simply the sum of the parties. In case of persistence of competitive relations among the same political parties, what is particularly characteristic of the countries of Western Europe, we may talk about institutionalization of the party system, even though other authors use expressions such as “structuring” or “systemness through closure” (Kitschelt, 2007: 525).

Through review of the BiH party system, an attempt will be made to give a broad overview of the current situation, and assess the stability of the party system in this country. Section one provides a historical overview of the development of political pluralism in the last quarter century, as well as overview of the basic social divisions essential for the establishment of political parties. Section two introduces legal basis for establishment and financing of political parties in Bosnia and Herzegovina. Section three and four provide a statistical overview of the party system based on results of the BiH Parliamentary Elections, 1996-2014, with particular focus on relevant parties. Section five concludes a working study and gives assessment of stability of the party system.

2.1 Introduction of a multi-party system and development of political pluralism since 1990

Contemporary Bosnia and Herzegovina is a non-consolidated democracy with a multi-party system. Current political and party system is based on the 1995 Dayton Constitution of Bosnia and Herzegovina. However, a multi-party system was introduced a few years earlier. The process of contemporary development of the party system in Bosnia and Herzegovina began within the framework of democratic transition that included Central and Eastern Europe between 1988 and 1990. First elections held in November 1990 presented a turning point towards democratic transition. After over four decades of single-party rule, 1990 elections introduced a multi-party system.

Faced with a loss of legitimacy and permanent social and economic crisis, and surrounded by democratic transition all across Central and Eastern Europe and other South Slavic republics, the League of Communists of Bosnia and Herzegovina in 1990 decided to allow multi-party organization and conduct of democratic free elections. First free elections were set in the same year, modelled on elections that have already been conducted in Slovenia and Croatia. In July 1990, Amendments LIX-LXXX to the Constitution of the Socialist Republic of Bosnia and Herzegovina were adopted. These Amendments radically changed political system of the contemporary socialist republic. BiH was defined as a democratic and sovereign state of three equal peoples (Muslims, Serbs and Croats), citizens and other minorities that reside in BiH. All of the citizens, as power tenants, were guaranteed possibility to elect their representatives to the government institutions through multi-party, secret, open and free elections. Freedom of association and political activity was

introduced, thus opening the door to establishment and / or revival of political parties. In an effort to eschew particularization and ethnization of the party system, prohibition of establishing political parties on ethnic grounds was introduced. This move was before long judged as unconstitutional, thus enabling the establishment of ethnic parties and ethno-political mobilization (Arnautović, 2009: 179-180).

Convening of first free elections followed particular transitional logic, illustrated by O'Donnell and Schmitter a few years before political turmoil in the Socialist Federal Republic of Yugoslavia. The mere act of announcing free elections, followed by specific actions such as constitutional amendments and adoption of new electoral laws, initiated accelerated process of change in relations between the authoritarian power holders and opposition forces and fractions. Solid prospects of the conduct of free elections place political parties in the center of political events, give them their "moment of glory" and differentiate them as holders of democratic and political decisions (O'Donnell & Schmitter, 1986: 57). In the ethnically pluralistic societies, this accelerated process takes on additional dimension of competition among ethnic representatives. Unless there is a lack of trust in the impartiality of public institutions and there is a conviction that the government policy will exclusively and disproportionately benefit the ethnic group that won the elections, "conquest" of these institutions becomes a burning issue (Horowitz, 1985: 194).

Establishment of new political parties in Bosnia and Herzegovina began in the first half of 1990s. The place formerly occupied by the Communist Party, as the only party that was permitted political activism, was filled overnight with a multi-party system founded on social divisions that had been suppressed during a single-party rule. Three ethnically oriented parties were primarily established, gathering Croatian, Serb or Bosniak members and interests. Ethnic parties emerged as interest groups and national movements of particular ethnic groups who gathered around great diversity of ethnical interests, at the same time holding on to the political heritage of national and cultural organizations and parties from the early 20th century. These parties are as follows: Party of Democratic Action (hereinafter referred to as: SDA, established in May and representing Bosniaks – Muslims), Serbian Democratic Party (hereinafter referred to as: SDS; established in July and representing Serbs), and Croatian Democratic Union BiH (hereinafter referred to as: HDZBiH; established in August and representing Croats). The League of Communists of Yugoslavia changed its name and its party activities' program before the elections, and joined the elections for the first time as the League of Communists – Party of Democratic Changes (Bosnian: Savez Komunista – Stranka demokratskih promjena). After losing the elections, the party will once more change its name, into 'Social Democratic Party' (Bosnian: Socijaldemokratska partija). Other opposition parties were established through transformation of various socialist organizations or through

a split within ethnic blocs. "First multi-party elections in Bosnia and Herzegovina served as a platform for formation of a multi-party system that was brought out dominantly on the basis of ethnicity" (Pejanović, 2006). First multi-party elections held in 1990 ended with a victory for the parties that represent particular ethnic interests, what will have far-reaching effects on the wartime events in Bosnia and Herzegovina and post-war party system alike.

The political system that was founded on the basis of Dayton Peace Agreement placed emphasis on institutionalization of ethnic divisions through consociational model of democracy, and use of a "nationalkey" in distributing political offices. In such a way, it was possible to minimize post-war interethnic competition and conflict. Such ethnicized politics was well accepted by local and international actors (Chandler, 2000: 111). However, politization of the entities took place at the same time, where political parties that exclusively represent the interests of their own ethnic group gained the biggest election success. As a result, during the first post-war elections held in 1996, three pre-war ethnic political parties consolidated their dominant position in the government. The political system established on the principles of consociational democracy emphasized competition between the parties of the same ethnic affiliation, while inter-ethnic electoral competition was minimized. Political effects of the first post-war elections and full domination of ethnic divisions within the electorate affirmed a polarized party system that was more evident and spread than during the pre-war elections (Kasapović, 1997).

The dominance of ethnicity as the foundation of the party system did not correspond with a goal set by international actors, to rebuild post-war BiH and strengthen a multiethnic element. Organization for European Security and Cooperation (OSCE) and Office of the High Representative (OHR) had vast powers to regulate the electoral process and bring about press freedom during several post-war elections. With changes to the electoral rules, removal of uncooperative politicians and open support to non-ethnic or multiethnic parties, an attempt was made to create conditions for electoral success of moderate and civic parties (Chandler, 2000: 114, 119). In principle, international actors tried to make BiH parties more democratic by using non-democratic means (Manning, 2004), in which process such strategy was partially successful. Nowadays, almost two decades after the war, we can still talk of continuous and complete domination of ethnic parties.

2.2 Structure of social divisions in BiH

Politically relevant social divisions in Bosnia and Herzegovina are nowadays clearly defined by ethnic affiliation of its population. Moreover, domination of ethnic elements in the political life may also be observed in other ethnically heterogeneous ex-Yugoslavia's republics (Goati, 2007: 275). According to Kitschelt, social cleavages are characterized by division within the population along social, political, economic or cultural lines. Due to significant obstacles for individuals who want to change their socio-demographic affiliation, together with awards, obligations and restrictions that come with the membership, individuals organize themselves within their own groups in order to protect and increase their privileges (Kitschelt, 2007). For a long time, confessional affiliation stood as the only politically relevant factor in BiH. In the absence of unifying, supra-religious national movement, particular national awakening movements led to the emergence of three main ethno-political groups, actually illustrating religious divide of the population. In the early stage of ethno-national awakening, the emerging groups additionally established themselves through political and party institutionalization that was grounded in religious differences. The system gave impetus to the establishment of political parties on the basis of ethno-religious criteria, thus setting up institutional subjectivity of ethnically defined religious groups (Bieber, 2006: 7; Wolff, 2006: 28). Through consociational democracy of the post-Dayton BiH, these groups have firmly institutionalized to become separate social "pillars". In view of this, Deschouwer notes that the goals of consociational democracy are to govern social cleavages in a non-conflict way and to secure the persistence of political cleavages through political and communicational practice within consociational democracies. Party elites, that compete to win the highest possible number of achievable votes, encourage these practices, which go along with social cleavages (Deschouwer, 2001: 210; Boix, 2007). Through consociational democracy, Bosnian-Herzegovinian society, which is divided along the ethnic lines, effectuated a form of political competition free from inter-ethnic conflicts. However, this was realized at the cost of societal division and division of the electoral body along the ethnic lines. Political parties are particularly responsible for generation of these divisions.

In order to define BiH party system, it is crucial to comprehend the impact of social cleavages on political competition. In other words, political competition in Bosnia and Herzegovina takes place within ethnic groups (or so-called pillars, according to the terminology used for describing similar phenomena in the Netherlands and Belgium), thus giving rise to ethnically bounded party systems with a high degree of independence. This statement can be empirically verifiable by means of statistical analysis of voting based on ethnicity in BiH, which identifies strong correlation

between ethnic composition of municipalities and electoral outcomes for the ethnic parties¹⁵ (Kapidžić, 2015). Using Sartori's terminology, in Bosnia and Herzegovina we may talk about complex party system with three ethnically dominated party sub-systems; the same phenomenon is also evident in other multi-ethnic regions of Europe (Haughton & Deegan-Krause, 2015: 69; Manning, 2004: 72), where parties compete for votes in a segmented political arena.

2.3 The Legal Basis for Establishment and Financing of Political Parties

Establishment and work of political parties in Bosnia and Herzegovina is regulated by legislation adopted at different administrative levels. All legal acts share similar structure, and it may be claimed that BiH parties operate under mostly identical legal framework. Establishment of political parties is regulated by laws adopted at the level of the two Entities, Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS), as well as Brčko District (BD), while political party financing is regulated by a single state-level law and various state and entity-level by-laws. Political party activities at electoral times are also regulated at the state-level. BiH Constitution does not directly mention political parties, while FBiH and RS Constitutions mention political parties in the context of political freedoms and human rights, that is, through the freedom of political association. The only legal act that defines the concept of political party is state-level Law on Political Party Financing.¹⁶ The Law states that "political parties, for the purpose of the Law, shall be considered organizations into which citizens are freely and voluntarily organized in order to participate at the elections, and which are registered according to the law with the relevant court in either entity, for purpose of implementing political activities and pursuing political aims" (BiH, 2012). Other documents simply refer to the organizations of free political association and civic engagement. The form of legal regulation of political parties may exert considerable influence over features of a political party, as well as over form of a party system. Casal Bertoa and Taleski distinguish four ways in which party regulation may stabilize a party system, as follows: 1) increase

15 It was reported that in the 1990 elections for the Citizens' Council of the BiH Parliament, 74,6 % of Bosniaks voted for Bosniak Parties (SDA and MBO), 83,8% of Serbs voted for the Serbian Party (SDS) and even 92,6% of Croats voted for the Croatian Party (HDZ). Non-ethnic parties (SK-SDP, SRJS, DSS and SSO-DS) received two-thirds of their votes from members of one of three main ethnic groups, primarily Bosniaks.

16 The same provision was set out in the Law on Political Organizations for the BD (2002)

in level of party regulation, 2) higher monetary deposit or higher number of signatures/members required for party registration, 3) higher criteria for allocation of state funds, and 4) greater restrictions on donations to a political party. The authors point out that regulation of political party registration has the greatest impact, while the impact of party funding regulation on party system development is disputable, taking into account the scope of party financing outside the legislative framework, as evident in the countries of the South East Europe (Casal Bertoa & Taleski, 2015: 3-4). Following the methodology of the two authors, particular attention shall be paid to analyzing these four elements of the party regulation.

2.3.1 Establishment and registration of political parties

Establishment and registration of political parties is done with a competent legal authority in Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District. Establishment of political parties is regulated by 1991 Law on Political Organizations of the FBiH (BiH, 1991; amended by 2002 OHR Decision), 1996 Law on Political Organization of the Republika Srpska (RS, 1996; amended by 2002 OHR Decision) and 2002 Law on Political Organizations in the Brčko District (BD) (DB, 2002; amended by the following amendments: BD, 2007 and BD, 2008). All three laws follow the same structure and contain significant number of identical articles. The laws contains 1) General provisions, 2) Establishment, 3) Registration, 4) Cease of political parties, 5) Financing, 6) Supervision and 7) Penalty and other provisions.

Procedures for establishing a political party are very similarly regulated, and they differ in a number of members necessary for establishment of a political party. For FBiH this number is 50 citizens, for Brčko District 300 citizens and 500 citizens for the RS. The members have to be BiH citizens, while in the RS party members also have to be RS residents. All three laws stipulate that the political party shall be established on founders' assembly, where a decision on establishment, program and statute shall be adopted, with obligatory parts of these elements included in the aforementioned acts.

The process of registration is identically regulated in the FBiH and the RS. Hence, text of the two laws is mostly identical. Political party registration is done at a court, depending on the headquarters of a political organization and is entered in the register of political parties. Political parties are obliged, within 30 days from the day of the foundation, to submit a request for inscribing in the Court Register. Laws order the court to examine the procedure of election of persons authorized for representation and to inspect whether these persons are banned from political

activities. These laws do not lay down additional conditions or deposit for registration of political parties. BD Law slightly differs from the other two laws in the sense that application for entry in the register of political parties is 15 days' period, and that the Law sets out additional provisions on registration of companies and entrepreneurs in the Brčko District. All three laws regulate that political organizations shall be dissolved by deleting from the court register, either when the political party submits a request for deletion (upon decision of the party body or due to insufficient number of members, that is, less than 50) or public prosecutor (in case then when the political party stops its activities or is forbidden to act), what decision is made by the court register.

All three laws on political organizations aim to facilitate the process of registration of new political parties. The laws lay down very low conditions for establishment and registration of a political party, in which process Republika Srpska Law is slightly more restrictive in terms of citizenship of party members. Considering conditions under which these laws were adopted, and their goal to maximize political activities, it made sense to abandon more restrictive provisions. Nowadays, however, all these laws are largely incomplete and their plainness instigates further fragmentation of the BiH party system.

2.3.2 Financing of political parties

Financing of political parties in Bosnia and Herzegovina is regulated by Law on Political Party Financing (BiH, 2012), adopted in order to replace previous law under the same name, adopted in the year 2000. Even though all entity-level laws on political organizations include a section on financing, all of them also invoke clauses from other pieces of legislation. Laws on Political Organizations in the FBiH and in the RS emphasize that political parties' financing is public, and that it is subject to financial inspection. It is worth noting that these laws had been adopted before adoption of the first BiH Law on Political Party Financing in 2000. The following section will only focus on analyzing actual state-level Law on Political Party Financing (BiH, 2012).

The Law on Political Party Financing cites in much detail the sources of funding, prohibited contributions, financial control of political parties and business obligations of the political parties. Political parties may obtain funds from membership fee, volunteer contributions, incomes generated from publishing activities and organizing party events, incomes generated by property owned by political party (in the field of culture and publishing), loans from the banks and allocations from the budget of Bosnia and Herzegovina, entities' budgets, cantonal budgets, the budget of Brčko District of BiH

and budget of other units of local government and self-government. Collected funds may be used exclusively by a political party to actualize the aims set by its program and statute. The Law emphasizes limitations in respect to most of the funding sources, ranging from income to voluntary donations. The most important limitation refers to appropriations from the state budget, that cannot exceed the amount of 0,2% of the BiH budget in the calendar year (entities, BD, cantons and other government levels have their own legal acts that regulate allocation of funds from the public budget to political parties). Furthermore, the Law regulates distribution of the budget, taking into account a number of mandates won, as well as gender equality. Political party financing is prohibited to public administration bodies at all levels of government in Bosnia and Herzegovina, public institutions and public companies, humanitarian organizations, anonymous donors, religious communities, non-profit organizations financed by public funds, legal entities in which public capital has been invested in the amount of minimum of 25% and beyond, other states and foreign legal entities, as well as private enterprises that closed the contract on public procurement with any of the government levels in BiH, if the value of the contract exceeds the amount of 10,000.00 KM. Exceptionally, financing prohibition does not refer to the use of business premises of public administration bodies by political parties, for political party activities. Financial supervision and audit of political parties is also regulated by this law (BiH, 2012). Central Election Commission of Bosnia and Herzegovina plays an important role in financial control of political activities. It establishes an office for audit of political parties' financial reports (hereinafter: the Audit Office). The Audit Office is responsible to conduct examination and control of financial reports submitted by the political parties, as well as conduct audit of political parties' financing. In this process, political parties are obliged to keep a record of their incomes and expenditures and to submit an annual financial report, which the Central Election Commission of Bosnia and Herzegovina shall subsequently publicize. A political party is to submit a special financial report for the period of the election campaign in the manner set by the Election Law of Bosnia and Herzegovina. Concurrently, the BiH Central Election Commission is authorized to study and implement only state-level law on the financing of political parties. So, it is not authorized to implement entity, canton or other local-level regulations, for which parliaments and councils at other levels of government are in charge. In case of violation of the rules and obligations that ensue from the Law on Financing of Political Parties, financial penalties are imposed. These penalties range between 500 and 5,000 KM for less serious violations, up to triple the amount for serious violations. Maximum financial penalty amounts to 15,000 KM. Apart from financial penalties, the Law does not impose any other type of penalty for political parties.

Finally, we may state that financing of political parties is regulated through more than one law, whereby full control, i.e. supervision and interpretation, is provided

only for political party financing through the state-level (and for financing of electoral campaigns). Party financing through other government levels takes place in accordance with regulations that may substantively mutually differ, and for which there is no uniform mode of control and sanctions. This leaves plenty of room for financial manipulation that takes place through lower government levels. Furthermore, legal sanctions for violation of the law are very low and they are not commensurate with much larger budgets of relevant political parties in Bosnia and Herzegovina. Absence of non-financial penalties, such as for instance a temporary ban on public funding, greatly reduces the efficacy of this law. The normative framework of political party financing is well established. However, its efficacy is reduced by lack of unitary supervision and interpretation of multi-level legislation, as well as by lack of non-financial penalties for violation of the law. On these grounds, the effect of the Law on Political Party Financing is reduced, its implementation partial and consistency of the actors in legal compliance insufficient.

It is worth mentioning that Central Election Commission of Bosnia and Herzegovina has other roles in regulating the activity of political parties, which primarily relate to conduct of elections and implementation of the Election Law. Application and appointment procedure of political parties before the

Elections established control of the regularity of pre-election process and certification of nominated candidates, as well as established a mechanism of supervision over the party system, with the aim of improving transparency in party competition and budget utilization. Without going into more detailed analysis of the work of the Central Election Commission and provisions of the Election Law of BiH it may be asserted that the present Law is a set of well-established normative solutions whose full implementation calls for more serious sanctions and greater consistency in the work of all involved actors.

2.4 Political parties at BiH Parliamentary Elections, 1996-2014

2.4.1 Statistical overview of parties that participated in the BiH Parliamentary Elections

Elections for the House of Representatives of the BiH Parliament were held seven times in the period 1996 – 2014. These elections are held simultaneously with the elections for the BiH Presidency, the Entity Parliaments, the RS President and the FBiH Cantonal Assemblies. Election results and election campaigns are addressed

elsewhere in this study. So, the focus of this section will lie on the parties that appeared in these elections.¹⁷

114 political subjects participated in seven electoral cycles for the BiH Parliament. 93 out of 114 are political parties, while the rest went to a pre-electoral coalition. It is worth noting that all coalitions registered for single elections only, i.e., they did not run for any of the subsequent elections, although the same parties joined various coalitions. The number of parties and coalitions at an election ranged from 17 to 35, while an average number of parties registered was 28,3 (Table 1). Over the last few years, this number has been relatively stable. Yet, a large discrepancy was experienced in the first three post-war elections (when the elections were conducted by OSCE under the supervision of the international community).

Table 1: *Number of parties and coalitions that participated in the elections and number of parties which have won mandates in the BiH Parliament*

Year of elections	Participated in elections	Won mandates
1996	21	6
1998	35	10
2000	17	13
2002	33	14
2006	32	12
2010	32	12
2014	28	12
Average	28,3	11,3

The majority of parties did not run independently in a large number of election cycles, while only few parties run independently (not in a coalition) in five or more elections of the Parliament of Bosnia and Herzegovina, that is: five parties run independently in five election cycles, four parties run in four elections, while only two parties independently run in all seven elections. Parties competing in the elections may be divided into major camps, that is: on the one hand, ethnically-defined national parties and multi-ethnic parties based on the ethnic category of a society whose interests they advocate, and, on the other hand, pre-war and post-war parties based on the timeline of establishment and activity. Representation of ethnic interests goes together with social cleavages and establishment of political parties in BiH, whereas the time of establishment (and existence) is an indication

¹⁷ Data on the parties and election results were taken from the web site of the Central Election Commission.

of consistency and relevance of a party. In respect to criteria according to which to classify ethnic parties, I quote Chandra who defines an ethnic party as a party that stands for particular interests of one ethnic category or a set of categories, whereby these categories can change over time (Chandra, 2011: 115). Accordingly, representation of ethnic interests is a central feature of ethnic parties, with especially pronounced aspect of ‘particularity’ indicating that an ethnic party implicitly or explicitly excludes particular group. There is no single or universally applicable indicator for classifying ethnic particularity; rather, there is a set of indicators that may be adapted to each particular context. Out of eight indicators used by Chandra, I will use five in order to classify ethnic parties as (non)ethnic for the purpose of this study: ethnicity included in a party name or implicit in official party labels, categories which a party explicitly identifies during a pre-election campaign, implicit message of the election campaign and composition of the party leadership as ex-ante determinants (see Chandra 2011: 155-157), and distribution of political party support during elections as the most relevant ex-post determinant, since ethnic groups will mutually recognize each other and largely support a party that serves their interests (Horowitz, 1985; Chandra, 2011).

In order to define pre-war and post-war parties I will use a simple indicator of the date of establishment, secession or transformation of a political party. Parties can be classified by the two criteria, as presented in Table 2.

Table 2: *Classification of relevant parties*

	Ethnic	Non-ethnic
Pre-war	CDC BH PDA SDP	SDP
Post-war	CDC 1990 PDP SBH SBB AISD	DF

Note: The table presents only relevant parties in acronyms and based on the criteria cited in the following section of the study.

In Bosnia and Herzegovina we may discuss about pronounced multi-party system with no dominant parties at the entire party system level. Nevertheless, acknowledging ethnic social cleavages, dominant parties within each ethnic (and non-ethnic) “pillar” may be identified.

2.4.2 Elective parties and number of elective parties

While the number of elective parties competing in the elections is relatively high, the number of parties that won mandates in the BiH Parliament is much lower. After all post-war elections, a total of 24 parties and 12 coalitions won seats, that is, 36 political subjects in total (see Table 1). Vast majority of these parties and coalitions, more precisely 58%, won seats only in one election, while three-quarters of parties and coalitions won seats in maximum two elections. Only one-quarter of parties that win seats in the Parliament have good prospects of repeating their success, which indicates high volatility in party representation. In order to provide more detailed account of the effective number of parties, inverted fractionalization index is used to measure a party system, that is, “a number of hypothetical equal-sized parties, that would have the same total effect on fractionalization of the system as have the actual parties of unequal size” (Laakso and Taagapera, 1979: 4, in Goati, 2007: 279). This measure requires that parties are observed as coherent and individual actors, as may not always be the case in real-life. Number of effective parties may be counted based on the percentage of votes and number of seats that a particular political party wins (Kitschelt, 2007: 530). In principle, these two amounts should be the approximate; yet, in Bosnia and Herzegovina they vary considerably due to low number of seats in the BiH Parliament. Results presented in Table 3 show that there has been a continuous increase in the number of effective parties, which is identified based on percentage of votes taken. Furthermore, the highest number of effective parties was recorded in the 2010 elections, which indicates a rise in fragmentation of the electorate. The same results, established by the number of seats won, point to relative continuity since 2000 onwards, indicating that fragmentation of the electorate did not impact fragmentation of the BiH Parliament composition. Hence, the results indirectly speak in favor of the existing electoral system and a mechanism of division of mandates. Through the last three election cycles, average number of effective parties has been stable at 9,4 (based on % of votes) or 7,4 (based on seats won).

Table 3: *Number of effective parties (elections for the BiH Parliament)*

	According to the percentage of votes	According to the number of seats won
1996	4,3	3,4
1998	6,0	4,6
2000	7,7	7,3
2002	8,8	7,9
2006	8,9	7,2
2010	9,9	7,7
2014	9,4	7,6
Average	7,9	6,5

The index of volatility is an additional measure that takes into account temporal dimension of change in electoral support to the parties from election to election. Electoral volatility may indicate party system stability and steadiness of support to the same parties. Higher volatility indicates non-consolidated party system marked by substantive changes from election to election (Kitschelt, 2007: 530). This measure demonstrates appearance of certain changes in a party system. Yet, it may be distorted and artificially enlarged by inclusion of certain factors, such as shifting pre-election coalitions and splitting of parties, as the phenomena that are certainly present in Bosnia and Herzegovina. Moreover, this measure conceals and fails to show volatility among party sub-systems or volatility within particular socio-political “pillars”. The following table will demonstrate only overall measure of volatility¹⁸ of the party system in Bosnia and Herzegovina, calculated according to percentage of votes and seats won, and emphasize that there is not much difference between the two values. Both index values are very high, tentatively suggesting extremely unstable party system.

¹⁸ Volatility is calculated by adding all percentages of lost / won votes for all parties in two elections, and division of the sum by two.

Table 4: *The index of volatility (elections for the Parliament of Bosnia and Herzegovina)*

	According to the percentage of votes	According to the number of seats won
1998	74,2	76,2
2000	66,9	66,7
2002	28,0	33,3
2006	35,0	35,7
2010	30,2	26,2
2014	41,2	42,9
Average	45,9	46,8

2.4.3 Party coalitions

After all elections had been completed, it was necessary to set up post-election commissions in order to establish a governing majority. This was to be done in the frame of forming a new government, which, at the state level includes confirming composition of the Council of Ministers to the BiH Parliament. Following the logic of the political system that operates on consociational basis, all post-election coalitions either were multi-ethnic or they included parties from different ethnic (or non- ethnic) groups, including Bosniak, Croatian or Serb parties. Referring to these coalitions, we may talk about need-based coalitions rather than coalitions based on orientation. Ruling coalitions largely differ from pre-election coalitions. As mentioned before in this study, a total of 21 coalitions run in elections for the BiH Parliament in the period 1996-2014. What we are talking about here is pre-election, i.e. program coalitions that won an average of 6 (out of 42) mandates.¹⁹ Pre-election coalitions always gather parties of the same ethnic group, with coalitions of Croatian parties coming into prominence (nine), followed by Serb coalitions (five) and Bosniak (one). The only exception is a coalition of opposition parties gathered around SDP in 1996, which included non-ethnic, Croatian and Bosniak parties. It can be observed that the size of ethnically-defined electorate (or number of voters in a party sub-system) is inversely proportional to the number of ethnic pre-election coalitions running in elections that use election system of proportional representation (as is the case with the BiH Parliament). On the basis of party composition, we may distinguish two types of pre-election coalitions,

¹⁹ This number significantly increases by a coalition gathered around SDA in the 1998 election. With the exception of this coalition, average number of seats won would drop to 3,5.

including coalitions with one dominant party and coalitions composed of smaller parties. In this matter, approximately one third of pre-election coalitions may be characterized as single-party dominant coalitions, established for the purpose of avoiding “attrition” of votes. Other two thirds are small parties’ coalitions set up for purpose of collecting enough votes to pass the electoral threshold or in some other way win seats.

2.5 Relevant parties in Bosnia and Herzegovina

The following section will briefly describe relevant state-level political parties in the period 1996-2015 (elections for the BiH Parliament), with special emphasis on the last two election cycles in 2010 and 2014. Following criteria were taken into consideration for the selection of relevant parties:

1. Independent appearance in over one half of elections in a given period;
2. Continuous presence in the Parliament in a given period (a mandate won, independently or in a coalition);
3. Participation in government, at least once in a given period;
4. Election result above the 5% in the last two rounds of elections.

Taking into consideration results of the election for the BiH Parliament, five political parties in Bosnia and Herzegovina meet all four criteria. They will be presented briefly in an alphabetic order.

2.5.1 The Croatian Democratic Union BiH (HDZ BiH)

The Croatian Democratic Union (Bosnian: Hrvatska demokratska zajednica, hereinafter: HDZ BiH) was established on 18 August 1990, before the first free elections in Bosnia and Herzegovina, in order to gather and represent Croatian interests in the newly-established multi-party system. The party places emphasis upon Croatian and Christian heritage, and states in its statute that HDZ BiH is “a people’s party that gathers all strata of Croatian society and other citizens in Bosnia and Herzegovina, whose party program is based on the principles of democracy and Christian civilization, and other traditional values of the Croatian people” (HSD BiH, Statute, 2015). During the war in BiH, the party played an important role in political and civil military leadership of Croats in BiH. Two key post-war moments for HDZ are as follows: the establishment of the Croatian People’s As-

sembly in 2000 (and its reactivation in 2011), in which HDZ BiH had a dominant role and through which it was able to direct the actions of other Croatian parties; internal split of HDZ BiH in 2006, and establishment of HDZ 1990 as a separate party. HDZ BiH is an active participator in 64 Municipalities across the whole BiH territory, and establishes cantonal, regional and city / town organizations. Dragan Čović has been the leader of the HDZ BiH since 2005. At the Convention of HDZ BiH, he was elected president of HDZ BiH four times in a row. The party was one of the parties that won the first elections in 1990. It gained a majority of seats in all post-war elections in BiH Municipalities with majority of the Croatian population. The party is considered dominant within Croatian party sub-system in Bosnia and Herzegovina and it is difficult to form a government without its participation. This party has been successful in independently forming a government in certain cantons in the Federation of Bosnia and Herzegovina. HDZ BiH occasionally enters into pre-election coalition with smaller parties with a Croatian background, while it regularly joins post-election coalitions at all government levels.

2.5.2 Alliance of Independent Social Democrats (SNSD)

The Alliance of Independent Social Democrats (Bosnian: Savez nezavisnih socijaldemokrata, hereinafter: SNSD) was established on 10 March 1996, on the eve of first post-war elections in Bosnia and Herzegovina, as the Alliance of Independent Social Democrats. It placed itself as the ruling opposition party in the RS. By merging in 2002, the party adopted its current name and course of action. In their party documents, the SNSD presented itself as a social-democratic party without ethnic background, with the political party program aimed at protecting and strengthening the RS as a part of BiH (SNSD, Statute, 2011). Through the practice, the party has firmly and convincingly represented the interests of Serbian voters, and it almost never makes concessions on what it considers as Serbian national interest. Moreover, it actively contributes to the exacerbation of inter-ethnic political rhetoric. SNSD, as the party following normative non-ethnic and social-democratic principles, may still be empirically characterized as the nationalist party with a Serbian background.

SNSD is active in both entities and on the whole BiH territory through 97 Municipal Committees grouped into regional committees. Milorad Dodik has been the party president since its establishment. At 2015 Party Convention, he was elected the party president five times in a row. In 2006, the party scored great electoral success by winning with majority of votes in the RS and among the parties with a Serbian background. The same success is attested in the following elections. The party has been in power since 2006, while it joined state-level government in the period 2006-2014. Radical reforms cannot be carried out in BiH without involving the SNSD.

2.5.3 Social Democratic Party of Bosnia and Herzegovina (SDP)

The Social Democratic Party of Bosnia and Herzegovina (Bosnian: Socijaldemokratska partija BiH, hereinafter: SDP) was formed in 27 December 1992 as the successor of the League of Communists of Bosnia and Herzegovina, after 1990 election defeat in the first free elections. SDP is the only relevant party with long-standing continuity of action, either through party, revolutionary or workers' organizations, which dates back to the establishment of the first parties in BiH in 1909. The party documents emphasize its multi-ethnic character and social-democratic goals. Its political activity largely bears out this commitment. SDP may be considered as the only relevant non-ethnic party in BiH. The party has repeatedly experienced splits within the party. First split occurred in 2002 when SDP became detached and established Social Democratic Union of BiH, and the second split took place in 2013 with establishment of the Democratic Front. The party also faced splits through merging of the parties. The party currently goes through a phase of restructuring, redefining and merging, after suffering mayor election defeat in 2014 as well as after leaving of a long standing president Zlatko Lagumdžija. SDP is active in the whole territory of BiH and it operates through 70 municipal and city / town organizations, further grouped into cantonal or regional committees. Its current president is Nermin Nikšić, elected for the first time at an extraordinary congress in 2014. The party scored two electoral victories in 2000 and 2010, when it won more votes than the other parties and formed a coalition government. However, the party also faced two major electoral defeats in 2002 and 2014, when it was totally marginalized. SDP election result is in direct correlation with the election result of the Bosniak parties and other non-ethnic social-democratic parties. Hence, it may be argued that a party subsystem that brings together non-ethnic parties partially corresponds with Bosniak party subsystem.

2.5.4 Serbian Democratic Party (SDS)

The Serbian Democratic Party (Bosnian: Srpska demokratska stranka, hereinafter: SDS) was established on 29 June 1990, prior to the first free elections in Bosnia and Herzegovina, for the purpose of representing Serbs and protecting their political interests. The party overtly emphasizes its national commitment, noting its statute preservation of the Serb tradition, Orthodox religion and national culture (SDS, Statute, 2015). During the war in Bosnia and Herzegovina, the party played a key role in the political and military leadership of Serbs and the Army of Republika Srpska. Many of the senior military and political leaders of the Army were convicted of war crimes. Only a decade after the war, the party launched a process of reforms

that led to its transformation into Democratic People's Alliance. The party operates only on the territory of the RS through 62 municipal committees, further grouped into city and regional committees. The party has been led by Marko Bosić since 2006, and he was re-elected to the same post in 2015. As long as 2006, SDS has been the dominant party among the parties with a Serbian background, as well as major Serbian party in power. The party was heavily defeated in 2006 election and in the elections that ensued thereafter. However, in the last elections held in 2014 SDS reaffirmed its position as the relevant actor, and it joined BiH-level state government. SDS's electoral rivals are exclusively other parties from the Serbian party subsystem.

2.5.5 Party of Democratic Action (SDA)

The Party of Democratic Action (Bosnian: Stranka demokratske akcije, hereinafter: SDA) was founded on 25 May 1990 as the first newly-established party on the eve of elections held in that year. The purpose of its establishment was to gather and represent the Muslim population in BiH, as well as to establish political grounds for maturation of a Bosniak national identity. Apart from dedication to Islamic values and Bosniak values, the party at the same time emphasizes its civic commitment, and proves it by parallel urging for civic and national aims, even when these are contrary to one another. During the war in Bosnia and Herzegovina, the SDA was the main player in political and military organization of Bosniaks. Still, it did not play this to the extent that it was done by HDZ and particularly SDS. The party is active on the territory of the whole BiH through municipal committees which are further grouped into cantonal or regional boards. The party is led by Bakir Izetbegović, first elected to this post in 2015. The party achieved significant results in all elections and it took part in majority of the post-war governments at all government levels. SDA has been continuously dominant party in power in the majority of municipalities and cantons in the FBiH. It may be considered as the most relevant and permanent among the parties with a Bosniak background, although it does not dominate over this ethnic "pillar". The SDA electorate partially coincides with the voters of non-ethnic parties, and the party electoral rivals are Bosniak and non-ethnic parties. Important decisions in Bosnia and Herzegovina cannot be made without involving the SDA.

2.5.6 Other relevant parties

Aside from the abovementioned five parties, there are other political parties which fulfill most, but not all the criteria for selection of the relevant parties. They will be briefly identified below.

The Democratic Front (Bosnian: Demokratska fronta, hereinafter: DF) is a party of non-ethnic and social-democratic orientation. It was founded in 2013, following a split within the SDP. Željko Komšić is the founder and the president of the party. The party achieved significant electoral success in 2014, developing into the strongest social-democratic and non-ethnic party in Bosnia and Herzegovina. DF took part in the Government for some time. As a recently established political party, DF lacks organizational support in large parts of the country.

The Croatian Democratic Union 1990 (Bosnian: Hrvatska demokratska zajednica, hereinafter: HDZ 1990) is a party that forms a part of the Croatian party subsystem. It was founded in 2006, as a result of a split in HDZ BiH. Since 2013 it has been led by Martin Raguž, who initiated a process of HDZ 1990 transformation into center oriented Croatian party. HDZ 1990 wins majority seats at the sub-state level in predominantly Croatian communities. Since its establishment, the party has continuously won mandates in the BiH Parliament.

The Party of Democratic Progress (Bosnian: Partija demokratskog progresa, hereinafter: PDP) is a center-right party with a Serbian background established in 1999. The party was established by Mladen Ivanić, who remains its leader till the present day. It often appears as a coalition party, primarily in coalition with SDS. Since its establishment, the party has been winning seats in the BiH Parliament, as well as in the entity and other bodies. The party operates exclusively on the territory of the RS.

Party for Bosnia and Herzegovina (Bosnian: Party for Bosnia and Herzegovina, hereinafter: SBiH) is a Bosniak party established in 1996 as a results of the split within the SDA. Amer Jerlagić has been the party president since 2014. Led by its founder Haris Silajdžić, the party had a big impact on BiH politics in the post-war period. At one time, it was an indispensable factor of Bosniak politics, by joining majority government as a coalition partner. Recently the party has started to lose much support, while in the last election for the BiH Parliament, for the first time it did not win any seats.

Union for Better Future of BiH (Bosnian: Savez za bolju budućnost, hereinafter: SBB) was founded in 2009 as a party with a Bosniak background. Fahrudin Radončić is the founder and party leader. The SBB skillfully uses mass media owned by the party leader's family in order to continuously carry out one's own promotion and negative propaganda of the SBB opponents, irrespective of electoral cycles. The party has achieved substantial success since its establishment and it partially participated in the government as a coalition partner.

Conclusion: Stability of the party system in Bosnia and Herzegovina

Taking into account Sartori's classification method for party systems (2005), in Bosnia and Herzegovina we may talk about segmented multi-party system with three or four²⁰ party subsystems based on ethno-political social cleavages, with a variety of political sub-cultures and negligible political distance among the parties of the same subsystem. In fact, basic distinction among the parties is their affiliation to certain subsystem (i.e. classification as Serbian, Croatian, Bosniak or non-ethnic), and characteristics of a party president or a party leader. In the empirical practice, there are only insignificant political distinctions among the parties that belong to the same subsystem. Hence, all relevant parties may be characterized as sharing conservative political affiliation. Consequently, patterns of inter-party competition are focused on winning over votes from one's own ethnic group, and party competition takes places within ethnically homogenous electorates. There is virtually no inter-ethnic competition for votes.

There is position and opposition within each political subsystem. So, the subsystems come across as relatively stable categories. In effect, it is questionable whether the change is at all possible at the subsystem level or it may only be possible through exogenous shock, economic stagnation before all or loss of regional competitiveness of a state, or one of its parts (Kitschelt, 2015: 89).

Changes currently take place only within the subsystem, and frequently so, which makes them volatile and relatively unstable. Apart from playing a crucial role in the process of differentiation of political choices, party leaders are the key to party survival. Only few parties managed to successfully overcome change of a party leader and fully institutionalize their party structure. The fate of smaller and newly-established political parties is closely tied to the personality of the party leader. High volatility of a party system may be linked to a rise in insufficient party institutionalization and reliance on one person. The issue of volatility, along with examination and adaptation of the measurement methods, is of great significance for reason that a stable party system encourages higher quality and more effective forms of representation of the citizens' interests. At the same time, higher volatility and changeability means more uncertainty for the parties, alongside inconsistent monitoring of proper party programs and higher party opportunism. Better and

20 Depending on whether we connect the subsystem of non-ethnic parties with the subsystem of Bosniak parties, given significant overlap of the electorate.

more detailed comprehension of the party system in BiH calls for further exploration of the issue of volatility among party subsystems, as well as volatility within these systems, in order to have a clearer picture of the system stability.

Suad Arnautović

PART THREE

ELECTORAL SYSTEM

3. ELECTORAL SYSTEM

3.1 Electoral units - introduction

Electoral success of political subjects largely depends on division into electoral units (counties, districts...). Hence, this is one of the most contentious political issues in the process of development and assessment of the electoral system, but, at the same time, the most propitious entry point for exerting a direct effect on vote shares and manipulating electoral results. It should be presently noted that the size of a constituency does not include implicitly the territory of the constituency. Rather, it implies a number of seats to be elected in a particular constituency. This concept is defined in theory as district magnitude. In this manner, Lijphart argues that “specific size of a constituency determines a number of candidates that should be elected in that particular constituency. This is not to be mixed with geographical size of a constituency or a number of voters within the constituency” (Lijphart, 2003: 176). According to Rae, a constituency is a framework for translating vote totals into distribution of seats (Rae, 1975: 19). M. Pajvančić argues that a term constituency is defined by the following elements: number of representatives elected from a constituency, a size of electorate within constituency boundaries, and territorial size of the constituency. Constituency must meet all three of these criteria at the same time. Each constituency is entitled to certain number of representative seats. Finally, each constituency spreads across particular electoral territory (Pajvančić, 2001: 27).

In principle, constituencies or electoral units are prescribed by a separate law on electoral units. Yet, there are cases of constituencies being defined by an election law itself.²¹ In the United Kingdom, creation of a constituency falls under the Boundary Commission established in 1917, while, since 1944, four permanent commissions have been established for England, Scotland, Wales and Northern Ireland (Nohlen, 1992: 49). Voters’ equality (one-man-one-vote principle) is the key principle applied in the process of education of constituencies. However, other elements are

21 Such is the case, for instance, with creation of electoral units in Bosnia and Herzegovina, as regulated in the BiH Election Law.

respected to, such as demographic, geographic, regional, historical and economic factors, territorial organization of the state, etc.

There are two basic types of electoral units: uninominal – single-member constituencies (single-mandate) electoral units²² where one member is elected at a time and plurinominal, multi-member (multi-mandate) electoral units, where several representatives are elected.²³

Boundaries of electoral units and changes of those boundaries may most directly affect the ultimate election outcome in two ways, that is: “firstly, if there is unequal size of electoral units in regard to a number of residents, it results in differences in the ‘weight’ of votes” (Cvrtila, 2001: 45). In this case, electoral units are divided by electoral unit area in square kilometers, so that densely populated areas elect the same number of political representatives as residents of rural, sparsely populated areas. In such a way, candidates from urban metropolitan areas need far more votes for election than candidates competing in rural electoral units.

Secondly, electoral boundaries may influence final election results in a process defined in theory as *gerrymandering*,²⁴ while the resulting electoral unit is known as *gerrymander*. Politically biased boundary “delimitation” of constituencies takes

22 These are small electoral units where a single member may be chosen. His / her election depends on the principle of majority (absolute or relative). At that time, two factors are taken into account, that is: a) a number of residents, in which case constituency includes total population (not voters) and where one representative is appointed for a certain number of residents; b) a number of voters, in which case one representative is elected for a certain number of voters.

23 There are electoral units which are formed within proportional electoral systems, but exceptionally also in majority systems. Boundary delimitation of such constituencies needs to meet two equally important principles: a principle of the equality of suffrage (one person – one vote – one value) and a principle of proportional representation (in order to achieve as high as possible index of proportionality). Multi-member constituency systems are characterized by stable constituency boundaries and different number of seats per constituency. These constituencies often coincide with administrative-territorial organization of the state; hence, their boundaries change if there is a change in territorial organization in the state. An important question to be raised during formation of multi-member constituency systems is a number of elected representatives; hence, these constituencies are grouped into three groups: small constituencies (two to five seats), medium constituencies (six to ten seats) and large constituencies (over ten seats).

24 Gerrymandering marks any process of drawing the boundaries of electoral units for political advantage. The term is used in the USA electoral practice. It is derived from the name of Governor of Massachusetts (Gerry Elbridge), whose administration enacted a law in 1812 defining new state senatorial districts. The law was to give disproportionate representation to the party of the Governor in relation to another party. So, partially outlined senatorial districts substantively contributed to the electoral success. Senatorial district resembled the shape of salamander (lizard), which is why the district right away appeared in journals as “gerrymander”. Such definition of district boundaries directly influenced the results: Gerry’s Democratic-Republican Party won 29 seats in the Senate, whereas the opposing Federal Party won 11 seats, even though 50.164 voters voted for Gerry’s party and 51.766 voters voted for the opposition V. Cvrtila, *ibidem*, str. 46.

into account concentration or dispersion of voters who patronize certain political parties or certain political candidates. Impact of these electoral units on election results may be twofold. First, voters who are partial to particular political option (candidate, party) are grouped to a maximum degree. Such constituencies, referred to as party fortifications (bunkers),²⁵ encompass safe voters to certain candidates (political party). Second, “drawing” of electoral boundaries is based on dispersion, i.e. fragmentation and mechanical distribution of the electorate, as a way to split the electorate that is partial to one particular candidate (party) into several constituencies. In such a way, electoral potential of a particular candidate (party) is annulled, resulting in a loss of electoral votes.

Theory distinguished between **passive and active gerrymandering**. Passive gerrymandering occurs in case of identification of differences among electoral units, while the ruling elite takes no action to change the number of representatives, i.e. it refuses to create new constituencies. On the other hand, active gerrymandering takes place in case of formation of new electoral units, in accordance with established criteria, and usually in proportion to the most recent voters’ census. This begs the question on who sets the criteria of active gerrymandering – whether it falls under the jurisdiction of the executive power or whether it is a joint decision of the legislative, executive and judicial powers (Cvrtila, 2001: 49). “In this way, criticism of division on electoral districts has two main points of departure: active deliberation so as to advantage a particular political party or mainstream, and, second, indifference to necessary reforms” (Nohlen, 1992: 48).

Bearing in mind that multi-member constituencies are constituencies electing more than one representative, researchers have defined subtypes of constituencies based on their impact on proportionality of the electoral systems. Thus, constituencies are grouped into small constituencies that elect two to five seats, medium constituencies that elect six to ten seats and large constituencies that elect over ten seats.

Theoreticians who have studied relation between the size of constituency and proportionality in election outcomes confirm that small constituency is associated with greater disproportionality of votes and seats, i.e. it reduces the number of seats for small parties. “The larger the number of seats in the constituency, the more exact is the proportionality that can be achieved” (Mackenzie, 1958: 61).. “On the other hand, the smaller the constituency, i.e. the smaller the number of seats, the greater the disproportionality (Nogan, 1945: 13). Rae similarly argues that „Average deviation between the share of votes and seats won (I) varies in inverse proportion to the size of the district (M): increase in the size of constituencies decreases

25 These are electoral units whose boundaries are “drawn” in order to group voters who are partial to a particular candidate of a political party to a maximum degree. A constituency – bunker encompasses all votes of potential voters, thus contributing to electoral success of a candidate (list of candidates). This is a blatant example of biased-shaped constituency.

average deviation” (Rae, 1975: 115). Nohlen illustrated this point and linked it to a threshold that a certain party has to cross in order to win a seat. Nohlen calculated that a party has to win 18% of the votes cast in order to have a share of the seats in three-seat districts. On the contrary, parties that win below 9% of the votes cast can have a share of the seats in a constituency with nine seats. The number of elected representatives (constituency magnitude) is a crucial influence on outcomes of proportional representation (PR) electoral systems. “It is even conceivable that one electoral system switches from one type of district system into another just by changing the size of constituencies: elections in constituencies with three seats are majority elections” (Nohlen, 1992: 55).

3.1.1 Electoral Units in Bosnia and Herzegovina

BIH PARLIAMENTARY ASSEMBLY

511 – ELECTORAL UNIT 1: The Una-Sana Canton and Canton 10 (three seats)

512 – ELECTORAL UNIT 2: Herzegovina-Neretva Canton and West Herzegovina Canton (three seats)

513 – ELECTORAL UNIT 3: Bosnia Podrinje Canton Goražde and Sarajevo Canton (three seats)

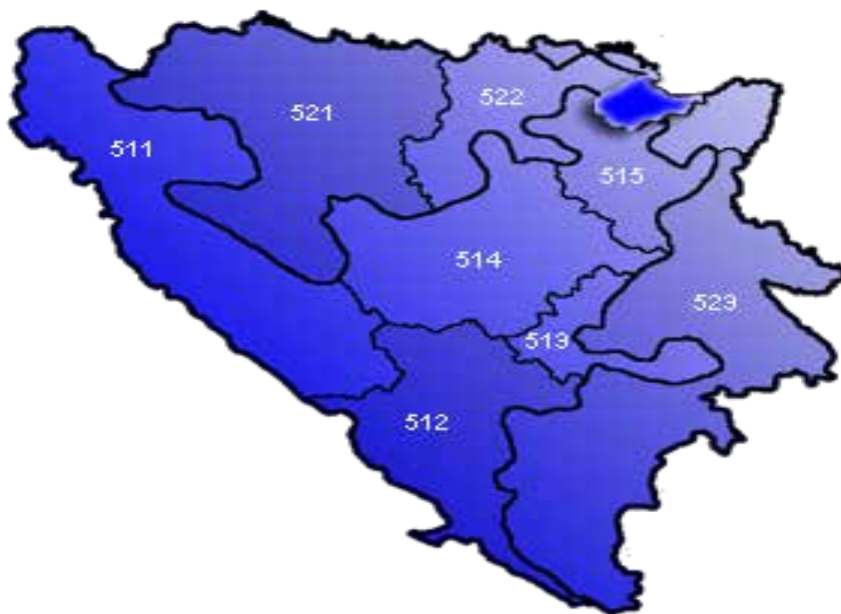
514 – ELECTORAL UNIT 4: Zenica-Doboj Canton and Central Bosnia Canton (six seats)

515 – ELECTORAL UNIT 5: Posavina Canton, Tuzla Canton and a part of Brčko District (five seats)

521 – ELECTORAL UNIT 1: Banja Luka, Prijedor, Krupa na Uni, Bosanski Novi, Kozarska Dubica, Gradiška, Laktaši, Srbac, Prnjavor, Petrovac, Oštra Luka, Čelinac, East Drvar (Istočni Drvar), Ribnik, Mrkonjić Grad, Jezero, Kneževo, Kotor-Varoš, Šipovo, Kupres and Kostajnica (three seats)

522 – ELECTORAL UNIT 2: Doboj, Bijeljina, Derventa, Brod, Vukosavlje, Šamac, Donji Žabar, Modriča, Pelagićevo, Petrovo, Lopare, Ugljevik, Teslić and a part of Brčko District (three seats)

523 – ELECTORAL UNIT 3: Trebinje, Osmaci, Zvornik, Šekovići, Vlasenica, Bratunac, Srebrenica, Sokolac, Han-Pijesak, Eastern Ilidža (Istočna Ilidža), Eastern Old Town (Istočni Stari Grad), Eastern New Sarajevo (Istočno Novo Sarajevo), Trnovo (RS), Pale, Rogatica, Višegrad, Eastern Mostar (Istočni Mostar), Nevesinje, Kalinovik, Gacko, Foča, Novo Goražde, Čajniče, Rudo, Berkovići, Ljubinje, Bileća and Milići (three seats).



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PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA (FBiH)

401 – ELECTORAL UNIT 1: VELIKA KLADUŠA, CAZIN, BIHAĆ, BOSANSKA KRUPA, BUŽIM, BOSANSKI PETROVAC, SANSKI MOST AND KLJUČ (nine seats)

402 – ELECTORAL UNIT 2: ODŽAK, DOMALJEVAC – ŠAMAC, ORAŠJE, GRADAČAC, DOBOJ EAST, GRAČANICA AND BRČKO DISTRICT
BiH - voters registered in the Central Register of Voters in the Federation of Bosnia and Herzegovina (five seats)

403 – ELECTORAL UNIT 3: LUKAVAC, SREBRENİK, TUZLA AND ČELIĆ (seven seats)

404 – ELECTORAL UNIT 4: TEOČAK, BANOVIĆI, ŽIVINICE, KALESIJA, SAPNA AND KLADANJ (four seats)

405 – ELECTORAL UNIT 5: DOBOJ SOUTH (DOBOJ JUG), TEŠANJ, MAGLAI, ŽEPČE, ZAVIDOVIĆI, ZENICA AND USORA (eight seats)

406 – ELECTORAL UNIT 6: KAKANJ, VAREŠ, OLOVO, VISOKO AND BREZA (four seats)

407 – ELECTORAL UNIT 7: HADŽIĆI, ILIDŽA, NEW TOWN SARAJEVO (NOVI GRAD SARAJEVO), TRNOVO (FBIH), PALE (FBIH), FOČA (FBIH) AND GORAŽDE (six seats)

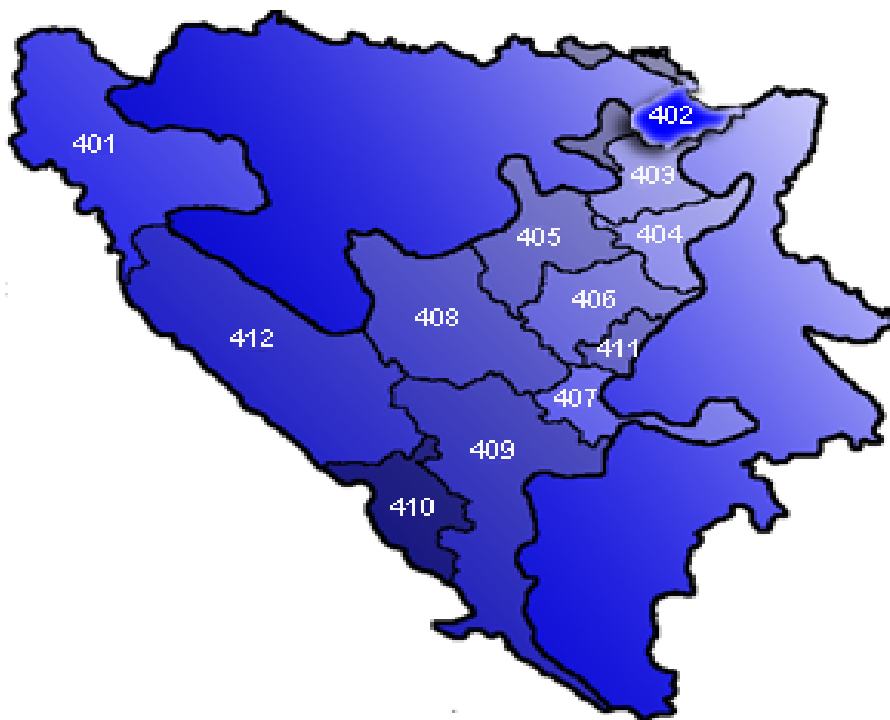
408 – ELECTORAL UNIT 8: JAJCE, DOBRETIĆI, DONJI VAKUF, TRAVNIK, BUGOJNO, GORNJI VAKUF – USKOPLJE, NOVI TRAVNIK, VITEZ, BUSOVAČA, FOJNICA, KISELJAK AND KREŠEVO (nine seats)

409 – ELECTORAL UNIT 9: PROZOR – RAMA, JABLANICA, KONJIC, GRAD-MOSTAR, ČITLUK, ČAPLJINA, NEUM, STOLAC AND RAVNO (eight seats)

410 – ELECTORAL UNIT 10: POSUŠJE, GRUDE, ŠIROKI BRIJEG AND LJUBUŠKI (three seats)

411 – ELECTORAL UNIT 11: ILIJAŠ, VOGOŠĆA, SARAJEVO CENTER (CENTAR SARAJEVO), SARAJEVO OLD TOWN (STARIGRAD SARAJEVO) AND NEW SARAJEVO (NOVO SARAJEVO) (seven seats)

412 – ELECTORAL UNIT 12: DRVAR, BOSANSKO GRAHOVO, GLAMOČ, LIVNO, KUPRES (FBIH) AND TOMISLAVGRAD (three seats)



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NATIONAL ASSEMBLY OF THE REPUBLIKA SRPSKA (RS)

301 – ELECTORAL UNIT 1: KRUPA NA UNI, NEW TOWN (NOVI GRAD), KOZARSKADUBICA, PRIJEDOR, OŠTRA LUKA AND KOSTAJNICA (seven seats)

302 – ELECTORAL UNIT 2: GRADIŠKA, LAKTAŠI, SRBAC AND PRNJAVOR (seven seats)

303 – ELECTORAL UNIT 3: BANJA LUKA, PETROVAC, ČELINAC, EAST DRVAR (ISTOČNI DRVAR), RIBNIK, MRKONJIĆ GRAD, JEZERO, KNEŽEVO, KOTOR VAROŠ, ŠIPOVO AND KUPRES (RS) (twelve seats)

304 – ELECTORAL UNIT 4: DERVENTA, BROD, VUKOSAVLJE AND MODRIČA (four seats)

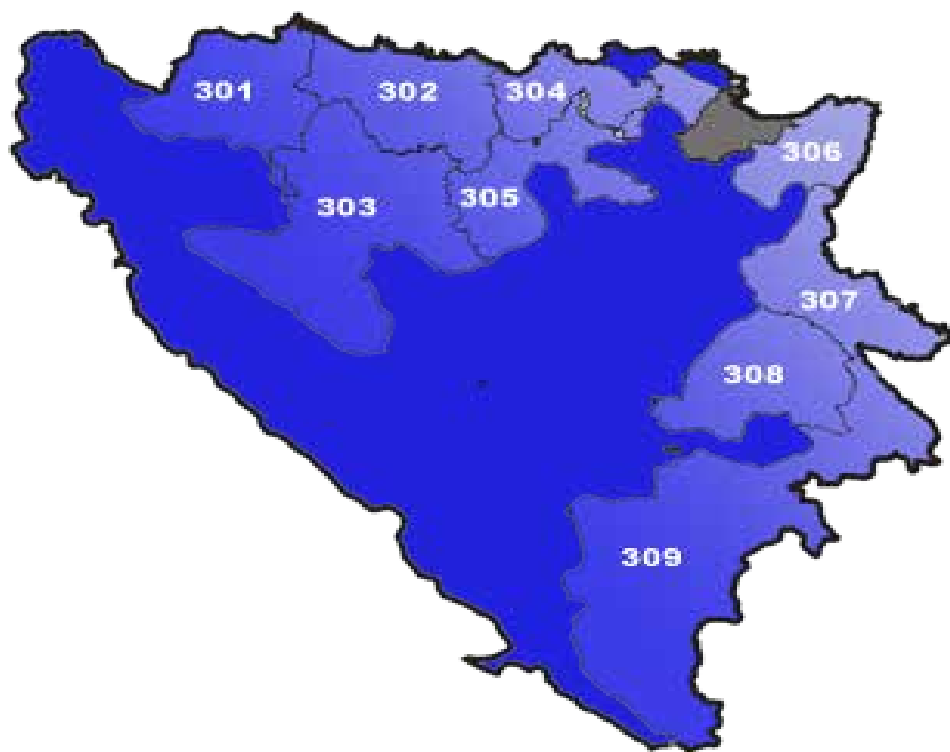
305 – ELECTORAL UNIT 5: DOBOJ, PETROVO AND TESLIĆ (six seats)

306 – ELECTORAL UNIT 6: ŠAMAC, DONJI ŽABAR, PELAGIĆEVO, BIJE LJINA, LOPARE, UGLJEVIK AND BRČKO DISTRICT BIH – voters registered for voting in the Republika Srpska (nine seats)

307 – ELECTORAL UNIT 7: OSMACI, ZVORNIK, ŠEKOVIĆI, VLASENICA, BRATUNAC, SREBRENICA AND MILIĆI (seven seats)

308 – ELECTORAL UNIT 8: SOKOLAC, HAN PIJESAK, EAST ILIDŽA (ISTOČNA ILIDŽA), EASTERN OLD TOWN (ISTOČNI STARI GRAD), EASTERN NEW SARAJEVO (ISTOČNO NOVO SARAJEVO), TRNOVO (RS), PALE (RS) AND ROGATICA (four seats)

309 – ELECTORAL UNIT 9: VIŠEGRAD, EASTERN MOSTAR (ISTOČNI MOSTAR), NEVESINJE, KALINOVIK, GACKO, FOČA (RS), NEW GORAŽDE (NOVO GORAŽDE), ČAJNIČE, RUDO, BERKOVIĆI, LJUBINJE, BILEĆA AND TREBINJE (seven seats).



3.2 Types of ballots – Voting procedure

Voting procedures differ not only in the voting method and voting techniques, but also in terms of quality, that is, possibility of voters to freely decide who to vote for. Voting is an individual act expressed in various ways.²⁶ A categorical ballot is a form of ballot where the voter makes a single choice for a candidate, based on his or her preference. The voter does so by marking the name of the candidate or flagging the name in some other legally prescribed manner. This is the simplest

²⁶ Voting is an electoral act that voters use to exercise their active suffrage. It can be public or secret. In principle, multi-member constituency systems support voting for an individual candidate, while proportional representation electoral systems elect a list of candidates. There are various election methods, such as individual, preferential or alternative vote, cumulative vote, double ballot, multiple vote, vote splitting, etc., as well as different voting techniques such as ballot, magnetic cards, beads, electronic vote, or similar.

voting procedure and easily understood by majority of voters. Yet, a drawback of the categorical ballot is that, by voting in single-member constituencies with over two running candidates, a voter is not able to express his stance on other candidates. So, this voting method may often be seen as some kind of negative selection, in which majority of votes are won by a candidate who is perceived by voters as less desirable than other candidates. Disadvantages of this voting method are overcome by the so-called preferential voting, whereby a voter ranks the candidates in declining preference order – from the most desirable to the least desirable candidate.

Multiple voting, that is, ordinal or multiplied voting is a voting that allows the voter to express more votes that he or she may use in different ways. It may be limited vote or unlimited vote. Under limited vote, the elector has a certain number of votes, which is lower than the number of candidates within a constituency. Under unlimited vote, the elector has exactly as many votes as there are representatives per constituency.

In cumulative voting, which is used in multi-member constituency systems as well as in proportional representation (PR) electoral systems, a voter may cast as many votes as there are candidates to be elected. A voter is free to cast votes based on his or her preference. A candidate may concentrate all votes on one candidate only (unlimited cumulation) or allocate to one candidate only legally established number of votes (limited cumulation); or he or she may split votes among different candidates. Similar to multiple and limited voting, this voting method aims to protect minorities and independent candidates, while providing them with a chance to win seats in the parliament through concentration of votes of their supporters. To achieve an effect, this voting method implies a strict party discipline and organization, thus giving scope for various types of manipulation and clashes between internal party fractions. This is the main weakness of this voting method, which may be combined with limited voting.

Table 5: Allocation of mandates under the cumulative voting

Blue Party Candidates	Votes	Red Party Candidates	Votes	
P1	7.800	C1	6.000	
P2	7.500	C2	1.700	
P3	5.700	C3	1.300	
Votes	21.000	Votes	9.000	30.000
Voters	7.000	Voters	3.000	10.000
Elected ones	P1, P2, C1			

Table above illustrates results of competition among two parties in a three-set electoral unit. Each voter is allocated three seats and unlimited cumulation. 10,000 voters casted 30,000 votes. Blue party candidates got 7,000 votes while red party candidates got 3,000 votes. Blue party candidates scarcely used an opportunity to cumulate votes, and, consequently, did not increase the odds of three of their candidates being elected. Red party candidates used this possibility and ensured election of one of their party candidates (Kasapović, 2003: 214-215).

Both plurality-majority system and proportional representation (PR) electoral system use “categorical ballot”. Ballot types are as follows:

- Single-member ballot is used where a voter marks only one seat per constituency and a candidate has only one vote. It is applied in plurality-majority systems and hybrid systems;
- Single non-transferable vote – a system in which more than one candidates elected while electors have only one vote; candidates with the highest number of votes are elected;
- The closed list – a list in which voters are restricted to vote only for a political party; it is used in proportional representation (PR) as well as in multi-member constituency system and hybrid systems. In the PR system, candidates on the closed list are elected based on the order of choice, from top to bottom.

“Ordinal” voting method is used in the PR system, but it may also be used in a multi-member constituency system. In “ordinal” voting, a voter may cast more votes and may use them in different ways, depending on the type of “ordinal” voting. There are nine types of “ordinal” voting system, as follows:

- Preferential voting is possible only in list proportional representation voting. It is a system in which a voter can rank-order candidates on the ballot paper;
- Negative vote („*lotoisage*“) – this is reverse preferential voting whereby a voter may cross one or more candidates on a ballot paper for which he or she does not want to vote, and that he or she does not want to be elected. The method differs from vote splitting since a voter does not indicate the names of the candidates that may replace the candidates whose names are crossed on a ballot paper;
- Cumulative vote (afore described);
- Graduated or rank-ordered vote is a form of ballot in which voter rank-orders candidates based on his or her preference. One voter has more

votes, but fewer than the number of candidates to be elected (a number is limited by law). Each post on the list corresponds to a single voice. Rank-ordered voting differs from cumulative voting exactly in this way.

Aforelisted “ordinal” voting method does not provide the possibility of voting for candidates from different lists. However, voting methods listed below provide this option. These lists are designed in a way so as to enable voters to vote simultaneously for candidates who are placed on different candidate lists, as follows:

- Vote splittings one of the voting methods that provide large freedom to voters.²⁷ Voters may vote for candidates from different lists, what emphasizes personal character of this phase in the electoral process. At the same time, voters are not constrained to opt for a particular party option (Ross, 1955: 57-67). So, a voter may create his or her own list by including in the list candidates from different party lists;
- Open list – a voter express a preference for candidates that he or she would like to see elected. Names of the candidates must be singled out on other lists;
- Totally open list – a voter compiles his or her own list of preference that includes candidates that may or may not be nominated for elections. Persons who receive the highest number of votes are elected. Multi-member plurality-majority ballot papers fall within this category.
- Limited vote – electors have more than one vote, but fewer votes than the number of candidates to be elected. Candidates with the highest vote are elected in proportion to a number of seats that need to be filled. Limited vote is usually used in a plurality-majority system, e.g. for election of the Senate of Spain;
- Contingency vote system – in this system, a voter has only one voice. He or she is requested to rank on the ballot paper all candidates in a constituency in order of preference. During vote counting, his or her voice will initially be allocated to the first-preference candidate. Still, that vote may be transferred to the second, third etc. preference candidate. The goal of such system is to allow voters to qualify their choice while avoiding wasted votes for candidates that will not be elected or

27 The term ‘splitting’ is derived from the French term *panache* meaning mixed, colorful. The term denotes particular voting method for lists of candidates in PR electoral system. The method allows voters to vote for candidates nominated on different lists of candidates, by enabling a voter more votes that he or she may cast for candidates from different lists of candidates or for different lists of candidates, in such a way producing “one’s own list”. Vote splitting allows voting for individual candidates in PR electoral system too.

candidates who won sufficient votes to gain seats. In practice, this voting method is used with individual candidates competing for seats. Yet, in theory the method may be applied to closed list PR systems. This voting system is used only for one-round electoral systems. One may distinguish between two types of contingency vote system, depending on a legal solution or a guiding principle used in elections. When applied to a plurality-majority system, the method is known as alternative vote (AV). In case of PR system, it is known as the single transferable vote (STV). The difference between two systems comes with the way seats are distributed. There is no difference in the way votes are exercised by electors.²⁸ Based on the voting technique, voters can vote by absentee ballot that can be cast as advance voting, vote by mail (applied for the first time in elections in Bosnia and Herzegovina in the manner and form prescribed by the legislation),²⁹ and proxy voting. The importance of absentee voting is exceptional, since election results depend on a number of voters who exercise their right to vote. This voting method is largely applied in developed democracies, while in the United States of America, especially in some of its states, this voting method takes precedence over other voting methods.³⁰

What lies at the heart of this voting method? Absentee ballot is a vote cast by someone who is unable to attend the official polling station for justified reasons or someone who will be away on the election day. Such elector will be offered the right to absentee voting usually prior to an election day. In case of early voting, an elector can vote on a single or series of days prior to an election.

In case of postal voting, two envelopes are posted out to the voter: one secrecy envelope that does not identify voter in any way; a voter places a completed ballot in the secrecy envelope and seals it; one return envelope with identification information of the voter; the voter places the secrecy envelope in the return envelope and seals it. Secrecy envelope contains printed instructions on voting and on returning a ballot. A voter needs to sign his or her own ballot return envelope for the ballot to be counted. In case that ballot return envelope is not signed by a voter or a voter

28 Quoted from: Council of Europe, European Commission for Democracy through Law (Venice Commission), Report on electoral systems, Overview of available solutions and selections criteria, Adopted by the Venice Commission at its 57th Plenary Session, Venice, 12-13 December 2003. www.coe.int.

29 Vote-by-mail option, that is, absentee ballot was established in Annex 3, Article IV of the Dayton Peace Agreement for any absent citizen during BiH General Elections in 1996.

30 For instance, in the state of Oregon, ballots are cast in person only in two out of eight elections held in a two-year period. For other six elections, voters vote by post.

signs another person's name, the ballot is automatically disqualified. The latter action constitutes a serious crime.

After mail has been delivered to the polling station, which has to be done before the all polling stations have closed, and after validity of the voter's signature is confirmed and the name of the voter registered in electoral register, a secrecy envelope is placed directly into a ballot box with all other secret ballot envelopes. Upon sealing of the ballot box, all envelopes are opened and ballots counted. In such a way, secrecy is maintained during the count. Usually, three-day period is reserved for counting secret ballot votes. Although absentee ballot in principle relates to those who are unable to attend the official polling station on an election day, certain states in the USA (i.e. Iowa) do not restrict postal voting. In other words, anyone who is individually registered can apply for a postal vote.

USA passed a number of measures to facilitate vote-by-mail, one of which is that ballots may be deposited in special ballot return boxes. These boxes are used only for ballots and are not mixed with regular mail.³¹ This is a ballot protection measure that significantly reduces the scope of work.

This voting mechanism may be considered as the only effective one, that almost hundred per cent protects voting secrecy. Potential attempts to manipulate voting by mail may only prove harmful for eventual manipulators. Nonetheless, in order to evade this likelihood, organizer of the electoral process needs to carry out all preliminary work, in particular to secure electors' signature on the electors' registration form for postal voting.³² The following section of this study presents an example of a ballot paper for different representative bodies in Bosnia and Herzegovina.

31 The same voting method was used in the BiH elections in 1996 up until local elections in 2004.

32 Implementation of the CIPS project (Citizen Identification Protection System) created conditions for registration of digitized signatures on voter registration forms; in such a way, officials can compare this signature to the signature on voters' registration form.

Picture 1: Ballot paper for the House of Representatives of the BiH Parliamentary Assembly

ZASTUPNIČKI/PREDSTAVNIČKI DOM PARLAMENTARNE SKUPŠTINE BIH IZBORNA JEDINICA 3		523
ZASTUPNIČKI/PREDSTAVNIČKI DOM PARLAMENTARNE SKUPŠTINE BIH IZBORNA JEDINICA 3		
PREDSTAVLJENI NA PREDJEDNOJ STRANICI		
<input type="checkbox"/> ZAJEDNO ZA PROMJENE (ZPP-SDB-ONK) 1 <input type="checkbox"/> PERČIĆ NEDELJKA	5 <input type="checkbox"/> HADŽIHOVIĆ INEMLA 6 <input type="checkbox"/> FERHATBEGOVIĆ OZRENKA 7 <input type="checkbox"/> ŽILAK NARIS	5 <input type="checkbox"/> BUKIĆEVIĆ BOKONJAP 7 <input type="checkbox"/> RAKIĆ BAŠANA 8 <input type="checkbox"/> POPIĆ NEBOJŠA
<input type="checkbox"/> BPS-BEPER KALILOVIĆ 1 <input type="checkbox"/> MEHMEĐOVIĆ SAFET 2 <input type="checkbox"/> SALDHOVIĆ ALISA	<input type="checkbox"/> SDA - STRANKA DEMOKRATSKIE AKCIE 1 <input type="checkbox"/> ALIĆEVIĆ SADIK 2 <input type="checkbox"/> ŠNAPIS BEGIJA 3 <input type="checkbox"/> BIKO MEŠUR 4 <input type="checkbox"/> ŽUKUŠA ŽEMET 5 <input type="checkbox"/> TARIĆ NEBOJŠA 6 <input type="checkbox"/> FEJZIĆ SABAN 7 <input type="checkbox"/> AVDIĆ ZAGHENA	<input type="checkbox"/> BUKIĆ TOPO NEZAVISNI KANDIDAT KRAJ LISTE. KRAJ LISTE.
<input type="checkbox"/> SAVEZ NEZAVISNIH SOCIJALDEMOKRATA - SNSD - MILORAD ĐOĐIĆ 1 <input type="checkbox"/> GRODANOVIĆ LANA 2 <input type="checkbox"/> BUKOVIĆ SAŠANA 3 <input type="checkbox"/> KOŠALIĆ STAJA 4 <input type="checkbox"/> ŽUŽIĆ BLAGOJE 5 <input type="checkbox"/> RIZIĆEVIĆ NEĐA 6 <input type="checkbox"/> TOPIĆ BOŠKO 7 <input type="checkbox"/> MITRAČEVIĆ SOFJA 8 <input type="checkbox"/> ĐOĐIĆ SINKICA	<input type="checkbox"/> LIB-NDP 1 <input type="checkbox"/> ĐELIĆ DRAGIŠA 2 <input type="checkbox"/> RADOVIĆ LILIJANA 3 <input type="checkbox"/> ŠARABA SLOBODAN 4 <input type="checkbox"/> KURČEVIĆ MIROSLAV 5 <input type="checkbox"/> MIJEŠEVIĆ BOJAN 6 <input type="checkbox"/> BILJAK OLIVERA 7 <input type="checkbox"/> GOLJANOV ILIJA 8 <input type="checkbox"/> KOVAČEVIĆ MARKO	
<input type="checkbox"/> UKRETA SOCIJALDEMOKRATA-UKRETA ZA SVE NAS 1 <input type="checkbox"/> GOVĐARIĆ RADOŠANA	<input type="checkbox"/> STRANKA PRAVEDNE POLITIKE 1 <input type="checkbox"/> BUKOVIĆ SLOBODAN 2 <input type="checkbox"/> MIKOVIĆ SNEŽANA 3 <input type="checkbox"/> KOPIT RADOŠLAV 4 <input type="checkbox"/> MILOŠEVIĆ SAŠA 5 <input type="checkbox"/> RIZIĆ DRAGAN	
<input type="checkbox"/> SOCIJALISTIČKA PARTIJA 1 <input type="checkbox"/> ŽALJIĆ BRANKO 2 <input type="checkbox"/> PRAKOBAC DRAGANA 3 <input type="checkbox"/> TRAJALA DALIBOR 4 <input type="checkbox"/> MARKOVIĆ BRANKO 5 <input type="checkbox"/> RADIĆ ŽELIĆA 6 <input type="checkbox"/> MIČIĆ DRAGAN 7 <input type="checkbox"/> VUKOVIĆ MIRA 8 <input type="checkbox"/> KOPRIVICA ZORAN	<input type="checkbox"/> SRPSKA NAJEDNA STRANKA - SNS 1 <input type="checkbox"/> TOMOVIĆ RADOŠLAV 2 <input type="checkbox"/> BANOVIĆ SVETLANA 3 <input type="checkbox"/> MILOŠEVIĆ VLADIMIR 4 <input type="checkbox"/> BIKIĆ ĐANKO 5 <input type="checkbox"/> RADOŠANOVIĆ DALIBORKA 6 <input type="checkbox"/> MIĆKOVIĆ ZORAN 7 <input type="checkbox"/> BOROŠANOV NEBOJŠA 8 <input type="checkbox"/> PETROVIĆ VALERIJANA	
<input type="checkbox"/> DRS-DEMOKRATSKA NARODNA SAVEZ - DR - SRS 1 <input type="checkbox"/> BEROVIĆ ZORAN 2 <input type="checkbox"/> BOJOVIĆ ZADRANKA 3 <input type="checkbox"/> BAKOVIĆ SLOBODAN 4 <input type="checkbox"/> NOVO SLOBODAN 5 <input type="checkbox"/> NEDELJKOVIĆ DRAGANA 6 <input type="checkbox"/> ČALIĆ NEĐOVIĆ 7 <input type="checkbox"/> ŽELIĆ MIRA 8 <input type="checkbox"/> ALIĆEVIĆ LILIJANA	<input type="checkbox"/> SDB-SOCIJALDEMOKRATSKA PARTIJA BIH 1 <input type="checkbox"/> OSMANOVIĆ ADIL 2 <input type="checkbox"/> MUSTAFIĆ VESNA 3 <input type="checkbox"/> ALIĆ ĐOĐIĆ 4 <input type="checkbox"/> SALDHOVIĆ ŽILKO	
<input type="checkbox"/> SDP-SOCIJALDEMOKRATSKA PARTIJA BIH 1 <input type="checkbox"/> OSMANOVIĆ ADIL 2 <input type="checkbox"/> MUSTAFIĆ VESNA 3 <input type="checkbox"/> ALIĆ ĐOĐIĆ 4 <input type="checkbox"/> SALDHOVIĆ ŽILKO	<input type="checkbox"/> SDS-SRPSKA DEMOKRATSKA STRANKA 1 <input type="checkbox"/> BABIĆ ĐANKO 2 <input type="checkbox"/> PANDŽEVIĆ ALEKSANDRA 3 <input type="checkbox"/> PRTIĆ SLOBODAN 4 <input type="checkbox"/> KOCIĆEVIĆ DUBRAVKA 5 <input type="checkbox"/> MIKOVIĆ NEĐA	

ЗАСТУПНИЦИ/ПРЕДСТАВНИЦИ ДОМ ПАРЛАМЕНТАРНЕ СКУПШТИНЕ БОСНЕ И ХЕРЦЕГОВИНЕ ИЗ РЕПУБЛИКЕ СРПСКЕ - ИЗБОРНА ЈЕДИНИЦА 3

ЗАСТУПНИЦИ/ПРЕДСТАВНИЦИ ДОМ ПАРЛАМЕНТАРНЕ СКУПШТИНЕ БОСНЕ И ХЕРЦЕГОВИНЕ ИЗ РЕПУБЛИКЕ СРПСКЕ - ИЗБОРНА ЈЕДИНИЦА 3

OKRENITE DRUGU STRANICU ОКРЕНИТЕ ДРУГУ СТРАЊУ

NAPUTAK - УПУТСТВО - UPUTSTVO

Označite kvadratić pokraj naziva samo jedne političke stranke ili koalicije ili imena neovisnog kandidata.

Označite kvadratić pokraj naziva samo jedne političke stranke ili koalicije i odaberite onoliko kandidata s te liste koliko želite.

Označite kvadratić pokraj imena jednoga ili više kandidata sa samo jedne odabrane liste političke stranke ili koalicije.

Označite kvadratić pored naziva samo jedne političke partije ili koalicije ili imena nezavisnog kandidata.

Označite kvadratić pored naziva samo jedne političke partije ili koalicije i odaberite onoliko kandidata sa te liste koliko želite.

Označite kvadratić pored imena jednog ili više kandidata sa samo jedne odabrane liste političke partije ili koalicije.

Označite kvadratić pored naziva samo jedne političke stranke ili koalicije ili imena nezavisnog kandidata.

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Označite kvadratić pored imena jednog ili više kandidata sa samo jedne odabrane liste političke stranke ili koalicije.

ОПШТИ ИЗБОРИ 12.10.2014.

ЗАСТУПНИЦИ/ПРЕДСТАВНИЦИ ДОМ ПАРЛАМЕНТАРНЕ СКУПШТИНЕ БОСНЕ И ХЕРЦЕГОВИНЕ ИЗ РЕПУБЛИКЕ СРПСКЕ - ИЗБОРНА ЈЕДИНИЦА 3

ЗАСТУПНИЦИ/ПРЕДСТАВНИЦИ ДОМ ПАРЛАМЕНТАРНЕ СКУПШТИНЕ БОСНЕ И ХЕРЦЕГОВИНЕ ИЗ РЕПУБЛИКЕ СРПСКЕ - ИЗБОРНА ЈЕДИНИЦА 3

OKRENITE DRUGU STRANICU ОКРЕНИТЕ ДРУГУ СТРАЊУ

ОПШТИ ИЗБОРИ 12.10.2014.

Picture 2: Ballot paper for the BiH Presidency

<p>701</p> <p>PREDSEDNIŠTVO BOSNE I HERCEGOVINE - BOŠNJAČKI ČLAN ПРЕДСЈЕДНИШТВО БОСНЕ И ХЕРЦЕГОВИНЕ - БОШЊАЧКИ ЧЛАН</p> <p>PROČITAJTE NAPUTAK/UPUTSTVO NA PREDNJOJ STRANICI! ПРОЧИТАЈТЕ УПУТСТВО НА ПРЕДНЈОЈ СТРАНИЦИ</p> <ul style="list-style-type: none"> <input type="checkbox"/> HALILOVIĆ SEFER - BPS-SEFER HALILOVIĆ <input type="checkbox"/> RADONČIĆ FAHRIJUDIN - SBB - FAHRIJUDIN RADONČIĆ <input type="checkbox"/> BAJRAMOVIĆ DŽEMAL - STRANKA DEMOKRATSKE BOSNE I HERCEGOVINE <input type="checkbox"/> ČERDŽIĆ MUSTAFA - NEZAVISNI KANDIDAT <input type="checkbox"/> HADŽIĆ MEHREM - SDP-SOCIALDEMOKRATSKA PARTIJA BiH <input type="checkbox"/> IZETBEGOVIĆ BAKIR - SDA - STRANKA DEMOKRATSKE AKCIJE <input type="checkbox"/> SULJAGIĆ EMIR - DEMOKRATSKA FRONTA-ŽELJKO KOMIĆ <input type="checkbox"/> ŽIGIĆ ADIL - NEZAVISNI KANDIDAT <input type="checkbox"/> KEBIĆ MEHREM - NEZAVISNI KANDIDAT <input type="checkbox"/> TUZILAC HALIL - NEZAVISNI KANDIDAT <p>KRAJ LISTE. КРАЈ ЛИСТЕ.</p>	<p>702</p> <p>PREDSEDNIŠTVO BOSNE I HERCEGOVINE - HRVATSKI ČLAN ПРЕДСЈЕДНИШТВО БОСНЕ И ХЕРЦЕГОВИНЕ - ХРВАТСКИ ЧЛАН</p> <p>PROČITAJTE NAPUTAK/UPUTSTVO NA PREDNJOJ STRANICI! ПРОЧИТАЈТЕ УПУТСТВО НА ПРЕДНЈОЈ СТРАНИЦИ</p> <ul style="list-style-type: none"> <input type="checkbox"/> ČOVIĆ DRAGAN - HDZ BiH - HRVATSKA DEMOKRATSKA ZAJEDNICA BOSNE I HERCEGOVINE <input type="checkbox"/> BUDIMIR ŽIVKO - STRANKA PRAVDE I POVJERENJA <input type="checkbox"/> POPONČIĆ ANTO - DEMOKRATSKA FRONTA-ŽELJKO KOMIĆ <input type="checkbox"/> RAGUŽ MARTIN - HDZ 1990 HRVATSKA DEMOKRATSKA ZAJEDNICA <p>KRAJ LISTE. КРАЈ ЛИСТЕ.</p>
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<p>701</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);"> PREDSEDNIŠTVO BOSNE I HERCEGOVINE - BOŠNJAČKI / HRVATSKI ČLAN </p>	<p>PREDSEDNIŠTVO BOSNE I HERCEGOVINE - BOŠNJAČKI / HRVATSKI ČLAN ПРЕДСЈЕДНИШТВО БОСНЕ И ХЕРЦЕГОВИНЕ - БОШЊАЧКИ / ХРВАТСКИ ЧЛАН</p> <p>OKRENITE DRUGU STRANICU ОКРЕНІТЕ ДРУГУ СТРАНУ </p> <p>NAPUTAK - УПУТСТВО - UPUTSTVO</p> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> Označite kvadratić pokraj imena samo jednoga kandidata. </div> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> Označite kvadratić pored imena samo jednoga kandidata. </div> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> Označite kvadratić pored imena samo jednoga kandidata. </div> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> Možete glasati/glasovati za bošnjačkog ili hrvatskog kandidata, ali ne za oba. Можете гласати за бошњачког или хрватског кандидата, али не за оба. </div> <p>OKRENITE DRUGU STRANICU ОКРЕНІТЕ ДРУГУ СТРАНУ </p>	<p>702</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);"> OPŠTI IZBORI 12.10.2014. </p>
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ОКРЕНИТЕ DRUGU STRANICU
ОКРЕНИТЕ ДРУГУ СТРАНУ 

ПРЕДСЈЕДНИШТВО БОСНЕ И ХЕРЦЕГОВИНЕ - СРПСКИ ЧЛАН

ПРЕДСЈЕДНИШТВО БОСНЕ И ХЕРЦЕГОВИНЕ - СРПСКИ ЧЛАН

НАПУТАК - УПУТСТВО - UPUTSTVO

Označite kvadratić **pokraj** imena samo jednoga kandidata.

Označite kvadratić **pored** imena samo jednoga kandidata.

Označite kvadratić **pored** imena samo jednoga kandidata.

ПРЕДСЈЕДНИШТВО БОСНЕ И ХЕРЦЕГОВИНЕ - СРПСКИ ЧЛАН

ОКРЕНИТЕ DRUGU STRANICU
ОКРЕНИТЕ ДРУГУ СТРАНУ 

ОПШТИ ИЗБОРИ 12.10.2014.

ОПШТИ ИЗБОРИ 12.10.2014.

3.3 Translating votes into electoral mandates

Following division of the country into constituencies, translation of votes into seats is one of the most important elements of the election system. Hence, the process of translating votes into seats is often defined as the electoral system in narrower terms. “In a narrower sense, electoral system is the system of distribution of parliamentary seats. There are two basis electoral systems: plurality-majority system and proportional representation system, with a number of variations...”³³ Final

³³ Legal lexicon, Contemporary administration, Belgrade, 1970, page 379.

election results directly depend on electoral formula used to translate party votes and individual votes into seats in political representative body. There are several methods within the “family of electoral systems” for translating vote-shares into seat-shares, in particular in PR electoral systems. These methods are mostly reduced to a procedure of the largest number of votes and a procedure of electoral number. The following section of the study will present specific details of each individual method of translation of votes into seats.

In Bosnia and Herzegovina, mandates are allocated in each constituency in the following manner: for each political party and coalition, total number of valid votes received by particular political party or coalition is divided by 1, 3, 5, 7, 9, 11, et seq., as long as needed for the allocation in question. The numbers resulting from this series of divisions shall be the “quotients”. The number of votes for an independent candidate is the quotient for that particular candidate. The quotients shall be arranged in order from the highest quotient to the lowest quotient. Mandates shall be distributed, in order, to the highest quotient until all the constituency mandates for the body have been distributed. Political parties, coalitions, lists of independent candidates and independent candidates cannot participate in the allocation of mandates if they do not win more than 3% of the total number of valid ballots in an electoral unit.

Table 6: *Allocation of mandates according to the lists*

Political entity	Votes/1	Votes/3	Votes/5	Mandates
Political party A	12.567	4.189,00	2.513,40	0
Political party B	56.400	18.800,00	11.280,00	2
Coalition C	32.456	10.818,67	6.491,20	1
Political party F	15.643	5.214,33	3.128,60	1
Independent candidate	19.235	6.411,67	3.847,00	1
Coalition D	12.342	4.114,00	2.468,40	0
Total mandates				5

3.4 Harmonization of the electoral system with international standards

In order for the electoral system and the electoral process to be democratic, electoral right must rest on democratic grounds. In other words, every democratic electoral right rests on four (five) basic principles of the electoral law that more or less characterize every democratic system and that have become a standard in contemporary democratic society. These principles are: universal suffrage, principle of equality, direct election and secrecy of the vote (Nohlen, 1992: 25). Recently, freedom of expression was added as the fifth principle,³⁴ which implies freedom of speech, press, assembly and belief. These principles represent standards of contemporary democracy. Nowadays, principles of universal, equal, direct, free and secret suffrage are established in constitutional heritage of all contemporary democracies. However, in the 19th century, the concept of general voting rights excluded many categories of voters. In majority of states, the process of expansion of voting rights was followed by formation of contemporary party systems. Political theorists warn that voting rights' expansion is conditioned by two key processes: first, by industrial development and industrial revolution that caused social stratification and strengthening of the labor movement, which fostered social equality, among other things, through expansion of voting rights; and second, by the process of the so-called national revolution, development of a nation, that is, formation of national states.

Consequently, democratic principles of voting rights have been introduced over a long period of time, in the course of fighting to actualize and expand voting rights. These principles have particularly come into force since proclamation of the principle of national sovereignty and equality of all citizens. All of these principles have been grounded in international legal heritage and provided for in declarations, conventions and treaties, so that nowadays they serve as standards for definition of democratic electoral system. In order to be able to follow harmonization of the electoral law in Bosnia and Herzegovina with international standards, it is necessary to first examine the essence of these principles.

The principle of universal suffrage consists of the equal right to elect and be elected for all citizens, without distinction of any kind, such as ethnicity, race, religion, sex, social status, political affiliation, property or other status. This right seems universal due to absence of any form of discrimination among citizens. In other words, general – universal suffrage is the right of any citizen who is eligible voter to vote and participate in the electoral process.

34 See more in: European Commission for Democracy through Law (the Venice Commission) Code of Good Practice in Electoral Matters, Guidelines and Explanatory Report adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002.), www.coe.int.

Key preconditions of suffrage are as follows: certain age (usually the age of majority), ability to frame and express one's own will and absence of legal ground for suspension of elector's suffrage (e.g. on the grounds of final verdict, etc.). The universal suffrage is not suffrage that is limited by certain census. Various censuses have been claimed during the history of elections, such as census based on property, education, population, sex, etc. The suffrage, as a general concept, includes certain special rights, such as the right of the citizen to elect his or her representative, the right to be elected and nominated, the right to vote and, by voting, decide on all relevant issues that may be presented through specific form of will expression of citizens (referendum, civic initiative). Citizens are entitled to active and passive voting rights. Active suffrage implies the right of a citizen to vote, while passive suffrage is the right to run for office and be elected. Constitutions often proclaim the freedom of choice as a fundamental principle that implies that voting act is free from any interference or pressure, and is a free will act instead. It is certain that the guarantee of universal suffrage requires certain conditions, including most often certain age,³⁵ a place of residence, nationality, citizenship, and less often, literacy. As a rule, persons with mental incapacity or criminal conviction are deprived of the right to vote.

The principle of equality assumes that the vote of each elector has an equal value, based on the principle of "one man – one vote – one value". In case of electoral systems that foresee more than one vote per elector, each elector has equal number of votes. The principle of equality is "nowadays effectively the most important principle among all principles of suffrage" (Seifert, 1976: 50), since it plays an important part in the process of boundary delimitation. It implies equal voting power: representative seats must be equally distributed across constituencies. Equal suffrage implies clear and equal distribution of seats per constituency, based on one of the following distribution criteria: population size, number of citizens with residency (including minors), number of registered voters, and, if available, total voting population. Certain combination of the above listed criteria is possible.

Contrary to the equality principle, unequal suffrage is reflected in unequally weighted

35 In many countries, minimum age for voting is 18 years. In certain countries, minimum age is between 19 and 21. In Brazil, Cuba, Iraq and Nicaragua, individuals are eligible to vote once they reach 16. In order to acquire active and passive right to vote, minimum age requirements have to be met too. So, in DPR Korea, minimum age for passive suffrage is 17 years, while, in 34 countries, minimum age is 18. Most of the countries set minimum age for passive suffrage at 21 or 25 years. Equatorial Guinea set the highest passive suffrage age at 45 years, followed by Egypt, Jordan, Kuwait and Turkey at 30 years. Certain states also set upper age limit for passive suffrage, such as, for instance Equatorial Guinea where the age limit for public office is 60 years, and in Iraq 75 years. Compare: Electoral Systems a World-wide Comparative Study, Inter-Parliamentary Union (IPU), Geneva.

votes. Under unequal suffrage, voting inequality may be open and covert. Over the electoral process history, open differentiation was expressed through so called plural voting, while covert differentiation was reflected in division of voters into particular electoral groups (residences), which elected number of representatives that was disproportionate to a number of electors within a particular electoral group.

The most common violation of this principle was that persons with higher income, who belonged to higher social class, were allowed to cast more than one vote. Although a voter is formally allowed to cast a single vote, he or she was allowed to vote in different constituencies, including: home constituency, constituency in which a voter lived, constituency in which a voter worked, a university constituency, and so on. Moreover, a voter was allowed to cast a vote for each dependent child or had a right to cast certain number of votes, depending on the number of children.

The principle of equality requires that a person who has the right of suffrage is allowed to exercise his or her suffrage (active or passive) without distinction of any kind, such as national origin, religion, gender, race or social status, etc.

The principle of equality in contemporary democratic societies includes implicitly full equality for parties and candidates alike. This entails a neutral attitude by state authorities with respect to the election campaign, media coverage, in particular by the publicly owned media, and public funding of political parties and campaigns.

Depending on the subject matter, equality may be strict or proportional. If it is strict, political parties are treated on an equal footing irrespective of their current parliamentary strength or support among the electorate. If it is proportional, political parties must be treated according to the results achieved in the elections. Equality of opportunity applies in particular to radio and television air-time, public funds and other forms of backing.

In conformity with freedom of expression, legal provision should be made to ensure that there is minimum access to privately owned audiovisual media, with regard to the election campaign and to advertising, for all participants in elections. At the same time, funding of political parties, candidates and election campaigns must be transparent.

Particular standard is requested with regard to providing education of political parties that represent national minorities. In this matter, special rules guaranteeing national minorities reserved seats or providing for exceptions to the normal seat allocation criteria for parties representing national minorities (for instance, exemption from a quorum requirement, so called positive electoral discrimination) in principle do not, in contemporary democracies, run counter to equal suffrage. At the same time, legal rules requiring a minimum percentage of persons of each

gender among candidates should not be considered as contrary to the principle of equal suffrage, if they have a constitutional basis.³⁶

Direct suffrage principle is reflected in the right of voters to directly elect their representatives. Direct universal voting right is the right “of each citizen, apart from those who are deprived of the right to vote on a legal basis, to directly participate in voting and to elect his or her representative without intermediation.”³⁷ In this process, minimum one chamber (lower house) of a representative body (parliament) must be elected by direct suffrage, as well as sub-national legislative bodies and local councils. On the other hand, we speak of indirect suffrage when voters merely select electors or an electoral college which then elects members of a representative body (such as, for instance, system of representatives in the former socialist regime in BiH, or election of representatives to the House of Peoples of FBiH and BiH based on the Dayton Peace Agreement, or, for instance, election of the U.S. President). Then, the principle of direct suffrage has largely become a standard in contemporary world, rather than mediation between electors and political representatives by intently political bodies. Yet, one should make a distinction between formally indirect elections, when those who are elected are essentially bound by the will of their voters, and substantially indirect elections, when the elected ones are the ones who allocate seats according to their own will, regardless of the will of “grand-voters” (Jovanović, 1997: 26).

The principle of secret suffrage is established in order to shield voters from pressures they might face by government representatives or individuals or political and other social groups. In other words, this principle requests that voter’s will is shielded from insight of the public or other participants in the electoral process. Voters also must respect secret suffrage, and non-compliance must be punished by disqualifying any ballot whose content has been disclosed. Voting must be individual. Family voting, or any type of supervision of the votes cast by the other family members, is prohibited. List of persons voting should not be published, that is, they are subject to strict discretion and governmental protection. In contract to this, public voting provides a possibility to control voters’ party affiliation, what may have certain impact on a voter, either by authorities or by political counter-parts. Throughout the history of voting, various voting techniques, such as viva voce, raising hands, outcry, and written ballot, have offered large scope for political manipulation of vote buying, corruption, threats, and the like. However, in contemporary society,

36 In relation to these standards, see: European Commission for Democracy through Law (the Venice Commission) Code of Good Practice in Electoral Matters, Guidelines and Explanatory Report adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002.), www.coe.int.

37 Electoral Systems a World-wide Comparative Study, Inter-Parliamentary Union (IPU), Geneva, 1993, page 3.

voting right is guaranteed by voting ballots, sheltered boxes for secret suffrage, sealed ballots, etc. So called electronic vote (voting via internet) is ever so often used, and it implies special IT protection measures.

The principle of free voting right, in new historic circumstances, includes implicitly freedom of voters to form an opinion. In this context, a state is required to respect the duty of neutrality, particularly where the use of mass media, billposting, the right to demonstrate, and the funding of parties and candidates is concerned. At the same time, public authorities are requested to submit presented candidatures to the citizens' votes and to give the electorate access to lists and candidates, for instance, by appropriate public billposting, etc. The information in question must be available in the languages of national minorities. In contemporary context, this principle also includes implicitly voters' freedom to express their wishes, and combating electoral fraud. To this aim, voting procedure must be kept simple; electors should be able to cast their votes at a polling station, while other means are voting are acceptable on certain conditions, such as: postal voting may be widespread in a country only if a postal service is secure and reliable; postal voting can be limited to hospital patients or persons in custody, persons with restricted mobility and electors resident abroad, in so far as there is no risk of fraud or intimidation; electronic voting method must be secure and reliable; more specifically, the elector must be able to obtain confirmation of his or her vote and, if necessary, correct it without the secrecy of the ballot being in any way violated; the system's transparency must be guaranteed; proxy voting is permissible only if subject to very strict rules. The number of proxies held by any one elector must be limited; should mobile ballot boxes be used, strict conditions should be imposed to prevent fraud; there should be minimum two criteria for verifying the fairness of the ballot: the number of electors who have cast votes compared with the number of ballot papers in the ballot box; ballot papers must not in any way be corrected or marked by members of an electoral board; any unused ballot papers should remain at the polling station; during voting and vote counting, the polling station officials must include multi-party representatives, as well as observers assigned by the candidates; whenever possible, servicemen should be registered at polling stations near their place of residence; on the contrary, it is recommended that they are registered at polling stations near their military barracks; vote counting must be conducted in a transparent manner. The presence of observers, candidate representatives and media must be authorized. These persons must have access to the record of the proceedings; results are sent to competent higher authority in a transparent manner; the state must punish any kind of electoral fraud.³⁸

38 European Commission for Democracy through Law (the Venice Commission) Code of Good Practice in Electoral Matters, Guidelines and Explanatory Report adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002.), www.coe.int.

In addition to these fundamental principles, not only in theory but also in practice we meet the idea of incompatibility. This term denotes incompatibility of certain governmental functions. In brief, this idea suggests that principle institutions of a state (for instance, legislature) should be divided in person and in function from some other function (for instance, executive branch). In democratic systems, which are based on separation of powers into judiciary, legislative and executive, incompatibility is explained as impossibility to unite different powers in the same person (for instance, judiciary and executive powers, judiciary and legislative powers, or legislative and executive powers). Incompatibility is closely tied to voting right since it excludes passive voting right of a citizens, because discharge of certain government duties is not compatible with parliamentary functions. Consequently, duties of a supervisor (parliament, court, etc.) are not compatible with duties of a supervisee.

Having examined the essence of these principles, it is necessary to review the extent to which these principles have been integrated in the electoral legislation in Bosnia and Herzegovina.

Election Law of Bosnia and Herzegovina in Chapter 1 – General provisions includes basic elements of international standards, that is, it defines elections in Bosnia and Herzegovina are **free, universal, equal, direct and secret**.³⁹

3.4.1 The secrecy of the vote

Election Law of BiH sets out in Articles 5.10 and 5.11 that voters are entitled to secrecy.⁴⁰

39 Article 1.3 of the Election Law runs as follows: “The election of members of all bodies of authority shall be made on the basis of **general and equal voting rights** by direct and **secret ballots**, unless **otherwise stipulated by this law**.”

40 **Article 5.10:** *The Election Commission of Bosnia and Herzegovina and the competent authorities responsible for the conduct of elections shall ensure that the voting shall be secret and shall be conducted in person, by the way of a ballot.*

Article 5.11: *(1) Members of the Polling Station Committee shall explain to the voter the manner of polling and ensure secrecy of the voting. (2) Members of the Polling Station Committee shall not exert influence on the decision of the voter.*

Besides the aforementioned, in the process of maintenance and disclosing of personal data from the Central Voters Register to the public, election administration officials are obliged to act in accordance legal provisions that regulate this process.

Article 3.11 *Publication of the data from the Central Voters Register and its disclosure to the public shall be done by following the principles of personal information protection, pursuant to the Law on Protection of Personal Information.*

Election administration officials are obliged to secure a special space in order to ensure the secrecy of the voting.

Article 5.16: *A voter shall vote in a special place which ensures the secrecy of the voting...*

3.4.2 Universal suffrage

Universal suffrage is set out in Article 1.4 of the Election Law in Bosnia and Herzegovina, as follows:

“Article 1.4

(1) Each citizen of Bosnia and Herzegovina (hereinafter: BiH citizen) who has attained eighteen (18) years of age shall have the right to vote and to be elected (hereinafter, right to vote) pursuant to this law.

(2) To exercise his or her right to vote, a citizen must be registered as a voter, pursuant to this law.”

3.4.3 Direct suffrage

Table 7: Overview of directly and indirectly elected representatives

Body	Type of election	Number of members	Electoral system	Number of constituencies
Presidency of Bosnia and Herzegovina	Direct	3 members (1 Bosniak, 1 Serb and 1 Croat)	Majority system	2 constituencies (FBH and RS)
House of Representatives of the BiH Parliamentary Assembly	Direct	42	PR system	8 multi-member constituencies (5 FBH and 3 RS)
House of Peoples of the BiH Parliamentary Assembly	Indirect (House of People's FBiH 10 and RS National Assembly 5)	15 (5 Bosniaks, 5 Serbs and 5 Croats)	PR system	2 constituencies (FBiH and RS)
FBiH President and Vice-Presidents	Indirectly (Parliament BH)	1 president, 2 vice-presidents	Majority system	1 constituency
RS President and Vice-Presidents	Direct	1 president, 2 vice-presidents	Majority system	1 constituency
House of Representatives of the FBiH Parliament	Direct	98	PR system	12 multi-member constituencies

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House of Peoples of the FBiH Parliament Indirect (10 cantons) 58 (17 Bosniaks, 17 Serbs, 17 Croats and 7 others) PR system				10 constituencies
RS National Assembly	Direct	83	PR system	9 multi-member constituencies
RS Council of Peoples	Indirect (NA RS)	28 (8 Bosniaks, 8 Serbs, 8 Croats and 4 others)	PR system	1 constituency
Cantonal assemblies	Direct	21-35	PR system	Each canton – 1 constituency
Parliament of the Brčko District	Direct	31	PR system	District – 1 constituency
Mayors of the cities of Banja Luka, Trebinje, Doboj and Bijeljina.	Direct	1	PR system	Each city – 1 constituency
Mayor of the city of Sarajevo, of the City of Mostar, of the City of East Sarajevo and Brčko District BiH	Indirect (city councilors, BD BiH parliamentarians)	1	Majority system	Each city – 1 constituency
Municipal mayor	Direct	135	Majority system	Each municipality – 1 constituency
Sarajevo City Council	Indirect	28	PR system	4 constituencies – Municipalities that fall within the city
Mostar City Council	Direct	35	PR system	7 constituencies (6 area constituencies – 18 seats and 1 city constituency – 17 seats)
Municipal Councils / Municipal Assemblies / City Assemblies	Direct	11-31	PR system	Each municipality – 1 constituency

3.4.4 Equality

Electoral legislation in Bosnia and Herzegovina stipulates that each voter shall have one ballot for the body or level for which the voter is registered.

In regard to the size of constituencies, that is, constituency magnitude, Article 9.11 of the BiH Election Law prescribes that:

Article 9.11

The constituencies and the number of mandates allocated to each constituency established in this chapter shall be reviewed every four (4) years by the Parliamentary Assembly of Bosnia and Herzegovina to ensure that they are drawn, bearing in mind geographical constraints, in a manner that complies with democratic principles, notably proportionality between the number of mandates and the number of registered voters.

However, this provision has been violated in practice. For instance, in a ruling of the Constitutional Court of Bosnia and Herzegovina no. U-9/09 (constituency for election of the Mostar City Council), the constitutional court established a violation of the principle of equality in the election process for councilors of Mostar's City Council, and ordered to the Parliamentary Assembly of Bosnia and Herzegovina to adopt amendments to the Election Law of BiH in order to prevent malapportionment.

3.4.5 Freedom of expression

Voting in Bosnia and Herzegovina is conducted at polling stations.

Article 5.1

(1) Voting shall be conducted at Polling Stations, unless provided otherwise by this law.

(2) The Polling Stations shall be designated by the Municipal Election Commission no later than sixty five (65) days before the Election Day. The Municipal Election Commission, immediately after designating the Polling Stations, shall submit a list of the locations of the Polling Stations to the Central Election Commission of BiH. The Central Election Commission of BiH may change the location of a Polling Station if it determines that the location is not an appropriate location for polling.

Prescribed ballot paper layout ensures free election for voters.

Article 5.14

(1) The Central Election Commission of BiH shall determine the format and layout (form and contents) of the ballots for direct elections at all levels of authority in Bosnia and Herzegovina.

(2) The ballot shall allow a voter to vote for only one of the following options:

- 1. an independent candidate; or*
- 2. a political party, coalition, or independent candidates list, or*
- 3. within one list of candidates of one political party, coalition, or a list of independent candidates, the opportunity to mark one or more candidates. Where a voter has validly marked one or more candidates on one list, the list shall be considered to have received one valid vote for the purpose of allocating mandates.*

(3) A voter may cast his or her vote only as provided in this Article.

Instead of conclusion

Electoral system of Bosnia and Herzegovina contains discriminatory provisions that prevent certain number of citizens from running for public office, primarily in the Presidency of Bosnia and Herzegovina as a collective presidency and in the House of Peoples of the BiH Parliamentary Assembly. Members of the three constituent peoples: Bosniaks, Serbs and Croats are the only ones allowed to run for public office in these bodies, whereas others are deprived of such right.

Furthermore, the electoral system in Bosnia and Herzegovina has still not embedded all democratic principles of free and fair elections implicit in the European electoral heritage. This drawback particularly relates to the principle of equality, which is drastically violated in respect to relation between constituency magnitude and number of registered voters in three constituencies in Republika Srpska for elections to the House of Representatives of the BiH Parliamentary Assembly. This principle was also not recognized in the election process of councilors to the Mostar City Council, as established by the BiH Constitutional Court ruling in the case U-9/09.

Besides in Bosnia and Herzegovina, there is still a closed, non-blocked list system that builds upon a position of each candidate that won a seat in a parliament, as

there is a clear record of personal votes won by the candidate. When we add to this a legal provision from Article 1.9 of the Election Law of Bosnia and Herzegovina, which stipulates that a mandate belongs to the elected office holder and not to the political party which nominated him or her on the candidates' list, it is evident that there is increasingly present practice of "snatching" MPs from the "embrace" of leaders and headquarters of political parties with narrow political outlook. All of this brought the electoral system to ever vociferous requests of political parties to change the existing political system and allocate a parliamentary mandate to a political party rather than elected office holder.

Amer Osmić

PART FOUR

ELECTORAL CAMPAIGNS

4. ELECTORAL CAMPAIGNS AND GENERAL ELECTIONS 1996-2014

Introduction

The collapse of the communist totalitarian regime in the late eighties and early nineties in Bosnia and Herzegovina and other republics led to major changes in political relations in BiH. The first multi-party parliamentary elections held on 18 November 1990 in the Socialist Republic of Bosnia and Herzegovina led to a victory of ethno-politically based parties – Party of Democratic Action (hereinafter referred to as: SDA), Croatian Democratic Union (hereinafter referred to as: HDZ), and Serbian Democratic Party (hereinafter referred to as: SDS). Dissolution of the Socialist Federal Republic of Yugoslavia was concluded in the Brussels Declaration on Yugoslavia of 17 December 1991. Among other things, this led to calling for a referendum on independence of the Republic of Bosnia and Herzegovina, which was a part of Socialist Federal Republic of Yugoslavia. Voter turnout was 63.4% of which 99.7% voted for independence. Immediately upon announcement of the referendum results, more precisely on 6 April 1992, Republic of Bosnia and Herzegovina was internationally recognized as a sovereign and independent state. Immediately after recognition followed the BiH war, which lasted until 1995.

This study will focus on electoral campaigns and electoral results of all general electoral cycles in Bosnia and Herzegovina (Elections for the Parliamentary Assembly of BiH) after signing of the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter referred to as: the Dayton Agreement) that was launched in Dayton on 21 November 1995 and signed in Paris on 14 December 1995. Elections for the Parliamentary Assembly of BiH were held in 1996, 1998, 2000, 2002, 2006, 2010 and 2014. Pursuant to Annex 3 of the Dayton Agreement, the first post-war elections in Bosnia and Herzegovina were held on 13 and 14 September 1996.

4.1 Electoral campaign and elections for the first term of the BiH Parliamentary Assembly (1996-1998)

The elections held on 14 September 1996 were organized and supported by the OSCE Mission in Bosnia and Herzegovina, which established the voting procedure and took over key responsibility for organization and monitoring of the 1996 General Elections. It is evident that political situation in Bosnia and Herzegovina before the elections was tense, since the war ended less than a year prior to the elections.

Following Vermeer's definition of an electoral campaign as "an attempt of a candidate to reach out to general public, the electorate, through political names, messages, campaign themes, stance on certain issues and other similar matters" (Tomić et al., 2008: 42), majority of candidates for the BiH Parliamentary Assembly of BiH attempted to reach out to "their audience", that is, electoral body that belongs to an ethnic group of a candidate.

Major themes of the pre-electoral campaigns were drawbacks and anomalies of the Dayton Agreement and various assessments of the war in Bosnia and Herzegovina. During the pre-election campaign, the SDA, headed by Alija Izetbegović, promoted a policy of protection of vital national interest of the Bosniaks and the state, clearly expecting to win the election and "reaffirm continuous trust of citizens in the SDA" (Zukić, 2012: 88), that had been expressed in the elections held six years ago. During the race in the elections, the SDS, led by Radovan Karadžić, defined itself as a right-wing nationalist political party, while HDZ headed by Božo Rajić also promoted a policy of protection of vital national interest of the Croats in Bosnia and Herzegovina.

According to all the above mentioned, first post-war elections in Bosnia and Herzegovina held in 1996 have largely contributed to establishment of ethnic exclusiveness with rather weak effect of peace and democratization. As Belloni notes, "in the context of collective insecurity and mutual distrust, that is devoid of stimulating politicians to reach beyond one's own ethnic electorates, the elections turned into an ethnic census" (Banović & Gavrić, 2011).

A total of 3,133,634 registered voters had the right to vote, while voter turnout was 2,487,997⁴¹ (79,40%). According to the election forecast, victory of the ethnic oriented political options was to be expected.

41 Out of the total number of votes, 2,399,874 (96,46%) were valid, and 88,123 (3,54%) spoiled.

Table 8: Results of the elections for the House of Representatives of the BiH Parliamentary Assembly 1996 – 1998 (Official Gazette FBiH, number 20, page 596)

Party	Votes	Representatives
Party of Democratic Action	899.970	19
Serbian Democratic Party	578.723	9
Croatian Democratic Union of Bosnia and Herzegovina	338.440	8
Joint list BiH1	136.203	2
People's Alliance for Free Peace	136.077	2
Party for Bosnia and Herzegovina	93.116	2
Total	2.182.529	42

Similar to the 1990, elections in 1996 brought clear victory to the ethnic orient-parties of the SDA, the HDZ and the SDS. Very complex system of conducting elections and allocating mandates resulted in 19 seats for the SDA, 9 for the SDS and 8 for the HDZ. Other political options had poor election results, which implies that in the period 1996-1998 the opposition in the BiH Parliamentary Assembly almost had no influence.

4.2 Electoral campaign and elections for the second term of the BiH Parliamentary Assembly (1998-2000)

As was the case in 1996 General Elections, organization, funding and monitoring of the 1998 General Elections was conducted by the OSCE Mission. Electoral system based on the Dayton Peace Agreement once more followed the national-entity principle. In other words, the victorious candidates needed to obtain votes only within their own ethnic group in order to win elections. International community tried to identify appropriate mechanisms to reduce such influence. Difference between the 1996 and the 1998 elections lies in the fact that, as a precondition for registering in elections, all parties, coalitions and independent candidates were required to submit their party platform (stance on return of refugees and displaced persons, minority rights, etc.) as well as sign a statement of acceptance of the Dayton Agreement, the electoral codex and conduct, and full implementation of the election results (Hadžović, 1998). These provisions resulted, at least formally, in somewhat

lowered possibility of obstruction of the implementation of the Dayton Agreement. Moreover, a few hundred candidates were removed from electoral lists for violation of the conditions mentioned above. The possibility of forming alliances was created, as favorable to small parties in both entities. Like that, a Coalition for Integral and Democratic BiH was formed in the Federation of Bosnia and Herzegovina, predominantly Bosniak-oriented and made up of the SDA, the Party of Bosnia and Herzegovina (SBIH), Liberals (Bosnian: Liberali) and Civic Democratic Party (Bosnian: Građanska demokratska stranka – GDS).

When it comes to parties with a Croatian background, substantive changes took place since 1996 elections, for reason that newly-established party New Croat Initiative of BiH (Bosnian: Nova hrvatska inicijativa) introduced serious competition to the HDZ BiH.

1998 General Elections were interesting in Republika Srpska too, because the governing Serbian Democratic Party, that entered into a coalition agreement with Serbian Radical Party led by Nikola Poplašen, faced serious power struggle with the 'Sloga' Coalition made up of Serb National Alliance of Republika Srpska (Bosnian: Srpski narodni savez RS) led by Biljana Plavšić, Socialist Party of the RS (Bosnian: Socijalistička partija RS) and Alliance of Independent Social Democrats (SNSD) headed by Milorad Dodik.

The pre-electoral campaign did not significantly differ from the 1996 campaign, except that the HDZ and the SDS faced serious rivals in 1998, unlike the SDA. The campaign went by with high number of pre-electoral rallies, platforms and political and cultural entertaining program. General Elections were held on 12 and 13 September 1998, with a total of 2,750,705 registered voters, 57 political parties, nine coalitions, 10 independent candidates and 10 electoral alliances on six levels of government (Zukić, 2012: 130). With the turnout around 63% (Pašić, 1999: 27) results were the following:

Table 9: Results of the elections for the House of Representatives of the BiH Parliamentary Assembly 1998 – 2000 (izbori.ba)

Party	Votes	Seats
Coalition for a United and Democratic BiH	583.945	17
HDZ BiH	187.707	6
Coalition Sloga	214.634	4
SDS List	162.515	4
SDP	138.004	4
Social Democrats of Bosnia and Herzegovina	28.740	2
SRS RS	118.446	2
Radical Party of RS	27.660	1
New Croat Initiative of BiH – Croatian Christian Democratic Union of BiH	28.572	1
Democratic People's Union of BiH	21.452	1
Total	1.511.675	42

As evident in this table, changes were significant only in the Republika Srpska, where the SDS lost 5 mandates in the BiH Parliamentary Assembly and Coalition 'Sloga' won four seats. In comparison to 1996, there were no important changes in the Federation of BiH: the Coalition for Integral and Democratic BiH led by the SDA won 17 seats, while the HDZ BiH won 6 seats.

4.3 Electoral campaign and elections for the third term of the BiH Parliamentary Assembly (2000-2002)

In preparation for the 2000 elections, the international community focused on adoption of the permanent Election Law in Bosnia and Herzegovina, which was disapproved by majority of domestic political factors. Consequently, "members of a Provisional Election Commission incorporated numerous solutions and novelties into the Electoral Rules and Regulations for the General Elections, which were not envisaged in the draft Election Law of BiH. These changes were approved by the Peace Implementation Council in Bosnia and Herzegovina" (Herceg & Tomić, 2001: 78). In view of this, compared to the two previous election cycles, general

elections in 2000 included setting up of multi-member constituencies. “The very title suggests that we are talking about constituencies that elect several candidates to certain parliamentary bodies” (Herceg and Tomić, 2001: 80), as illustrated in the following table.

Table 10: *The structure of multi-member constituencies in the elections of representatives to the BiH Parliamentary Assembly (Herceg & Tomić, 2001)*

Parliamentary Assembly of Bosnia and Herzegovina		
Constituency	Number of parliamentarians	Territory
Federation of Bosnia and Herzegovina		
1.	3	Canton 1 and Canton 10
2.	3	Canton 7 and Canton 8
3.	4	Canton 5 and Canton 9
4.	6	Canton 4 and Canton 6
5.	5	Canton 2 and Canton 3 and part of Brčko District
Republika Srpska		
1.	3	Eastern and Southeast region of RS
2.	3	Posavina and Northeastern region of RS, part of Brčko District
3.	3	Western region of RS
Federation of Bosnia and Herzegovina 21 + 7 compensatory = 28		
Republika Srpska 9 + 5 compensatory = 14		

Compared to the previous campaigns, electoral activities “that were characterized by promotional displays of political parties and candidates, had been launched much earlier, since already in August, that is, three months before the elections, first forms of external pre-election campaign were registered” (Herceg & Tomić, 2001: 188). The fact that free trainings were organized and run by National Democratic Institute from Washington for the opposition parties’ candidates supports an allegation that the international community was “partial “to the opposition parties. On the other hand, leading political parties used consultant services of the marketing and electoral experts from the academic circles” (according to: Herceg and Tomić, 2001). The effectiveness of the training of leading and opposition parties alike is reflected in the fact that candidates kept highlighting names of their parties and candidates during their constituency campaigns; needless to say, messages passed between candidates and parties create a strong bond between voters and a party / candidate (according to: Herceg and Tomić: 2001). Political messages conveyed by the most important parties on the Bosnian-Herzegovinian political scene read as

follows: SDP: "Join us", "With us, BiH can do better"; SDA: "Let's outvote injustice and lies – tradition and future"; "I love BiH"; HDZBiH: "Now is the time to make decisions", "Return-restoration-subsistence", "Determination or extermination"; SNSD: "To the benefit of Republika Srpska"; SDS: "Together for Srpska"; SBiH: "It is time for BiH without entities", "Let's vote for our people".

According to decision of the OSCE Mission, election campaign launch was set for 27 September 2000. Along the lines of electoral messages, political parties invited their supporters to cast a vote for them. Thus, Party for Bosnia and Herzegovina led by Haris Silajdžić appealed for reorganization of the state. SDP clearly advocated for change and put on notice that it wants to go from opposition to position.

The greatest "clash" during the election campaign was between the SDP and the SDA, expressed in the speech of political candidates and election campaign posters (according to: Herceg and Tomić, 2001). Within the "Croatian" electorate, the most frequent clashes were between HDZ BiH and NHI, and somewhat SDP. Almost similar was the situation in the RS, with most accusations among still leading state-level parties of the SDS and the SNSD, headed by Milorad Dodik. 2,508,349 citizens were registered to vote in 2000 General Elections, out of which 1,616,313 citizens (64,43%) participated in the electoral process. As was the case in 1998, elections for representatives in the Parliamentary Assembly of Bosnia and Herzegovina were conducted separately in the FBiH and the RS (formula: 28 FBiH and 14 RS). If we analyze number of parties that stood for 28 parliamentary seats, it is obvious that the number of political subjects was reduced by half. In other words, "only" 12 parties from the territory of FBiH stood for 28 "seats". The elections were dominated by four parties. These are the SDA, the SDP, the HDZ and Party for BiH. However, contrary to all anticipation in FBiH, eight political parties participated in the new convocation of the BiH Parliamentary Assembly. The reason lies in application of new methods for converting votes into seats and distributing compensation mandates, which provided for higher representation of parties in this house (according to: Herceg and Tomić; 2001: 105). In comparison to 1998 elections, a number of parties in the RS dropped by 12. So, 12 political subjects stood for 14 parliamentary seats in the Republika Srpska. SDS achieved the highest vote share, as happened in the past two election cycles, followed by Party of Democratic Progress (PDP) led by Mladen Ivanić. It is also evident that parties without Serb nationalist orientation that were not oriented to Serb constituent peoples experienced a drop in popularity in the RS.

Table 11: Results of the elections for the House of Representatives of the BiH Parliamentary Assembly 2000 – 2002 (izbori.ba)⁴²

Party	Votes ⁴³	Seats
Social Democratic Party - SDP	235616 32654	8 1
Croatian Democratic Union BiH – HDZ BiH	166667	5
Party of Democratic Action - SDA	233352 46196	7 1
Party for Bosnia and Herzegovina - SzBiH	134917 34078	4 1
Bosnian-Herzegovinian Patriotic Party – BPS	15857	1
Democratic People's Union BiH	18895	1
Democratic Party of Pensioners of Bosnia and Herzegovina	15962	1
Social Liberal Party BiH	17624	1
Serbian Democratic Party - SDS	248579	6
Coalition SNSD - DSP	66684	1
Socialist Party of the RS	35780	1
Serbian People's Alliance	28125	1
Party of Democratic Progress of Republika Srpska - PDP	95245	2
Total	---	42

The OSCE Mission declared 2000 General Elections as successful, and expressed its satisfaction with the election process. In one of his media appearances, contemporary Head of the Mission Robert Bary stated that Bosnia and Herzegovina had now been able to organize elections on its own. Although there was differentiation of parties by their feedback to the election process, leading political parties criticized process of calculation of the results of the elections, pointing to the electoral engineering of the OSCE Mission. Nevertheless, the election results were accepted by all political parties, and government changes followed.

⁴² Due to specificity of the Election Law in Bosnia and Herzegovina, the table cites two numbers in the Votes and Parliamentarians column for certain political parties (e.g. SDA). The reason for this is separate calculation of mandates in the FBiH and the RS, so that the first number in the column (in case two numbers are noted) stands for a number of seats won in FBiH, while the second number stands for a number of seats won in the RS.

4.4 Electoral campaign and elections for the fourth term of the BiH Parliamentary Assembly (2002-2006)

Up until the 05 October 2002 elections, a coalition known as the “Alliance for Change” governed the larger of Bosnia and Herzegovina. Within its mandate, Bosnia and Herzegovina fulfilled conditions for accession to the Council of Europe (Europarat, 2015). An important difference between this election and the previous ones is that, since 2002, the Central Election Commission of Bosnia and Herzegovina organized general elections autonomously. In other words, the Election Law of Bosnia and Herzegovina adopted in 2001 prescribed „formation of permanent Election Commission of BiH, responsible for the conduct of elections as well as organization and conduct of all future elections in BiH”.

Pre-electoral activities or electoral campaigns did not significantly differ from previous campaigns. Political parties that contested electorates in the Federation of Bosnia and Herzegovina emphasized their orientation to the sovereign, independent and democratic Bosnia and Herzegovina, whereas parties that predominantly concentrated their pre-election campaign on the territory of the RS gave prominence to strengthening of the entity and its institutions. Majority of political factors (at least declaratively) supported the EU integration process of BiH, while parties from Republika Srpska were somewhat skeptical about BiH path towards NATO membership. All political parties in both entities kept promising change and progress in the field of employment, social protection, health protection, pension and invalid insurance, return of refugees and displaced persons, greater care for demobilized soldiers and fallen soldiers’ families. Many political parties agreed on necessity of establishment of a single economic space in Bosnia and Herzegovina.

Total voter turnout in the 5 October 2002 elections was 1,298,827 persons or 55,5% voters. Upon analyzing elections organized by the BiH Central Election Commission since 2002, it will turn out that in the Federation of Bosnia and Herzegovina the most successful elections in respect to turnout occurred in 2002, with voter turnout of 57, 4%. This has been the highest voter turnout in the FBiH to the present day. 2002 voter turnout in the Republika Srpska was 52,4%, as the lowest turnout ever since.

Besides, 2002 general elections are curious because they involved the highest number of political parties – 57. The “mood” among the electorate has shifted once more since 1998, with nationalist parties scoring a political victory.

Table 12: Results of the elections for the House of Representatives of the BiH Parliamentary Assembly 2002 – 2006 (*izbori.ba*)

Party	Votes ⁴³	Seats
Social Democratic Party – SDP	112258	4
Coalition of HDZBiH, Demo Demo-Christians	114207	5
Party of Democratic Action- SDA	232325 37102	9 1
Party for BiH - SzBiH arty for Bosnia and Herzegovina - PBH	116114 19976	5 1
Bosnian Party - BOSS	18411	1
DNZ BiH	16454	1
Pensioners' Party of BiH	17588	1
The Economic Bloc Croat Democratic Union for Prosperity	16052	1
New Croat Initiative of BiH – NHI BiH	13820	1
Serbian Democratic Party – SDS	172544	5
SNSD – Milorad Dodik	114591	3
Socialist Party of the RS	22126	1
Serbian Radical Party of Republika Srpska	24559	1
Party of Democratic Progress RS – PDP	53177	2
Total		42

Post-electoral coalition was formed by SDA, Party for Bosnia and Herzegovina, SDS and HDZ BiH who signed a Protocol on Intra-coalition relations regarding distribution of seats in the legislative and executive branch in BiH (SDA Notebook, 2003). In the 2002-2006 election period, opposition was composed of Alliance of Independent Social Democrats – Milorad Dodik and Social Democratic Party of Bosnia and Herzegovina. Fourth composition of the BiH Parliamentary Assembly «accomplished a lot from the aspect of exercising constitutional power in order to resolve accumulated issues. Beyond any doubt, the most important outcome was adoption of the Law on Defense of Bosnia and Herzegovina in the frame of reform of Armed Forces, as well as onset of the reform of police forces in Bosnia and Herzegovina, that culminated in the next composition of the BiH Parliamentary

⁴³ Due to specificity of the Election Law in Bosnia and Herzegovina, the table cites two numbers in the Votes and Parliamentarians column for certain political parties (e.g. SDA). The reason for this is separate calculation of mandates in the FBiH and the RS, so that the first number in the column (in case two numbers are noted) stands for a number of seats won in FBiH, while the second number stands for a number of seats won in the RS.

Assembly. Besides, an attempt at constitutional reform deserved attention, which nonetheless failed at the session held in late April 2006. » (Smiljanjić, 2010).

4.5 Electoral campaign and elections for the fifth term of the BiH Parliamentary Assembly (2006-2010)

During former four-year mandate of the BiH Parliamentary Assembly, minor progress has been achieved in certain areas. So, Bosnia and Herzegovina was still dependent on presence and impact of the international community. During fifth general elections in the post-war Bosnia and Herzegovina and other independently administered general elections held on 01 October 2006, many analysts predicted that Bosnia and Herzegovina is in need of a “political structure in power that will be ready and capable to resolve around 90% of political, economic and social issues, which are free or should be free from any ethnic and entity divisions or interests” (Dejanović, 2011: 31). In total, total 56 political subjects were registered for the October 2006 elections (36 political parties, 8 coalitions and 12 independent candidates). Total number of registered BiH citizens with suffrage right was 2,755,207. Specific quality of the 2006 electoral campaign is that it had been launched much earlier than prescribed by the Central Election Commission of BiH. The election campaign launch was marked by de facto unsuccessful attempt to introduce constitutional changes. Afterwards it may be stated that precisely constitutional amendments had been a central theme of pre-election publicity campaigns of all political parties in BiH. “Constitutional reform and Bosnia and Herzegovina’s system of government accounted for a legitimate political issue. Still, one gets an impression that the attempt at constitutional reform was used or misused for even better political positioning of certain political parties along with ignoring other relevant social issues, covering political responsibility for the country situation and additionally intensifying political divisions on ethnic, religious and entity grounds in BiH” (Dejanović, 2011: 34). Majority of political parties sought to homogenize „proper“ ethnic electorate under the veil of endangered condition of their own ethnic group. As it happened in the previous election campaigns, “themes linked to wartime heritage were used in manipulative manner” (Dejanović, 2011: 34). Main themes in «paid announcements, advertisements and billboards of key political subjects were superseded by symbolism aimed at exerting emotional influence on voters. Most parties took such attitude, while it was particularly pronounced amongst parties with distinct national agendas (ethnic (author’s comment)), since symbols used in this campaign and former campaigns alike were mostly national

(ethnic (author's comment))» (Bajrović et al., 2006: 48). Election campaign slogans of certain leading political parties had unequivocally ethnic connotation, with a clearly defined target audience; so, the SDS election campaign slogan was «Up to the life of the RS», SNSD – «Go forward Srpska! Go forward Federation! And peaceful Bosnia!» and «Go triumphantly forward Srpska», while Party of Bosnia and Herzegovina used a slogan «100% BiH» and «100% BiH = 100% for Silajdžić». Naturally, aggressive election campaign had an impact on the election results, as illustrated in the following chart.

Table 13: Results of the elections for the House of Representatives of the BiH Parliamentary Assembly 2006 – 2010 (izbori.ba)⁴⁴

Party	Votes	Seats
Social Democratic Party – SDP – Social Democrats BiH	131450	5
HDZ – Croat Coalition HNZ	68188	3
Party of Democratic Action - SDA	217961	8
	20514	1
Party for BiH - SzBiH	196230	7
	23257	1
Croatian Unity coalition (HDZ 1990 HZ-HSS-HKDU-HDU-Demo-Christians)	52095	2
Bosnian-Herzegovinian Patriotic Party – Sefer Halilović	37608	1
People's Party of Work for Betterment	27487	1
Democratic People's Union DNZ BiH	16221	1
Serbian Democratic Party – SDS	108616	3
Alliance of Independent Social Democrats SNSD – Milorad Dodik	262203	7
Democratic People's Alliance DNS	19868	1
Party of Democratic Progress RS – PDP RS	28410	1
Total	---	42

Election results for the Parliamentary Assembly of Bosnia and Herzegovina, as the subject of this study, which were published by the Central Election Commis-

⁴⁴ Due to specificity of the Election Law in Bosnia and Herzegovina, the table cites two numbers in the Votes and Parliamentarians column for certain political parties (e.g. SDA). The reason for this is separate calculation of mandates in the FBiH and the RS, so that the first number in the column (in case two numbers are noted) stands for a number of seats won in FBiH, while the second number stands for a number of seats won in the RS.

sion of Bosnia and Herzegovina, are a good indicator of «strength and success of parliamentary political parties in these elections.⁴⁵ SNSD won the largest number of electoral votes for the BiH Parliament, followed by SDA, SzBiH, SDP, SDS and others» (Dejanović; 2011: 43). Constituting of the state-level government lasted almost six months since the election day. It is clear that objective circumstances, such as election results, political parties divided along entity and party agenda lines, methods for allocation of mandates in the House of Peoples, and the like, call for longer than usual for constituting of the government. Still, it is certain that political irresponsibility was partly to blame for going beyond timeframe for completion of the process of constituting the BiH government (according to Dejanović; 2011: 55). However, fifth convocation of the Parliamentary Assembly (2002-2010) held 83 sessions in which efforts were put to reach a consensus among all three constituent peoples on fulfilment of European standards and bringing BiH closer to the European Union. «The signing of the Agreement on Stabilization and Association with the European Union is deemed as the greatest success of this PS BiH convocation, as it is a step forward toward full European Union membership. The Parliamentary Assembly of Bosnia and Herzegovina played a very important role in this process, since in October 2008 it gave consent for ratification of the Stabilization and Association Agreement (SAA) with the European Union (Smiljanjić, 2010).

4.6 Electoral campaign and elections for the sixth term of the BiH Parliamentary Assembly (2010-2014)

In total, 3,132,231 citizens registered to vote at general elections held in Bosnia and Herzegovina on 03 October 2010, while the voter turnout was 1,770,388 or 56,52% voters. As was the case in previous pre-election campaigns in Bosnia and Herzegovina, political scene was divided along ethnicity lines. Serbian people turned towards three leading political parties - specifically SNSD, SDS and PDP. HDZ BiH and HDZ 1990 set out policy platform with clear messages, while aspiring to votes of Croatian people. Bosniaks, as the most numerous people in BiH, casted their preference for four parties, including SDA, SDP, SBB, and SzBiH (according to Zukić, 2012: 412). A survey conducted immediately before the 2010 elections indicated that «88% voters in BiH casted their vote for political parties which enjoy support of a single-ethnicity electorate» (Dejanović, 2011: 133). According to the above-mentioned, we may assume that pre-election campaign,

⁴⁵ With a note that higher number of votes does not always imply higher number of parliamentary seats, due to particularity of the Bosnian-Herzegovinian election system.

which officially started on 3 September 2010, was influenced by these divisions. In other words, political parties directed their election campaign exactly towards an electorate whose votes they could rely on. Consequently, it comes as no surprise that key pre-election campaign slogans of leading political parties were formulated in such a way as to awake ethnic consciousness of the electorate. Slogan of the Alliance of Independent Social Democrats – Milorad Dodik (SNSD) was «Srpska Forever». This political party justifies their leadership by the fact «that it is just a logical sequence of the party policy since 2006. In other words, in 2006 the SNSD political slogan was «Victoriously forward Srpska», followed by early presidential elections' slogan «Republika Srpska in the first place», and local elections' political slogan «My Serbian house» (and «Srpska from house to house» author's remark). Consequently, this is a case of policy mapped out in our program» (Katana, 2010).

Picture 3: Pre-elections slogans of the SNSD, the SDP, the SDA and the HDZ BiH.



Party for Democratic Action (SDA) entered 2010 election race with a slogan “The people know”, justifying it by the fact that “Firstly, people truly know which party has worked the hardest, and which party gave greater priority to the state and people than to personal and individual interests. Secondly, the SDA is a people’s party and member of European People’s Party. Thirdly, people should be reminded of all the things that the SDA has done for Bosnia and Herzegovina” (Katana, 2010).

HDZ BiH, as the party with its predominantly nationalist appeal, also incorporated elements of the past in its principal campaign message, which reads as follows: “The power I trust”. This slogan «proceeds from the fact that HDZ BiH is a pivotal Croatian party, and, as such, the most serious, consistent and strongest representative of Croatian interest in BiH. For the past 20 years, HDZ BiH has been consistently implementing its policy based on Croatian people as starting and focal point of all party and political activities. So, the party remains focused on constitutional

and legal position, social responsibility and improved political party standard in all elections and political party programs» (MHDZ, 2010). Other political parties also sent strong messages through their pre-elections posters, statements, interviews, etc., mostly relying on previously shaped election campaign slogans. In this manner, SDP bases its electoral race on a slogan “The state for man”, bringing in state unification into focus. According to party leadership, this slogan reflects five main political party policies, including: “Employment for men, justice for men, social justice for men, education for men, and health for men”. HDZ 1990 opted for a slogan «For our people, for our country. » HDZ 1990 party leadership claims that this campaign slogan complements party slogan of Martin Raguž, presidential candidate of HDZ 1990 that reads as follows: «This is our country». On the other hand, the party runs in the election in coalition with the Croatian Party of Rights under the joint slogan «Power of unity» (Katana, 2010).

A leading opposition party in Republika Srpska introduced a main pre-election slogan «Together for Srpska». Majority of political parties with the headquarters in Banja Luka focused on protecting the interest of the RS, with ever increasing decentralization of the state of Bosnia and Herzegovina, with respect for the so called «letter» of the Dayton Peace Agreement. Domestic and international experts assessed conduct of 3 October elections as democratic, with minor irregularities prompted by parties that failed to achieve projected election result.

Table 14: Results of the elections for the House of Representatives of the BiH Parliamentary Assembly 2010 – 2014 (izbori.ba)

Party	Votes	Seats
Social Democratic Party – SDP	266023	8
HDZ – Croatian Democratic Union BiH	112115	3
Party of Democratic Action - SDA	197922	7
Party for BiH - SzBiH	74004	2
Croat Coalition HDZ 1990 – Croatian Party of Rights of BiH	49549	2
Union for Better Future of BiH – SBB BiH Fahrudin Radončić	124114	4
People’s Party of Work for Betterment	49050	1
Democratic People’s Union DNZ BiH	14843	1
Serbian Democratic Party – SDS	137844	4
Alliance of Independent Social Democrats SNSD – Milorad Dodik	269009	8
Democratic People’s Alliance DNS	28511	1
Party of Democratic Progress RS – PDP RS	40070	1
Total	---	42

After the election Day and announcement of established final results of the 2010 general elections, all levels of government in BiH were obliged to constitute government within 30 days of the election day. Still, it took 16 months to form a new government, mostly due to deadlock in the Federation of Bosnia and Herzegovina. Even though the House of Representatives of the BiH Parliamentary Assembly had been constituted six months upon establishment of final election results by the Central Election Commission of BiH, it took 16 months to form a Council of Ministers.

State-level government was comprised of seven political parties, including HDZ BiH, HDZ 1990, SNSD, SBB BiH, SDP, SDS and SDA. «Party outwitting lasted throughout 2011 and had ended only in February 2012, when the new composition of the Council of Ministers was confirmed, which subsequently had changed for several times due to disputes within the ruling coalition» (CCI, 2014). In regard to deliverance on promises that political parties, which constitute the state-level government, gave during the pre-election campaign, only 3% of the promises were fulfilled, 29% were partially kept while 68% of the total number of promises remained unfulfilled (Istinomjer, 2014).

4.7 Electoral campaign and elections for the seventh term of the BiH Parliamentary Assembly (2010-2014)

In total, 3,282,581 citizens registered to vote at 2014 general elections held on 12 October 2014, while voter turnout was 1,788,083 or 54,47% voters. Many local and international researchers have pointed out that post-election period would not bring any major change. According to the International Institute for Middle-East and Balkan Studies (IFEMES), «2014 general elections in Bosnia and Herzegovina were the most unpredictable so far, and election campaign the “dirtiest” since declaration of independence for Bosnia and Herzegovina» (IFEMES, 2014.). There was no significant difference between 2014 election campaign and former campaigns, since majority of political parties oriented predominantly to one of three peoples in Bosnia and Herzegovina. Campaign slogans of most political parties contained words such as «changes, people, together and future». Yet, many analysts argue that these words had no real effect. According to Srđan Puhalo, the time has come when billboards and messages do not have much importance. Nowadays people deliberate about politics differently. Political messages have become an integral part of the Bosnian-Herzegovinian landscape and we are used to them, we do not pay much attention (Dosije, 2014). For all that, political parties developed many logistics plans and invested a substantial amount of money in forming political slogans. The main SNSD slogan was «For the RS victory», while the largest oppo-

sition party in Republika Srpska sent to voters the following message: «We want changes now – in order to live our normal life». Party of Democratic Progress invited voters to «Join changes».

Picture 4: Pre-election campaign slogans of SNSD, SDS and PDP



The main pre-election slogan of the Party for Democratic Action during the pre-election campaign was «In unity lies strength». SDP, as the leading party to propagate social-democratic values in the Federation of Bosnia and Herzegovina, used similar pre-election campaign slogan «United». In the light of heavy floods that hit Bosnia and Herzegovina, SDP expressed solidarity with citizens by withdrawing the so-called outdoor campaign with posters and billboards and donating all funds envisaged for this purpose to the citizens residing in the flooded areas. Newly-established Democratic Front, led by the former member of SDP Željko Komšić, opted for the slogan «Towards a decisive victory», while Union for Better Future of BiH led by Fahrudin Radončić initiates its electoral race with a slogan «Close to people – tsunami of justice and strong development». However, this slogan, that is, a word «tsunami» was inept, since «such word cannot carry a positive connotation in any context, particularly in the context of the state that has still felt the effects of catastrophic floods» (Ivana, 2014). But, a key message of the SBB was that they stood «by people» in every way. Parties that gathered around Croatian National Assembly, led by HDZ BiH, «retained their strategy that had proven successful for past elections. Through strong as well as emotionally and ethnically charged language these parties want to awaken Croats in BiH» (Ivana, 2014) and demonstrate to the targeted electorate the nature of «Croatian response» - a phrase contained in their main pre-election slogan. HDZ 1990 picked a slogan «Let's draw a line», with a view of emphasizing its commitment to proceed with leading its politics independently of HDZ BiH. Some analysts argue that the most pleasant surprise during general elections was pre-election campaign led by Naša Stranka, whose main slogan runs as follows: «We have no slogans, we have solutions».

Picture 5: Pre-election campaign slogans of SDA, SDP, DF, SBB, HDZ BiH and HDZ



Final established results published by the Central Election Commission corroborated most predictions of political analysts, that SDA would score a major electoral victory and SDP would be the biggest loser of the elections among the parties which gather Bosniak voters. When it comes to parties that aspired to votes of Serb voters, the difference in votes between SNSD and SDS, as two main political parties, has never been smaller. Parties with a Croatian background led very fierce pre-election campaign. Still, election results announced that HDZ BiH captured back the highest levels of trust among the Croat electorate.

Table 15: Results of the elections for the House of Representatives of the BiH Parliamentary Assembly 2014 – 2018 (*izbori.ba*)⁴⁶

Party	Votes	Seats
Social Democratic Party – SDP	92906	3
HDZ BiH, HSS, HKDU BiH, HSP Dr. Ante Starčević, HSP Herzeg-Bosnia	119468	4
Party of Democratic Action - SDA	274057 31658	9 1
Democratic Front – Željko Komšić	150767	5
HDZ 1990 Croatian Democratic Union	40113	1
Union for Better Future of BiH – SBB BiH Fahrudin Radončić	142003	4
SDA – Party of Democratic Activity	22088	1
BPS – Sefer Halilović	35866	1
Serbian Democratic Party – SDS	211603	5
Alliance of Independent Social Democrats SNSD – Milorad Dodik	249314	6
Democratic People's Alliance DNS, NS, SRS	37072	1
Party of Democratic Progress RS – PDP RS, NDP	50338	1
Total	---	42

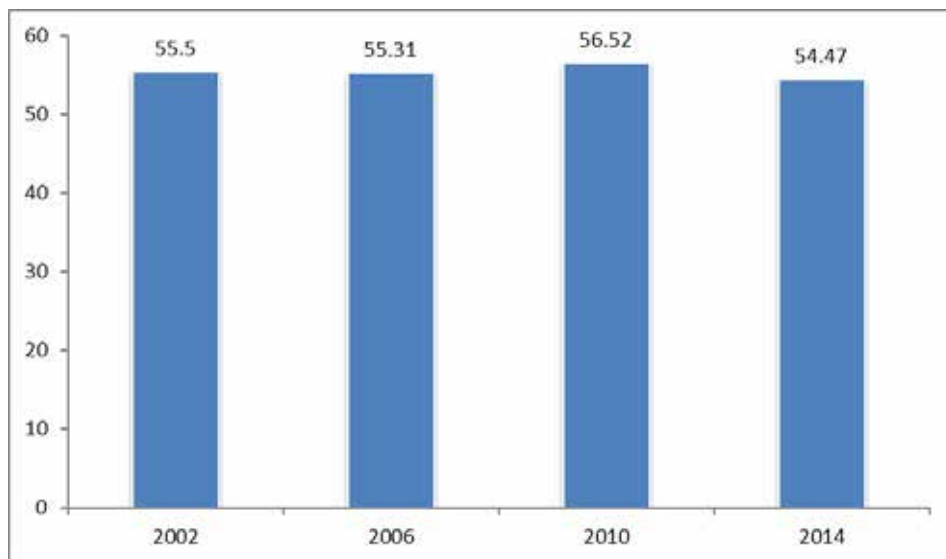
The citizens of Bosnia and Herzegovina did not have to wait for fifteen months on formation of the state-level executive branch. Government, that is, BiH Council of Ministers was formed just over five months. Novelty of the newly-established state-level government is that it is composed of other political parties from the entity level. In this way, RS entity government was formed by SNSD - Milorad Dodik, DNS and SP, whereas, the second-ranked party, that is, SDS with PDP, formed a state-level government together with coalition partners from the FBiH: SDA, DF and HDZ BiH. Newly-established Council of Ministers, chaired by Denis Zvizdić (SDA), focuses its activities on socio-economic issues, creation of better conditions for foreign investment and, with this, reduction of high unemployment rate in BiH.

Comparative analysis of 1996 – 2014 general elections analyzed in this study shows that seven electoral cycles were held in total - four cycles at 2-year interval: 1996, 1998, 2000 and 2002, followed by three election cycles at 4-year interval,

⁴⁶ Due to specificity of the Election Law in Bosnia and Herzegovina, the table cites two numbers in the Votes and Parliamentarians column for certain political parties (e.g. SDA). The reason for this is separate calculation of mandates in the FBiH and the RS, so that the first number in the column (in case two numbers are noted) stands for a number of seats won in FBiH, while the second number stands for a number of seats won in the RS.

after adoption of the Election Law of Bosnia and Herzegovina, in 2006, 2010 and 2014. The following graph presents voter turnout in the period 2002-2014, that is, since Central Election Commission has been entrusted with the organization of the election process.

Graph 1: *Voter turnout in general elections 2002 – 2014*



Analysis based on specific criteria such as, for instance, entity, or relation between FBiH and RS, indicate that voter turnout in the Federation of Bosnia and Herzegovina was the highest in 2002, at 57,4 %, while this percentage in 2010 elections was 56,72%. The turnout in general elections was 54,2% out of the total number of voters, while the turnout in the FBiH in 2014 was the lowest in the examined period, that is 53,00%.

In difference to the FBiH, the highest voter turnout in the RS was recorded exactly in 2006 - 57,1% of the total number of electors, followed by the turnout in 2014 general elections at 56,88% and turnout in 2010 general election at 56,19 %. The lowest turnout in the RS was recorded in 2002 - only 52,9%.

Speaking of election campaigns, unfortunately, ever since the first post-war general elections, ethno-political discourse has struck a chord among political parties, alongside a split into three electorates. Parties have either created such impression with the electorate or have insufficiently promoted their programmatic goals among other constituent peoples. Consequently, certain parties have been continuously oriented to one of the three constituent peoples in Bosnia and Herzegovina. For

instance, leading political parties, which have participated in the BiH political processes since the first post-war elections in 1996, have been predominantly oriented exclusively to one ethnic group – SDA towards Bosniaks, HDZ BiH towards Croats and SDS towards Serbs.

The number of polling stations was on the rise in proportion to continuous increase in the number of voters in Bosnia and Herzegovina. In this manner, the polling and counting was organized in 5,400 polling stations in 2014 general elections. Four years ago, voting was conducted at 5,276 polling stations in the country and abroad, while, four years ago, number of polling stations was 4,570. Moreover, 2012 general elections were organized in 4,079 polling stations.

The most expensive general elections in the BiH history were 2010 general elections, with around 12,615,679 KM (around 6,3 million euro) spent total. A total of 11,640,313 KM (around 5,8 million euro) was spent in 2002 general elections, while total expenditure for general elections organized eight years ago was 9,936,619 KM (around 5 million euro). According to the data provided by the Central Election Commission of BiH, the total cost of 2014 general elections was 8,874,000 KM (around 4,5 million euro).

Elma Huruz

PART FIVE

INTERNAL PARTY DEMOCRACY

5. INTERNAL PARTY DEMOCRACY

Introduction

In order to engage in the topic of internal party democracy in Bosnia and Herzegovina it is essential to define a key concept of a political party or parties. Of the many definitions, we will use Sartori's definition, who defined a party as "any political group that presents at elections, and is capable of placing through elections candidates for public office" (Sartori, 1976: 57).

It is believed that a term *political party* emerged at the beginning of the 18th century in the United Kingdom, and that it has come into wide use upon publication of a book by Bolingbroke titled 'A dissertation upon parties' in 1733 (Sartori, 1976: 136). Sometime later, in the 19th century, the same term will be introduced in the East European states. Role and function of political parties in majority of developed democracies includes formulation of public policies and determining the content of decisions of a parliamentary body. In addition, programmatic goals set by leading parties or goals negotiated by coalition parties shape the direction of the government.

Primary function of a political party is to represent, advocate for and protection various interests of specific social groups. In order to do so, parties need to dispose of high-quality, capable and authorized representatives as a tool to articulate social and economic interests, as well as recruit elites. Along these lines, it is important to outline at this point Duverger's distinction between cadre and mass membership parties (Duverger, 2001). Cadre parties are essentially conservative, protecting the aristocracy, while mass membership parties share liberal ideology reflected in the interests of the bourgeoisie.

As a rule, parties that exist in the Bosnian-Herzegovinian political system are vertically organized, with strictly defined political party hierarchies. Highly centralized decision-making process leaves little room for innovation. In distinction from such practice, political parties in developed Western democracies are more

decentralized, flexible and often very open to new ideas. Modern political parties in the West are conceptualized as networks with high degree of practicability, with promotion primarily depending on personal competencies and innovativeness.

5.1 Internal party democracy and internal distribution of power

Along with developed democratic conscience, internal party functioning based on democratic principles is a prerequisite for political stability and regular unwinding of all political processes. Consequently, the existence and functioning of democratic principles in the frame of internal party relations, freedom of action, as well as expression of personal opinion and party members' attitudes is closely tied to the functioning of democratic principles in a society as a whole. Statute of the Democratic Front (DF) party is a case in point. Under Article 18 of the statute that sets out members' rights it is stipulated that "a member is free to make criticism about any Party body"; "to express views that differ from majority opinions" (Article f), and, as cited under Article j) "to even to organize a faction with other party members on specific political attitudes, to the extent that it does not call into question basic principles under which the Party operates..."⁴⁷ Likewise, the party statute emphasizes a principle of democratic unity and recognition of majority opinion while acknowledging "rights of minorities and of every person to express his or her personal opinion and views".⁴⁸ On the other hand, aforementioned freedom of expression may be limited by a provision that says that Party presidency makes decisions about formation and operation of internal party factions.

It is interesting to note that all Bosnian-Herzegovinian political parties, regardless of their ideological orientation, national background or any other platform determinant, are characterized by a strong sense of discipline, strictly defined hierarchy and important role of a party leader. Along these lines, it is worth mentioning the particularity of relationship between party members and their leaders. As a rule, this relationship is devoid of all forms of critical awareness and agency and it is characterized by unquestioning leader's authority. First of all, examples of such political parties are SNDS and SDP.

Apart from being transparent to their party members, the parties should be more

47 Statute of the political party Democratic Front – Željko Komšić, available at: <http://www.demokrats-kafronta.ba/index.php?lang=ba&sel=29>, accessed on 21.03.2015.

48 *Ibid*, Article 24., paragraph b) and c)

accountable to and communicate freely with their constituents and civil society in general. Ultimately, the term internal party democracy is neither unambiguous nor unidirectional. This means that as party leadership needs to be transparent in their internal dealings and develop internal communication, so party members need to make an effort toward open, objective and critical attitude towards party platform goals and party decisions. Consequently, democratically-oriented awareness of party members is needed.

A party leader is expected to successfully advocate party interests, ensure good election results and act timely and efficiently when needed, as well as to make right decisions and be flexible in all newly emergent and unanticipated circumstances. Nevertheless, flexibility of a party leader is not always desirable. Goati, for instance, holds that in the post-communist countries, marked by certain radicalization trends within an electorate, “party leaders that demonstrate ideological flexibility” may be declared as “waverers, opportunists and effeminate persons...” (2007: 152). Nomination procedure is a process of selecting nominees for state or local level public offices, as well as for other public offices. Rules regulating candidacy procedures are most often included in party statutes and other internal party documents and, less often, in state-level laws. Various lower-level and top-level party bodies play a key role in this process. Hence, party bodies are actually a specific filter that all candidates need to pass through in order to have a chance of being elected. There are two types of candidate nomination procedures. First are nomination procedures prescribed in state-level laws, named by Leon D. Epstein as United States nomination procedures, while the other type are nomination procedures regulated by party documents, such as party statute considered by Epstein as typical for European party candidate nomination procedures (1967), which is dominant among Bosnian-Herzegovinian parties.

Re-distribution of power within political parties typically unfolds by using mechanism for nomination or co-opting (to a party leader or party leadership) the persons of trust into main party structures, alongside controlled voting, and at times even by statutory amendments.

5.2 Internal party elections

Internal party elections are most frequently defined as processes that pin down distribution of power within a party. In this way, party candidates would be able to take positions and take over certain quantum of power. „Election of party management structure by party members, secret voting, regular renewal of the term of

office, parliamentary or congress sessions in an attempt to monitor internal party decisions all set boundaries for oligarchic tendencies” (Duverger, 1966: 279). Still, it is not infrequently the case that these elections are brought down to a normative framework that is used for affirming the candidates previously nominated by a party leading structure. Expertize and competence of party cadres is not considered as an important factor. Instead, priority is given to expected loyalty of the party appointees to party leadership.

Internal party elections should develop and strengthen internal party democracy, in order to build and reinforce trustful relations among party members and party functionaries, that is, potential state officials. One way to ensure this is to incorporate in party statutes the mechanisms of protection of an individual, that is, a party member that participates in such process, who is subject to pressures from party members. In order to make internal party elections truly democratic, Nohlen argues that elections “need to have the following normative features: 1. election proposal which subjects elections to equal standards (freedom of electoral competition), and which cannot substitute voters’ decision; 2. competition among candidates tied to competition among political positions and platforms; 3. fair electoral competition (candidacy and electoral battle); 4. freedom of choice provided by the secret ballot 5. electoral decision valid for one term of office (election and freedom of choice in future elections is not restricted by any former decision)” (Nohlen, 1992: 16).

Shortly after revival of a multi-party system in Bosnia and Herzegovina in the 1990ies it was revealed that oligarchic tendencies were developed with respect to political party organization and leadership. Larger Bosnian-Herzegovinian cities such as Sarajevo, Banja Luka and Mostar first saw the rise of opposition parties that usually gathered intellectuals. Otherwise, political parties in Bosnia and Herzegovina used to be formed from the top, so as to later expand their membership, while narrow foundational structure maintained certain monopoly on leadership roles. In this way, their authoritarian character was established, with accentuated oligarchic tendencies. Through it all, party leadership retained very wide competencies, one of which was development of a candidate list for local and general elections, generally known as the process of verification of the lists by party leadership. Positive legislation in this field is currently favorable to the aforementioned tendencies and oligarchic style of party functioning.

Internal party democracy is determined by several parameters. This study will give attention to statutes of a few relevant Bosnian-Herzegovinian political parties from the viewpoint of decision-making structure and mechanisms, publicity and secrecy in operation, relationships between different party levels and distribution of power within the party that is actualized through internal party elections. In this sense, political parties of SDA, SDS, HDZ BiH, SDP, HDZ 1990 and DR are

political parties that deserve particular attention on the political scene in Bosnia and Herzegovina, since their activities predominantly shape total political trends in the country. At first, the study emphasizes one important determinant: statutes of all aforementioned parties prescribe transparency in operation; yet, they also prescribe voting secrecy for the top-level positions in political bodies, and in some cases also for lower-level positions in political bodies (HDZ 1990, SDS, SDA...). Furthermore, statutes of all listed political parties lay stress upon the fact that political party members have a right to vote and be elected, as well as duty to affirm goals and interests of their party and commitment to adhere to the party platform and principles, that is, statutory provisions of that particular party. When discussing the topic of internal party democracy it is important to note that statutes of the listed parties clearly state that party members are expected to adhere to the principles of internal functioning and discipline; moreover, disciplinary proceedings may be opened before disciplinary bodies (which also pronounce particular sanctions) in case of violation of such principles; usual disciplinary action takes the form of expulsion from political party (for instance, HDZ 1990, SDS). Autonomy of local level bodies as compared to central bodies is usually linked to making decisions on local matters, but with commitment to execute decisions and directives from higher body unquestioningly (some of the examples are DF, SDP and SDS). On the contrary, higher body may dissolve lower body of the Party, as for instance envisaged in the statute of SDP.

Article 17 of the SDA Statute⁴⁹ accentuates respect for the principle of transparency in work with wider public and membership alike. Political party bodies are Congress, Convention, Central Committee, President, Presidency, Supervisory Committee and Honor panel. The Congress is the highest body in the Party, composed partly of elected members and partly of party members who occupy certain party posts, such as party president and members of the central committee, while certain Congress members are nominated by Party presidency at the proposal of Party president. All details in relation to the criteria for election of Congress members are articulated in a decision adopted by the Central committee. In addition to other competencies, the Congress elects and dismisses a party President, his or her deputy and Party Vice-President. Newly-elected President nominates one Deputy President and eight Party Vice-Presidents, while candidates who win the highest number of votes by the Congress delegates became elected. The Central committee is the highest political body of the Party between two Congress sessions. Congress elects majority of the Central committee members. Their nomination and election is conducted so as to ensure proportional representation of the number of delegates from cantonal and regional boards and representatives of the Party members abroad, as well as ethnic,

⁴⁹ Statute of the Party for Democratic Action available at: <http://www.sda.ba/dokumentaSDA/STATUT%20SDA.pdf>, accessed on 21.03.2015.

gender and age representation. Central committee appoints and dissolves Presidency and other Party bodies and establishes a final list of candidates for election of the Party president and Central committee. Moreover, it establishes a wider list of candidates for election of the Party Deputy President and Party Vice-Presidents, etc. Party president acts on behalf of the Party, coordinates work of all Party bodies and performs other duties within the scope of his or her responsibilities. A candidate for the Party president may be nominated by minimum 30 members of the Central committee or 3 cantonal / regional boards or 15 municipal boards. The Statute also cites party Cadres commission as one of party bodies composed of members of the Party Presidency and Central committee. The Statute offers a chance for nomination of other Party members to the commission, even though it does not prescribe criteria for such nomination. In the entire management structure, party president is the one that holds the highest power. He has the power to veto decisions of the Presidency and the Executive committee. The statute also sets out an electoral party convention. Otherwise, Central committee adopts regulations necessary for party election procedures. The right to vote in secret is usually prescribed for voting among more candidates, while the statute also provides for regulation of public voting procedure for election of members of certain party bodies. The statute sets out that each Party body may be convened and adopt decisions when at least over one half of its members are present and voting, while decisions are adopted by a majority vote of present members.

Since 1996, SDA has held five congresses in order to elect a president and party leadership. Over the last three congresses, 'two stream policy' was observed inside the party. Hence, certain members showed inclination for Sulejman Tihić while others inclined toward Bakir Izetbegović. For all that, these tensions did not result in the party split and formation of a new party. SDA preserved its unity to the present day.

Central bodies of the SDP⁵⁰ Party are Congress, Central Committee, Chairman and Supervisory Committee. The Congress adopts party platform and statute, elects members to other party bodies except for the Supervisory Committee. The congress is exclusively authorized to elect president of the party while the central committee elects deputy president and Supervisory committee members. Moreover, it identifies a list of party candidates for parliamentary elections and makes official decisions on entering into coalitions. The party statute did not give broader powers to a party president as regards party leadership. Rather, party president is primarily responsible for coordinating work of the party bodies and ensuring that platform goals and tasks are achieved. Nevertheless, over the last two decades, pronounced leadership character of Zlatko Lagumdžija frequently went beyond president competencies as

50 Statute of the Social Democratic Party BiH, available at: http://sdp.ba/datoteke/uploads/dokumenti/STATUT_SDP_BiH.pdf, accessed on 21.03.2015.

established by the statute. The same practice is common for other political parties in Bosnia and Herzegovina. Precisely because of pronounced authoritarian tendencies in party presidents of almost all larger political parties in Bosnia and Herzegovina, party presidents would maintain their post over a long time period. SDP president Zlatko Lagumdžija, just like SNSD president Milorad Dodik, has the longest experience in a leadership post. SDP held four regular and two extraordinary sessions. Article 30 of the SDP statute emphasizes the importance of transparency in activities of political party bodies, and participation of party members in Party activities and policies. A possibility is left open for organization of party membership polls and general party discussions on the issues of importance for the party. Furthermore, the statute allows for expression of a minority opinion as long as it is not contrary to the party platform. The statute even provides room for factional activities. For the purpose of protecting party members, the statute establishes a legal counseling center and a solidarity fund. Party bodies are Congress as the highest decision-making body, Central committee, Presidency, President and Supervisory Committee. The Congress is composed of delegates elected in SDP municipal organizations, as well as Party President, Central committee members and Supervisory committee members. The Congress makes valid decisions by voting with presence of at least two-thirds of the Congress delegates, while decisions are adopted by a majority vote of registered Congress delegates. The Congress has jurisdiction over the election of Central committee, Supervisory committee and Party President. As defined in the Statute, Party President, Central Committee President and Supervisory Committee President cannot come from the same constituent people. SDP Central committee is the highest Party body between two congresses. One of the competences of the Central committee is to adopt an election platform at the proposal of Presidency, or Party President, as well as a decision on candidates to the state-level parliament, Entity parliaments and the BiH Presidency.

Milorad Dodik took up the post of the SNSD⁵¹ president in 1997, and he has been leader ever since. SNSD statute states Party orientation to democratic principles, freedom of opinion, equality and principles of continual and open dialogue. The statute also specifies freedom of expression of a minority or an individual opinion that is not consonant with majority opinion. Still, majority decisions are binding. Bodies of the party are Assembly, Central Committee, President, Supervisory Committee and Statutory commission. The assembly is the highest SNSD body comprised of delegates elected in municipal / city councils, members of Central committee, Supervisory committee and Statutory commission, as well as representatives of the RS National Assembly, FBiH Parliament and BiH Parliamentary Assembly and delegates to the Council of Peoples of the RS. The Assembly elects members to

51 Statute of the Alliance of Independent Social Democrats, available at <http://www.snsd.org/images/dokumenti/statut-snsd.pdf>, accessed on 18.03.2015.

the Central committee, as the highest decision-making body between Congresses, Statutory Commission, Supervisory Committee and Party President. Central committee members are largely elected by the Congress while remaining 35 members (out of 231 in total) are co-opted at the proposal of the Party President. Central Committee adopts decisions on important party issues, such as SNSD participation in the elections and forming of coalitions. It also finalizes a proposal of candidates for the election of the Party president as well as members of the Central Committee, Supervisory Committee and Statutory Commission. Furthermore, the Central committee elects Party vice-president, etc. Party President embodies SNSD political and executive powers. Among other things, he or she proposes candidates for Party vice-presidents, candidates for president and members of Executive committee and validates lists of election candidates for cantonal, entity and state-level assembly, etc. As prescribed by Statute, transparency of party performance is ensured through inviting representatives of the media to attend party gatherings, press conferences, and the like. Valid decisions of the SNSD bodies are arrived at majority vote, while all bodies make decisions through majority votes.

Article 25 of the statute of the Democratic Front - Željko Komšić⁵² Party mentions that “presence of a majority of the members shall be required for any decision to be taken” by Party bodies and that “decisions shall be made by a two-thirds majority of the members present and voting”. Party Presidency is authorized to set criteria and election procedure for members of Party bodies. It is emphasized that all Party bodies need to ensure adequate gender representation. More specifically, it is necessary that authorized Party bodies at all levels ensure minimum of 30% members of underrepresented gender. Congress is the highest Party body, and its decisions are binding for all Party members and bodies alike. It consists strictly of municipal or city / town organizations’ delegates elected through a direct, secret ballot of all Party members, in particular from municipal / city / town organization. In addition to other competences, the Congress elects Central committee, Party president and Supervisory Committee. Central committee, which includes all Presidency members apart from the Party President, calls for internal party elections and pins down candidates for the Party President, at the proposal of the Party Presidency. Besides, it may also designate other candidates at the proposal of at least 25 Central committee members. At the proposal of Party Presidency, Central committee defines a list of Party candidates for seats in the legislative and executive bodies of the state, entities and Brčko District BiH. On the other hand, Party Presidency gives its consent to and determines the ordering of the lists of candidates for the BiH Parliamentary Assembly and entity parliaments. Party Presidency, guided by Party President or Vice-president upon his or her authorization, and composed

52 Statute of the Democratic Front – Željko Komšić, available at: <http://www.demokratskafronta.ba/index.php?lang=ba&sel=29>, accessed on 21.03.2015.

of 15 elected and 10 co-opted members, as well as five vice-presidents and Party Secretary, also adopts a decision on establishment and functioning of fractions within the Party. The Central Committee adopts Party election platform and sets the criteria for nomination of party candidates to all levels of government in BiH. Party Presidency gives its consent to nomination of candidates for positions in all levels of executive government as well as to leaders of public administration bodies.

SDS⁵³ Statute emphasizes that “procedure, criteria for nomination and determination of the number of members, as well as deadline and manner of conduct of regular and early elections is regulated by separate decision of the authorized body in the SDS”. The SDS Statute, just like the statutes of large majority of other parties, specifies that gender and youth quotas should be adopted in all election and nomination lists. SDS party bodies are SDS Assembly, Central Commission, SDS President and deputy president and SDS Presidency. SDS Assembly elects and dismisses SDS party president and deputy president, as well as members of the Central committee and other bodies / working bodies by secret ballot. Candidates for the SDS Central committee are nominated by the members of SDS Assembly, SDS municipal committees, while party President nominates maximum 18 members of the Central committee. Otherwise, Central committee is the highest political body in the SDS that, among other things, adopts criteria for leading cadre policy, decides on party participation in elections and develops electoral candidate lists for legislative bodies of the government, for the top positions in the RS as well as on the state-level.

According to statutory provisions, SDS presidency candidate may be an SDS member nominated by minimum five city / town or municipal committees and / or at least 50 Assembly members. The same holds true for deputy president. Candidates that secure absolute majority in the Assembly will be nominated for the post of the SDS president and deputy president. Among other duties, party president is responsible for work of the Central committee and the SDS Presidency. In addition to this, party president nominates one part of the Central committee members. SDS party bodies pass their decisions by a majority vote of present members, while party body may be convened when at least over one half of its members are present and voting.

In line with the Statute⁵⁴, main bodies of the HDZ 1990 party are Assembly, Central Committee, Presidency, National Council, General secretariat, High Honorable Court and Supervisory Committee HDZ 1990. HDZ 1990 Assembly is the highest body comprised of municipal, city / town, county and regional organizations, as well as HDZ 1990 Organization in Brčko District BiH and other members foreseen

53 Statute of the Serbian Democratic Party, available at: http://www.sdsrs.org/dokumenti/Statut_SDS.pdf, accessed on 18.03.2015.

54 Statute of Croatian Democratic Union 1990, available at http://www.hdz1990.org/?page_id=1033, accessed on 18.03.2015

by the statute. Certain competencies of the HDZ 1990 Assembly are to elect party president and deputy president at HDZ 1990 president's proposal or at the suggestion of specific number of present Assembly members. On the other hand, HDZ 1990 Central Committee is, among other things, responsible for adopting regulations for nomination of the party candidates for general and municipal elections, adopting orders for nomination procedure and issuing a decree on the method for identifying representatives to the HDZ 1990 Assembly. HDZ 1990 Presidency is composed of the party president, his or her deputy, HDZ 1990 general secretary, Central committee president and other members, as articulated in the statute. Specific jurisdictions of the HDZ 1990 Presidency are election of Vice-President at the proposal of party President, identification of electoral candidates at the level of the entity, the counties and Brčko District at the suggestion of HDZ 1990 organizations, as well as determining electoral candidates for leadership positions at the above mentioned levels.

HDZ BiH⁵⁵ Statute pins down main party bodies, such as: Assembly, President, Central Committee, Presidency, National Council, General secretariat and Supervisory Committee. Assembly is the highest Party body composed of delegates from municipal, city / town, county and regional organizations, members of Party central bodies, HDZ BiH Youth delegates, delegates of Community of HDZ BiH Women, delegates from the HDZ Party from abroad and delegates from other organizational units. The Assembly adopts the most important decisions, adopts Party Program and Party Statute, elects a party president at the proposal of the Presidency or a minimum of 100 Assembly members in presence, elects deputy president at the suggestion of Party president or 75 Assembly delegates in presence, etc. HDZ BiH President Dragan Čović has been a party leader since 2005, when he defeated a former president Božo Ljubić, who subsequently created HDZ 1990. HDZ President represents the Party and leads party policy in line with the party program and central body decisions, and performs other duties in the area of his or her competence. By the virtue of his or her office, HDZ BiH President is also the president of the HDZ BiH Central Committee, which is authorized to analyze general election results, set the party pre-election and election strategy, set the procedure for nomination of HDZ BiH candidates for general and local elections, and similar.

In summary, it may be noted that Congress or Assembly is the highest decision-making body in all aforementioned political parties, with competencies such as passing of the party program or party statute, nomination of the leading cadre as well as making of other decisions of crucial importance for the party. Moreover, party statutes cite that Central committee is the highest political body of a particular party

55 Statute of Croatian Democratic Union BiH, available at: http://www.hdzbih.org/upload/tbl_dokumenti/program2011_web_164515.pdf, accessed on 18.03.2015.

in between two Congress sessions. It is interesting to note that only the statute of the Democratic Front accentuates that party Congress consists strictly of municipal or city / town organizations' delegates elected through a direct, secret ballot of all Party members in a particular municipal, that is, city / town organization. All other statutes specify that Congress / Assembly is also composed of representatives of the central party bodies. President is the highest executive body in all mentioned parties, and he / she represents a party and affirms party interests. In particular cases (SDA, SNSD, HDZ BiH, HDZ 1990) party president nominates deputy president, that is, vice-president of the party while in other parties (e.g. SDS, SNSD), president nominates certain number of the central committee members and verifies the lists for general (state) elections (SNSD). Lower or local party bodies are responsible to make decisions on local matters with commitment to strictly execute decisions from higher bodies. Local, municipal, city / town bodies or cantonal bodies can usually participate in the procedure of nomination of candidates for internal party elections and general elections alike (e.g. HDZ BiH, SDA, and SDP). It may be claimed that majority rule is required for any decision to be taken.

5.3 Changes and processes in internal party workings

Period following internal party elections is frequently characterized by party splits and phenomenon of party factions that deserves special attention, given that these factions not infrequently mobilize separate memberships and start up of new parties. In such cases, political parties avoid to disclose information on newly-arisen intra-party splits and disagreements whenever possible, as long as internal conflicts become impossible to conceal.

In order to forestall conflicts and disagreements, parties usually incorporate in the party statute (party identification card) powers of individual actors and define their *modus operandi*. However, this does not always prove the best way to prevent intra-party conflicts. Discussing on root motives for conflict, Goati states that "a primary cause of internal conflicts does not lie in the sphere of programmatic political orientation, but in infighting between political groups and individuals for prestige and 'more party power'. Yet, such conflict is disguised under 'an ideological kind of cloak', since key party office holders and aspirants for key positions both accentuate 'programmatic dimension' in order to win over and mobilize wider party membership (Goati, 2007: 164).

The question logically arises as to results of the formation of new political parties,

and whether these results are to advantage of internal party democracy or they do not bring any change? According to Von Beyme, overall importance of intra-party conflicts is reflected in effects of factionalism on internal democracy (Von Beyme, 1985). Factionism can be positive if, as a result, party members have an increased impact on leadership decision making. On the other hand, factionism is negative in absence of any change in this sense.

Parties that emerge from factional disputes within major political parties usually strive to lessen the effects of factionalism by evading radical change in programmatic goals. First of all, they act in such a way so as to keep as many up-to-then members and sympathizers as their future voters. The second reason is usually that factions are often considered as authentic carriers of a program of the party from which they had emerged. Potential changes consist of redistribution of priority goals by marginalizing or rephrasing contentious issues. On the other hand, ideological framework usually remains unchanged (Goati, 2007: 164). Particular theoreticians, such as Waller, go to the length of having doubts about difference between the Eastern and South Eastern Europe parties which emerged after the collapse of communist one-party systems on the one hand, and former single-party communist regime (Waller, 1996: 26).

Deliberating on possibility of intra-party changes, authors such as Rose and Macki hold that changes are possible; still, this responsibility lies exclusively in the hands of party leadership (Rose and Macki, 1988: 557). Major reason for intra-party change usually comes from outside. In other words, the change depends primarily on the election results of a particular party. Following election defeat, primary reasons for failure are sought among party leaders, which may result in a party members' request for resignation of party leaders. It is less common that party leaders resign over the same reasons, which holds true for BiH, while in Western democratic countries such practice is included implicitly.

Generally speaking, the rise and fall of political party primarily depends on expertise and capacity of party leadership to accurately estimate priorities for action within wider social and political framework, as well as to adopt wise decisions, formulate appropriate strategy and mobilize party membership. Moreover, internal party relations are substantially determined by the criteria for party candidate nominations for leadership positions and top management. Each political party should put in their maximum effort in the process of education and advancement of party capacities, and pay constant attention to the education of proper cadres. Certain BiH parties initiated a positive practice in this area, such as for instance, the Political Academy SDA of the Party for Democratic Action, Youth Forum of the Social Democratic Party (SDP) or Youth of SNSD within the Alliance of Independent Social Democrats.

Adoption of the Law on political parties in Bosnia and Herzegovina should represent the first mechanism of legal regulation and, subsequently, democratization of political party activities on a wider socio-political basis. This implicitly includes two-sided relationship - democratization of relations between parties (outside) and democratization within the party (inside). One of key principles in the democratization process is the principle of publicity which implies that parties are obliged to make party activities accessible to public scrutiny. This principle primarily refers to public access to party statute, program and other party records and acts; access to names of party officials and elected officials; information on conducted procedures of internal party elections and drawing up of candidate lists; financial reports on party income and expenditure, and other relevant documents. Owing to lack of political will to conduct reforms in this area, there is no legislature in force in Bosnia and Herzegovina to govern aforementioned points. Actually, the Election law of Bosnia and Herzegovina is more focused on regulating the field of political party financing. In this sense, the Law is inadequate to address much wider range of issues. Still, one of the items of the Election Law of BiH, more precisely, Article 1.9., that should co-define level of internal party democracy and that accentuates precedence of the person over the collective – that is, party, runs as follows: “A mandate belongs to the elected office holder and not to the political party, coalition or list of independent candidates, which nominated him or her on the candidates list.”⁵⁶ This provision was frequently applied in practice. For instance, political party members elected to the legislative branch of a party in different levels, who subsequently withdrew from the party due to disagreements on certain issues with the party leadership structure, maintained their seat in particular legislative branch in their capacity as independent representatives.

56 Election Law of Bosnia and Herzegovina, clean text, available at www.izbori.ba/.../ZAKONI/Izborni_zakon (accessed on 23.03.2015.)

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List of abbreviations

- A-SDA – Party of Democratic Activity (Bosnian: *Stranka demokratske aktivnosti*)
- AVNOJ – Anti-Fascist Council of National Liberation of Yugoslavia (Bosnian: *Antifašističko Vijeće Narodnog Oslobođenja Jugoslavije*)
- BH – Bosnia and Herzegovina
- BPS – Bosnian-Herzegovinian Patriotic Party (Bosnian: *Bosanskohercegovačka patriotska stranka*)
- CEC – Central Election Commission
- CIPS – Citizen Identification Protection System
- DB – Brčko District
- DF – Democratic Front
- DNS – Democratic People's Alliance (Bosnian: *Demokratski narodni savez*)
- DNZ – Democratic People's Union (Bosnian: *Demokratska narodna zajednica*)
- DSP – Democratic Socialist Party
- DSS - Democratic Socialist Alliance (Bosnian: *Demokratski socijalistički savez*)
- EU – European Union
- FBH – Federation of Bosnia and Herzegovina
- GDS – Civic Democratic Party (Bosnian: *Građanska demokratska stranka*)
- HDU – Croatian Democratic Union (Bosnian: *Hrvatska demokratska unija*)
- HDZ 1990 – Croatian Democratic Union 1990 (Bosnian: *Hrvatska demokratska zajednica 1990*)
- HDZ BiH – Croatian Democratic Union BH (Bosnian: *Hrvatska demokratska zajednica BH*)
- HKDU – Croatian Christian Democratic Union of Bosnia and Herzegovina (Bosnian: *Hrvatska kršćanska demokratska unija Bosne i Hercegovine*)
- HNZ – Croatian People's Community (Bosnian: *Hrvatska narodna zajednica*)
- HSP – Croatian Party of Rights (Bosnian: *Hrvatska stranka prava*)
- HSS – Croatian Peasant Party (Bosnian: *Hrvatska seljačka stranka*)
- JMO – Yugoslav Muslim Organization (Bosnian: *Jugoslovenska Muslimanska Organizacija*)

KM – Convertible Marka

MBO - Muslim Bosniak Organization (Bosnian: *Muslimanska bošnjačka organizacija*)

MHDZ – Youth of the Croatian Democratic Union (Bosnian: *Mladež Hrvatske demokratske zajednice*)

NATO – North-Atlantic Treaty Organization

NDP - National Democratic Movement (Bosnian: *Narodni demokratski pokret*)

NHI BH – New Croatian Initiative of Bosnia and Herzegovina (Bosnian: *Nova hrvatska inicijativa Bosne i Hercegovine*)

NR BH – People's Republic of Bosnia and Herzegovina

NS – Party “Napredna Srpska”

OHR – Office of the High Representative for Bosnia and Herzegovina

OSCE – Organization for Security and Cooperation in Europe

PDP – Party of Democratic Progress

PR – proportional representation

RBH – Republic of Bosnia and Herzegovina

RS – Republika Srpska

SBB – Alliance for Better Future (Bosnian: *Savez za bolju budućnost*)

SBiH – Party for Bosnia and Herzegovina (Bosnian: *Stranka za Bosnu i Hercegovinu*)

SDA – Party of Democratic Action (Bosnian: *Stranka demokratske akcije*)

SDP – Social-Democratic Party (Bosnian: *Socijaldemokratska partija*)

SDS – Serbian Democratic Party (Bosnian: *Srpska demokratska stranka*)

SFRY – Socialist Federal Republic of Yugoslavia

SK-SDP - The League of Communists (Bosnian: *Savez komunista*) - Party of Democratic Changes (Bosnian: *Stranka demokratskih promjena*)

SNSD – Alliance of Independent Social-democrats (Bosnian: *Savez nezavisnih socijaldemokrata*)

SP – Socialist Party (Bosnian: *Socijalistička partija*)

SR BiH – Socialist Republic of Bosnia and Herzegovina

SRJS – Alliance of Reform Forces of Yugoslavia (Bosnian: *Savez reformskih snaga Jugoslavije*)

SRS RS – Serbian Radical Party of Republika Srpska (Bosnian: *Srpska radikalna stranka Republike Srpske*)

SSO-DS – Alliance of Socialist Youth (Bosnian: *Savez socijalističke omladine*) - Democratic Alliance (Bosnian: *Demokratski savez*)

ZAVNOBH – National Anti-Fascist Council of Bosnia and Herzegovina (Bosnian: *Zemaljsko antifašističko Vijeće Bosne i Hercegovine*)

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CIP - Каталогизација у публикацији
Национална библиотека ЦрнеГоре, Цетиње

ISBN 978-86-85547-40-9
COBISS.CG-ID 29028368



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ELECTORAL STUDY:**
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