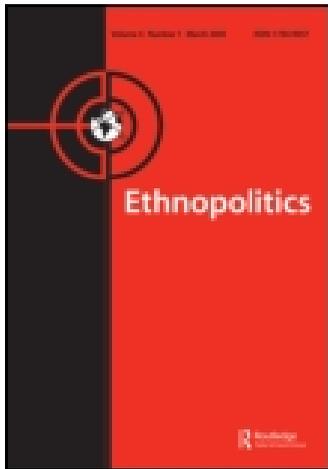


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Democratic Transition and Electoral Design in Plural Societies: The Case of Bosnia and Herzegovina's 1990 Elections

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ABSTRACT The uncertainty of democratic transition poses a threat to the survival of ethnically plural societies, culminating in the first open elections. The design of the electoral system for the founding elections is therefore of crucial importance. This paper focuses on the democratic transition of Bosnia and Herzegovina and its founding elections in 1990. A variety of electoral systems, both proportional and majoritarian, were employed during these elections. With different incentives they attempted to reconcile inclusion and group representation, while fostering interethnic politics. Utilizing newly available election data and a within-case comparison, the paper analyses incentives and outcome of different electoral systems under least-likely conditions of success. As no single electoral system was able to overcome the predominance of particularistic ethnic politics during these elections, the paper concludes that under high levels of transitional uncertainty and low levels of ethnic inter-group relations, the choice of electoral system alone is often not enough to make a decisive difference in electoral outcome.

Introduction

Institutional design is considered one of the primary instruments to manage inter-group competition (Dahl, 1989; Horowitz, 1985; Lijphart, 1999; Linz & Stepan, 1996). The design of the electoral system is thereby one of the most readily available means to influence political institutions, although the impact electoral systems can have is a subject of debate (Gallagher & Mitchell, 2008; Grofman & Lijphart, 2003; Norris, 2008; Reynolds, Reilly, Ellis, & Cheibub, 2005). As each electoral system is adopted with a purpose in mind, and is tailored to the specific circumstances of any country, it is necessary to ask, 'what one wants the electoral system to do' (Horowitz, 2003, p. 115). The design of an electoral system rarely starts with a blank slate but inevitably builds on specific institutional legacies, systemic societal factors, and is often shaped by conflicting political objectives of the moment. All these factors limit the extent to which any electoral system can influence the shape and nature of institutions.

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The choice of an electoral system for plural societies is always a complex undertaking. Along with elections, democratic transition presents another great challenge for the stability of plural societies, where economic, social, and political upheavals, which often accompany democratic transition, create additional inter-group competition. As elections are inevitably tied to the context in which they are applied, founding elections are one of the most important events that structure and influence competition between societal groups during times of transition. The limiting circumstances where democratic transition coincides with a re-emergence of particularistic and competing group identities present the ultimate challenge to designing an electoral system and a least-likely scenario for electoral system design to have a significant impact. This situation was present in the Socialist Federal Republic of Yugoslavia (SFRY) in 1990, and was most apparent in Bosnia and Herzegovina (BiH). An analysis of these elections presents us with an opportunity to assess the impact of different electoral systems within the same context marked by difficult circumstances.

The democratic transition of BiH was part of the wave of democratization that engulfed Central and Eastern Europe between 1988 and 1990. Even though there are many similarities, the democratic transition of BiH and other former Yugoslav states can be distinguished from the overall experience of Central and Eastern European countries. This is foremost due to institutionalized socialist ethno-federalism in Yugoslavia, and a system of parallel institutions in the individual republics, manifesting itself through political particularity with a multitude of self-serving nationalist politics. The democratic transition of BiH is clearly marked by the founding elections of November 1990. These elections created an opportunity for mobilized ethnic groups to challenge the ruling elite that had sole-handedly been in power for more than four decades, and to redefine the very essence of the state's political and economic structure. The three Bosnian ethnic parties, representing the three main ethnic segments of society, won these elections by a huge margin, subsequently forming an ethnic power-sharing government. Only after the elections did the inflexibility of irreconcilable ethno-political nationalisms become publically apparent. BiH began its democratic transition as a republic within the Yugoslav federal state, but completed it only many years later with the implementation of 'Dayton Bosnia'. This paper shall focus on the early transition phase, especially the opening of the authoritarian regime and the founding elections. Ethnic composition, as a structural condition, shall also be emphasized and directly related to electoral outcome (see also Wagner & Dreef, 2014).

In the following sections, I shall give an overview of the structural factor of ethnicity in BiH, the institutional legacy of socialist rule, and the transitional dynamics leading up to the 1990 founding elections. Thereafter, I shall present the main political parties, and the different electoral systems for three state-level institutions employed during the elections. Analysis of election results of three electoral systems, with municipal variations that take ethnic structure into account, is presented as a within-case comparison. Results indicate that some electoral systems performed better at achieving accurate representation, while others promoted moderate ethnic politics and raised levels of cross-ethnic voting, with these two goals being mutually exclusive. I conclude that although a variety of electoral systems were employed for the elections, each with its own incentives and dynamic, none was able to overcome the predominance of ethno-nationalist politics. In least-likely situations marked by high levels of transitional uncertainty and low levels of ethnic inter-group relations, such as BiH in 1990, the choice of electoral system alone is not likely to decisively influence electoral outcome.

The Ethnic Structure of BiH

Most scholars agree that ethnic identity and the ethnic structure of the population are important for party politics and political contest (Horowitz, 1985; Lijphart, 1999; Rabushka & Shepsle, 1972), and that it is necessary to take them into account when designing electoral systems for multi-ethnic societies. I use Chandra's definition of ethnic identities as 'a subset of categories in which descent-based attributes are necessary for membership', where these categories are, amongst others, based on religion, language, and nationality, or any combination thereof (Chandra, 2012, p. 9). Ethnic identity is inherently tied to political conditions that amplify certain categories, resulting in different ethnic identities being activated and expressed under different circumstances.

BiH had the most diverse population of all Yugoslav republics, consisting predominantly of three ethno-religious groups (Muslim Bosniaks, Christian-Orthodox Serbs, and Catholic Croats). The differentiation between group identities was stable, yet not openly expressed in public, and primarily had deeper behavioural meaning in private life. The diversity and presence of individual identities are reflected in the census results, where the three ethno-religious groups, together, continuously made up over 90% of the BiH population. Yugoslavs, the politically favoured non-ethnic and non-religious identity, were a significant minority that did not exceed 8% at any time; while all other ethnic, religious, or territorial identity groups formed less than 0.05% of the population. Census data from the decades preceding the first elections show that most of the population consistently declared themselves as members of one of the three main groups (see Table 1). Ethnic identity, as a framework of collective self-identification, was thus constant throughout more than one generation leading up to the founding elections.

The ethnic diversity of BiH was also apparent in the territorial dispersal of each population group and their intermixing. The demographic map of BiH

has often been likened to a leopard's skin in terms of its high degree of diversity.

While before the war in the 1990s only few large pieces of land in Bosnia were populated by exclusively one group, ethnic patterns existed, especially in rural areas. (Bieber, 2006, p. 14)

According to the 1991 census, in 83 out of 109 municipalities, one ethnic group formed the absolute majority.¹ Nevertheless, only few municipalities were ethnically homogenous,²

Table 1. Ethnic composition of BiH 1991: population census (data for 1981 in parentheses)

Ethnic group	Population	Percentage
Muslims	1,902,956 (1,630,033)	43.5% (39.5%)
Serbs	1,366,104 (1,320,738)	31.2% (32.0%)
Croats	760,852 (758,140)	17.4% (18.4%)
Yugoslavs	242,682 (326,316)	5.5% (7.9%)
Others	104,439 (89,029)	2.4% (2.2%)
Total	4,377,033 (4,124,256)	–

Notes: Bosniaks were referred to as 'Muslims' for the 1971, 1981, and 1991 censuses. Both denominations for this ethno-religious group can be used interchangeably while referring to this time period.

Source: Institute for Statistics of the Federation of Bosnia and Herzegovina, Sarajevo (n.d.).

while most had significant minority populations of one or more groups. The ethno-territorial structure of BiH manifested itself on the micro-level of small towns, villages, and neighbourhoods. In rural areas, these were predominantly ethnically homogenous, but became more heterogeneous with increasing levels of institutional aggregation, such as cities and municipalities. An increase in ethnic heterogeneity was also accompanied by an increase in interethnic relations, ethnic intermarriage and the percentage of Yugoslavs in the population. Prior to 1992, there were very few larger ethnically homogenous territories, an important factor that influenced the design of the electoral system for the founding elections.

Institutional Legacy and Transitional Dynamics

From the end of the Second World War, Yugoslavia and BiH were ruled by League of Communists (SKJ and SKBiH, respectively). The regime, which was totalitarian at the beginning, started to change in the early 1960s, and can thereafter be characterized as authoritarian with limited pluralism. Even though Yugoslavia was formed as a federal state, the institutions of federalism only gradually became relevant (Zakošek, 2008, p. 590). The SFRY and BiH constitutions of 1974, which were in place during the 1990 elections, gave the federal republics significant powers in relation to the federal level of government. The 1974 BiH Constitution established the multi-member Presidency of the Socialist Republic of BiH and introduced a pseudo-democratic system of *delegated representation* (Arnautović, 2009, p. 209) that limited elections of vetted representatives to the municipal level, thus strengthening the position of the ruling party. Acknowledging the ethnic structure of BiH, the SKBiH introduced a form of inter-party ethnic pluralism where the so-called ethnic key became the leading principle in the allocation of functions. Ethnic groups were ensured representation within the one-party system, thereby serving to control potential nationalism. 'As such, the socialist system did not represent different national elites, but rather one Bosnian, Yugoslav and Socialist elite which "happened" to belong to different communities, but whose primary allegiance was with the state and the League of Communists' (Andželić, 2003, pp. 39–40 cited in Bieber, 2006, pp. 22–23). Ethnic, republican, and all other forms of interests were subjugated by the ideology of the ruling party that was omnipresent in social, political, and economic life.

The political system of SFRY drew its legitimacy primarily from the ideology of self-governing socialism, the antifascist resistance during the Second World War, and the charisma of Josip Broz Tito. During the 1980s, with Tito deceased and memories of the Second World War fading, the Yugoslav self-governing socialist economic system fell into a deep crisis. This was triggered by an accumulated high sovereign (foreign) debt and the inability of the regime to find a solution for high inflation, unemployment, and lack of growth (Radušić & Vekić, 2010; Zakošek, 2008, p. 591). The results were a decline of living standards, workers' strikes, and citizens' discontent. Dissatisfaction with the ruling elites was exacerbated through various political scandals³ that fully delegitimized the regime, resonating with earlier accounts by Yugoslav dissident Milovan Đilas of the rise of a privileged 'new class' of citizens (Đilas, 1957). As socialist ideology fell into this self-created crisis, particular party elites sought to strengthen their positions by reverting to nationalism as a source of legitimacy, thereby, ironically, undermining the multinational socialist structure of Yugoslavia itself. Where political institution in communist Yugoslavia and BiH had previously instrumentalized ethnicity, they were now themselves subjugated to ethnic

nationalism. As Mujkić recalls, the ideals of communism were gradually replaced by ethno-nationalist ideals, resulting in ethno-politics as the primary form of political articulation in most ex-Yugoslav republics by the end of the 1980s and the beginning of the 1990s (2010, pp. 20, 30). Confronted with a loss of legitimacy and permanent socio-economic crisis, as well as the *zeitgeist* of democratic transition throughout Central and Eastern Europe and other Yugoslav republics, the BiH League of Communists decided in 1990 to allow the formation of opposition political parties and to conduct free democratic elections. Through democratization the ruling SKBiH sought to regain its legitimacy by seeking wider, more equal, more protected, and more mutually binding consultation between the state and its citizens (Tilly, 2007, p. 59), but still attempted to be in charge of the process (Burg, 1997).

In July 1990, Constitutional Amendments LIX–LXXX radically altered the political system of BiH. They introduced democratic change and called for free and open multiparty elections, while affirming the equality of the three peoples (Muslims, Serbs, and Croats), citizens, and other national minorities (constitutional Amendment LX, see *Ustav Republike Bosne i Hercegovine*, 1993). The citizens of BiH at that time did not have any experience with open or free elections, as the last ones were held in the 1920s. The amendments introduced freedoms of association and political organization, thus enabling the creation (and/or re-emergence) of opposition political parties. In a move to thwart ethnicization of the party system, the SKBiH initially proposed a ban on ethnic political organizations but it was declared unconstitutional by the BiH Constitutional Court, thus opening the possibility for ethnic parties and their candidates to stand for election. An election date was set for 18 November 1990 with simultaneous elections to be held for the two chambers of the BiH Parliament (the *Vijeće građana* and the *Vijeće općina*), the multi-member Presidency, and municipal councils (Arnautović, 2009, pp. 179–180).

The collapse of communism across Eastern Europe left an ideological vacuum and resulted in a short-term general unpredictability of political, economic, and societal relations. This transitional uncertainty introduced new channels of information, as well as a multitude of new political actors with conflicting agendas, and unknown popular support. At the same time, preparations for the 1990 BiH elections were undertaken in an atmosphere of political urgency and rising inter-group tensions throughout Yugoslavia. The BiH elections followed in the aftermath of the first democratic elections in other parts of Yugoslavia. Both Slovenia and Croatia (at that time republics within Yugoslavia) held elections in April 1990 and especially the Croatian election had an influence on local pre-electoral dynamics in BiH. As elements of political contestation were introduced swiftly and under unstable circumstances, it is reasonable to assume that the SKBiH did not fully anticipate the extent of ethnic mobilization that followed. O'Donnell and Schmitter note that this is particularly true in founding elections held after a longer period of authoritarian rule. When voters lack experience, and parties and candidates lack strong identification, '[t]hose in power or close to it will make mistakes, usually by overestimating their support. Those outside it may well underestimate their capacity to draw votes from the population at large' (O'Donnell & Schmitter, 1986, p. 61).

Political Parties and Candidates

The 1990 elections and the preceding election campaign were held under one-party rule, where the incumbent communist party was also a contestant in the elections. This created a

highly unbalanced distribution of power in favour of the ruling party. Nevertheless, the newly formed opposition parties generally enjoyed a higher degree of legitimacy as they could not be associated with the failing political and economic system of Yugoslavia. Considering the short timeframe in which political parties could form and register for the elections, there was little space for serious political options to emerge, let alone for party fractionalization and differentiation to take place. The major opposition parties emerged either out of the reformist wing of the ruling communist elite, or through ethnic cultural and political organizations that had their heritage in BiH politics of the early twentieth century. From the 42 political parties that registered for the elections, only 7 entered candidates for the Presidency elections, while nine parties managed to capture seats in Parliament. I shall exclusively focus on these parties.

The major parties can be classified as ethnic or non-ethnic parties, and as incumbent or opposition parties. According to Chandra, ethnic parties champion the particular interests of one ethnic category (2011, p. 115), where noticeable ‘ethnic particularity’ in interest representation and composition is a central feature and where some group has to be implicitly or explicitly excluded. There is no single indicator of particularity according to which to classify ethnic parties, but rather a set of indicators that are adapted for each individual context (Chandra, 2011, pp. 155–157). In the democratic transition literature, ‘regime parties’ play an important role during first multiparty elections due to their institutional influence, monopoly of power, and political clout, as well as the potential to act as spoilers if election results do not suit them (Carothers, 1999; O’Donnell & Schmitter, 1986). These parties rely both on institutional and symbolic heritage, and on the influence of current office holders on party lists. Accordingly, the nine BiH political parties fit into the matrix as presented in Table 2. For statistical analysis, I shall group the ‘liberal-reformist’ and ‘ex-communist’ parties together as both presented an alternative to ethnic political options.

The ex-communist regime parties, which were still socialist in name and in composition of their leaders and party base but no longer in the political programme they advocated, formally held the strongest positions in society. Under the former planned market economy, they had established a foothold in large state enterprises, in state administration, and

Table 2. Characteristics of political parties for the 1990 elections in BiH

	Ethnic	Non-ethnic
Regime	–	SK-SDP SSO-DS DSS [ex-communist]
Opposition	SDA SDS HDZBIH MBO SPO [ethno-nationalist]	SRSJ [liberal-reformist]

Note: The independent candidate running for the Presidency can also be classified as opposition and non-ethnic (‘liberal-reformist’).

within security structures. Their position was one of reform and continuity as ideals of social democracy replaced the model of Yugoslav self-governing socialism. Apart from the League of Communists, which added the suffix Party of Democratic Change to their name (*Savez komunista—Stranka demokratskih promjena, SK-SDP*), this group includes a party formed out of the League of Socialist Youth, an organization that served for decades as a stepping stone towards SKBiH membership (*Savez socijalističke omladine—Demokratski savez, SSO-DS*), and the Democratic Socialist League (*Demokratski socijalistički savez, DSS*), which ran either independently or formed a pre-electoral coalition with the SK-SDP in some municipalities and regions. The liberal-reformist Union of Reform Forces of Yugoslavia (*Savez reformskih snaga Jugoslavije, SRSJ*) ran on a non-ethnic liberal democratic platform and brought together reform-oriented communist party officials and civic opposition members. It was not able to profile itself as a distinct alternative, either due to a lack of time or because of its perceived artificial nature as it could not rely on a strong ethnic or communist party base. The ethno-nationalist opposition parties each catered to distinct ethnic groups and, in their early phases, can even be considered as heterogeneous national movements with strong intra-group pluralism and tensions between moderate and radical nationalists (Bieber, 2006, p. 20). The Party of Democratic Action, a predominantly Bosniak organization (*Stranka demokratske akcije, SDA*); the Croatian Democratic Union of BiH, which mirrored an organization of the same party in Croatia (*Hrvatska demokratska zajednica BiH, HDZBIH*); and the Serbian Democratic Party (*Srpska demokratska stranka, SDS*) were the most influential, while the Muslim Bosniak Organization (*Muslimanska bošnjačka organizacija, MBO*) and the Serbian Movement for Renewal (*Srpski pokret obnove, SPO*) were only marginally relevant. The ethnic parties were not hostile towards each other during the pre-election campaign, although they had conflicting views on the future of the Yugoslav state and the position of BiH within it, but shared a resolve to defeat the SK-SDP (also see Burg, 1997, pp. 127–130).

The Electoral System for the 1990 BiH Elections

The 1990 elections featured three different electoral systems for each of the three representative bodies on the state level, as well as for municipal councils.⁴ The electoral systems for the Presidency of the Socialist Republic of BiH (SR BiH), the Council of Citizens of the SR BiH Parliament, and the Council of Municipalities of the SR BiH Parliament will be presented in detail, while, due to ethno-territorial diversity of the population on the local level, the municipal elections warrant a different type of analysis that exceeds the limitations of this paper.⁵ As all electoral systems included fixed categories of ethnicity, inherited from the SFRY and socialist BiH Constitutions, they introduced elements of communalism into BiH politics, whether through separate ethnic lists, ethnic composition requirements of delegates, or majority–minority calculations in individual municipalities. This inevitably put ethnicity at the forefront of electoral campaigns.

The multi-member Presidency was the highest executive body in the Republic. Its ethnically defined structure draws on institutional heritage from the 1974 BiH constitution, with the individual members representing the different ethnic segments of society.⁶ For the 1990 elections, the Presidency consisted of seven members, two from each major ethnic group and one from any of the other groups, to be directly elected by popular vote. The entire country was a single electoral district. The ballot featured all candidates

on a single sheet, grouped into four distinct lists according to the candidates' ethnic affiliation ('Muslims', 'Serbs', 'Croats', and 'Others'). Regardless of their own ethnic identity, all citizens received identical ballots and were able to cast votes for candidates from all lists. They could vote for two candidates from each ethnic list and for one from the 'Others' list, making a total of maximum seven votes distributed according to the ethnic structure of the Presidency. As casting multiple votes was not mandatory, voters could opt to vote for fewer candidates, whereby their ballot would be valid as long as the votes cast were properly distributed according to available seats.⁷ Members of the Presidency were elected by a plurality of votes from their ethnic lists (Arnautović, 2009, pp. 539–541). The goals of this electoral system were to mitigate ethno-nationalist tensions through a system of reserved ethnic seats, and to promote moderate ethnic candidates who could attract a large number of cross-ethnic votes. The 'moderate' ethnic candidates of the transformed SKBiH were thus expected to win against more 'radical' ethnic candidates of particularistic ethnic parties. According to the best of my knowledge, no similar type of electoral system has been used in free elections for executive positions. The electoral system is unique and cannot be easily classified, but shares many features with the alternative vote and the block vote. It falls into the majoritarian family of electoral systems and is best described as block voting with non-exclusive ethnic lists (I shall further refer to it as BV-EL). The BV-EL system is similar to the electoral system used for parliamentary elections in Lebanon, sharing features such as separate ethnic lists, multi-member districts, and plurality elections, but also with evident differences, mostly in ballot structure and district magnitude. Similarities with the alternative vote (used in Australia and Papua New Guinea) are less evident as BV-EL does not allow for preferential voting and employs plurality for election. Still, incentives for cross-ethnic voting in BV-EL encourage voters to cast votes for candidates of other ethnic groups which do not affect their (primary) vote for candidates of their own ethnicity. With all votes weighed equally, candidates have especially strong incentive to appeal to cross-ethnic voters, or form cross-ethnic coalitions. As with the alternative vote, the choice made by cross-ethnic voters can be decisive where no absolute ethnic majorities exist.⁸

The Council of Citizens of the BiH Parliament numbered 130 delegates and was elected through a proportional representation (PR) electoral system from closed (party) lists in seven (regional) multi-member electoral districts.⁹ The ethnic structure of the Council also had to reflect the overall ethnic structure of the state¹⁰ (Arnautović, 2009, p. 542). Seats were allocated proportionally in two distinct steps, utilizing two different methods: first, they were distributed according to predetermined *Hare quota* (a minimum number of votes required for a party to capture a seat). After no more seats could be distributed according to the quota, the remaining seats were distributed according to the *D'Hondt method* (Arnautović, 2009, p. 542). Both methods are widely used in parliamentary elections, where the D'Hondt method favours larger parties, while the Hare quota favours smaller parties, although they are rarely combined in the same electoral system. The exact formula is also currently used for parliamentary elections in Brazil. This type of electoral system, especially with the initial preference for smaller parties, is intended to accurately represent the ethnic, ideological, regional, and other voter preferences and does not encourage strategic voting or cross-ethnic politics.

The Council of Municipalities of the BiH Parliament, with 110 delegates, was elected by a two-round majority (TRM) vote system. If no candidate received an absolute majority of votes in the first round, the two leading candidates competed in a second round of

Table 3. Overview of electoral systems used for the 1990 BiH elections (state-level institutions)

Representative body	BiH Presidency	BiH Parliament: Council of Citizens	BiH Parliament: Council of Municipalities
Total number of seats	7	130	110
Electoral system	BV-EL ^a	PR	TRM
Electoral district	Republic of BiH	Regional electoral districts	Municipalities
Number of electoral districts	1 (includes 4 electoral lists on a single ballot)	7	109
District magnitude	7 (1–2 per electoral list)	9–28	1–2
Maximum number of votes per voter	7	1	1

^aBlock voting with non-exclusive ethnic lists.

elections. The single-member electoral districts were the 109 individual municipalities,¹¹ with one seat reserved for the representative of the Sarajevo City Council¹² (Arnautović, 2009, p. 543). The TRM electoral system is widely used and clearly favours the majority group in any electoral district (municipality). In the absence of such a majority, it provides ample incentives for pre-electoral coalitions or appeals to cross-ethnic voters of minorities with no candidates running in the election. On the other hand, the TRM can also lead to stronger radicalization of ethnic parties, especially when compared to PR (Bochsler, 2013). An overview of the electoral systems is given in Table 3.

Election Results

The founding elections were held on 18 November and resulted in a major victory for the ethnic opposition parties that won the vote at all levels of government across almost all of BiH. Throughout the electoral campaign, powerful intra-ethnic processes favoured strong ethnic candidates and parties that could best represent the ethnic identities of voters, thus countering incentives for cross-ethnic voting. The following cross-sectional analysis of election results is based on newly available data that are disaggregated to the municipal level with 109 distinct units of analysis.¹³ By combining the electoral data with census data that were collected almost simultaneously (during March 1991), it is possible to put demographic factors upfront and define the units of analysis with high diversity in population size, territory, and ethnic distribution. This makes it possible to assess the effects of the different electoral systems in various structural settings within the single case of the 1990 elections in BiH.

The 130 delegates for the Council of Citizens of the BiH Parliament were elected by closed-list PR in seven multi-member electoral districts, each featuring a different ballot. Of the aforementioned parties, only the SKBiH, DSS, SSO-DS, SDA, HDZ, and SDS stood for election in all districts, where the SKBiH, DSS, and SSO-DS formed a pre-electoral coalition in Tuzla district.¹⁴ The elections had a large average turnout of 78.1% of registered voters,¹⁵ while the number of invalid votes was relatively low, especially for founding elections, with an average of 3.5%, contrasting earlier conclusions based on preliminary results (Burg, 1997, p. 131). The overall results achieved by the political parties are presented in Table 4.

Table 4. Election results, Council of Citizens of the BiH Parliament 1990

Political party	Total votes in all electoral districts	Total % of votes	Seats	% share of seats
SDA ^a	700,729	31.28	43	33.08
SDS ^a	585,784	26.14	34	26.15
HDZ ^a	360,517	16.09	21	16.15
SK-SDP ^b	277,661	12.39	15	11.54
SRSJ	189,765	8.47	12	9.23
DSS	31,526	1.41	1	0.77
SSO-DS	30,505	1.36	2	1.54
MBO ^a	25,910	1.16	2	1.54
Other parties	38,186	1.70	0	0.00
Total	2,321,887	100	130	100

Note: Gallagher index for this election is fairly low with 2.01.

^aEthno-nationalist parties.

^bIncludes joint results with DSS and SSO-DS in Tuzla district.

The domination of the three ethnic parties, which won a combined total of 98 seats (over 75%), is evident. When the votes for ethno-nationalist parties are aggregated on the municipal level, they won an absolute majority in all municipalities except one.¹⁶ As expected of elections by PR, the results mirror the ethnic structure of the population. The correlation between percentage of population share and percentage of won votes is, however, extraordinarily high: 0.746 for Bosniak voters voting for SDA or MBO, 0.838 for Serbs voting for SDS, and 0.926 for Croats voting for HDZ. These correlations are visualized in [Figure 1](#), with a total of 327 measurements.¹⁷

The Council of Municipalities elected 109 delegates through a TRM system, where the individual municipalities were electoral districts with different ballots in each.¹⁸ These elections were characterized by strong local dynamics influenced by the demographic characteristics of the municipalities, including population size, population density, ethnic structure, rural–urban divide, and socio-economic factors. No single political party listed candidates for all municipalities in BiH.¹⁹ The ethnic parties presented a total of 224 candidates, and, amongst themselves, ran for election in all municipalities, while the non-ethnic parties had 153 candidates in the race and no candidates in 24 municipalities in BiH. Excluding independent and other candidates, citizens in these municipalities could not vote for a non-ethnic candidate. In the first round of elections, 56 of the 109 seats were distributed, with an average turnout of 76.7%. A second round for the remaining 53 seats was held on 2 December, with a turnout of 77.0%. The overall election results overwhelmingly favoured ethnic parties who won 104 seats, as well as the Sarajevo City Council mandate, with the non-ethnic parties gaining only 5 seats. An overview of the election results is presented in [Table 5](#).²⁰

The domination of ethnic parties in the first BiH Parliament is even more apparent when looking at the Council of Municipalities results, where they won a combined 96% of seats. Under the win-or-lose TRM system, the results mirrored the majority–minority relations in BiH municipalities. In 83 municipalities, the dominant ethnic group comprised over 50% of the population and could elect ‘their’ candidate regardless of the preferences of other ethnic groups in the municipality.²¹ In 82 of these municipalities, the ethnicity of the elected candidate and his ethnic party affiliation coincided with the ethnicity of the majority population,²² and all 56 seats won in the first round of elections were from these municipalities. In

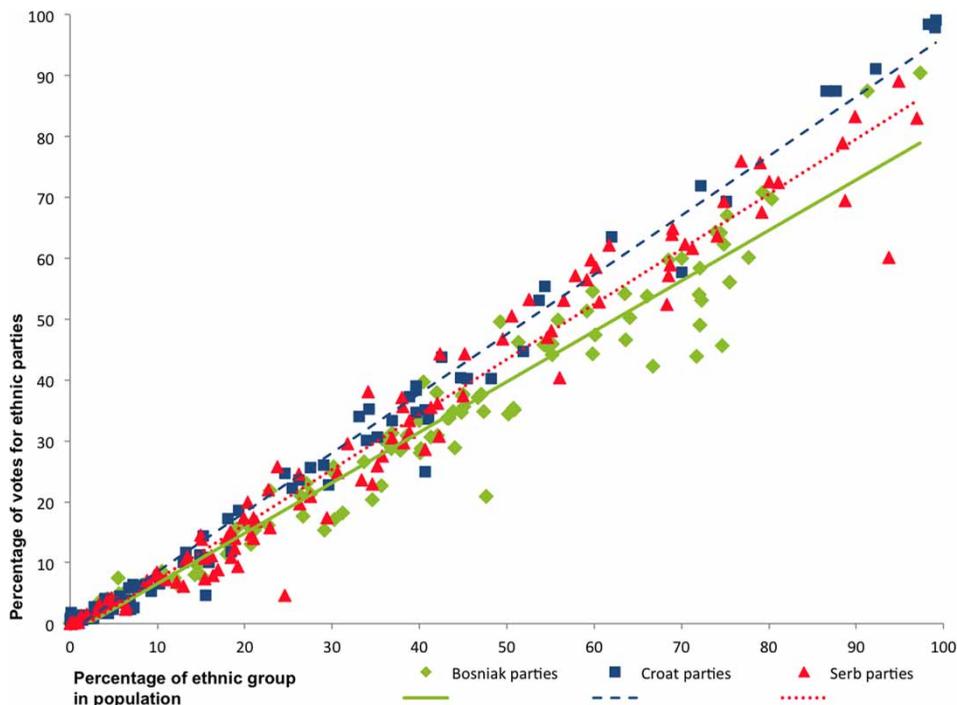


Figure 1. Ethnic structure and Council of Citizens election results by municipality
 Note: Linear regression; Croat parties: $R^2 = 0.989$; Serb parties: $R^2 = 0.965$; Bosniak parties: $R^2 = 0.949$.

Table 5. Election results, Council of Municipalities of the BiH Parliament 1990

Political party	Votes (1st round) ^a	% votes (1st round)	Seats (1st round)	Votes (2nd round)	% votes (2nd round)	Seats (2nd round)	Total delegates
SDA ^a	676,479	30.6	16	404,283	44.0	26 + 1 ^c	43
SDS ^a	544,008	24.6	27	216,343	23.5	11	38
HDZ ^a	322,651	14.6	13	132,583	14.4	10	23
SK-SDP ^b	207,437	9.4	0	68,925	7.5	4	4
SRSJ	156,374	7.1	0	38,442	4.2	1	1
SPO ^a	4,216	0.2	0	6,268	0.7	1	1
Other parties	298,496	13.5	0	52,120	5.7	0	0
Total	2,209,661	100	56	918,964	100	53 + 1^c	110

Note: The first round of voting was held in all 109 municipalities and the second round in 53. The total number and percentage of votes are not related to the number of seats because of TRM.

^aEthno-nationalist parties.

^bIncludes joint results with DSS and SSO-DS in Tuzla district.

^cSDA won the seat for the Sarajevo City Council.

the 26 municipalities with no dominant ethnic group, not a single candidate was elected in the first election round. The second round of voting in the plural municipalities produced some very interesting results. In only half of them were the strongest ethnic group able to secure the election of a candidate of their own ethnicity, while in the remaining 13 municipalities, candidates of minority ethnic groups won the vote. This often happened in a turnaround to results of the first voting round with candidates and parties of the larger ethnic group leading the first round vote, but losing in the second round of elections. It is plausible to assume that the electorate of the smaller ethnic groups coalesced against the candidate of the larger ethnic group. Still this particular electoral dynamic can only be partially reconstructed from the election results alone, while uncovering pre-electoral coalitions and arrangements would be possible through individual municipal-level case studies.

The multi-member Presidency of BiH was elected by a plurality of votes from separate ethnic lists under the BV-EL electoral system, with the whole country as a single electoral district. A total of 28 candidates and 7 political parties participated in the elections: 9 on the Bosniak list, 7 on the Serb and Croat lists, and 5 on the 'others' list. The SK-SDP and SRSJ had seven candidates each, the SSO-DS had four, the SDA and SDS had three each, the HDZ had two, and the MBO had one candidate, while an additional candidate ran as independent. Each voter had a total of seven votes, but was not obliged to cast all seven. The total number of votes, therefore, does not reflect the size of the electorate. The elections resulted in a landslide victory of the ethnic parties, where the SDA, SDS, and HDZ won two seats each for 'their' ethnic groups, and the SDA winning the seat for the 'others' as well. The results are presented in Table 6.

Table 6. Election results, BiH Presidency 1990

Candidate (party)	Votes	% of votes	Candidate (party)	Votes	% of votes
Two Bosniak (Muslim) members			Two Serb members		
F. Abdić (SDA) ^a	1,027,898	32.52	B. Plavšić (SDS) ^a	567,074	22.05
A. Izetbegović (SDA) ^a	862,338	27.28	N. Koljević (SDS) ^a	550,715	21.41
N. Duraković (SK-SDP)	555,635	17.58	N. Kecmanović (SRSJ)	498,630	19.39
Dž. Sokolović (SRSJ)	184,621	5.84	M. Pejanović (SK-SDP)	334,816	13.02
N. Gljiva (SSO-DS)	133,263	4.22	N. Stojanović (SK-SDP)	237,442	9.23
F. Hrustanović (SK-SDP)	122,118	3.86	Đ. Latinović (SSO-DS)	222,728	8.66
Đ. Haznadar (SRSJ)	119,547	3.78	R. Zrilić (SRSJ)	160,304	6.23
B. Bijedić (independent)	103,953	3.29	Total	2,571,709	100.00
A. Zulfikarpašić (MBO)	51,683	1.63			
Total	3,161,056	100.00			
Two Croat members			One members of 'others'		
S. Kljuić (HDZ) ^a	469,113	22.16	E. Ganić (SDA) ^a	694,854	42.73
F. Boras (HDZ) ^a	414,144	19.56	I. Čerešnješ (SDS)	359,195	22.09
I. Komšić (SK-SDP)	352,312	16.64	J. Pejaković (SRSJ)	316,148	19.44
Z. Perković (SK-SDP)	288,867	13.65	Z. Lagumdžija (SK-SDP)	194,497	11.96
F. Bošković (SRSJ)	249,265	11.77	A. Vuković (SSO-DS)	61,373	3.77
T. Mateljan (SRSJ)	213,099	10.07	Total	1,626,067	100.00
M. Raguž (SSO-DS)	130,198	6.15			
Total	2,116,998	100.00			

^aElected candidates (all from ethno-nationalist parties).

The BiH Presidency results are more complex to analyse than those for either chamber of Parliament. This is because of optional multiple votes that voters could cast (from one up to seven), and the ambiguous category of ‘Others’ that was co-opted by ethnic parties. A detailed analysis of these elections can be found in Kapidžić (2014) and will not be presented here.

The Influence of Electoral System Design in Democratic Transition

The analysis of the 1990 elections in BiH finds prevalent voting along ethnic lines for both chambers of Parliament, whether with TRM or closed-list PR. This dynamic highly favoured ethno-nationalist parties that overwhelmingly won the elections, their results in Parliament mirroring the ethnic share of the population. Both systems, although pitted against each other in most of the power-sharing literature (see e.g. Norris, 2008; Reynolds, 2002), were accurate in recreating patterns of representation in the context of BiH in 1990, with PR performing slightly better. Nevertheless, both were dismal at fostering interethnic voting and support for non-ethnic candidates, where the TRM may have performed better under certain ethnic-plurality conditions. The BV-EL system for the Presidency elections enabled a significant degree of cross-ethnic voting, and voting for non-ethnic candidates, but with large variations between municipalities depending on their ethnic structure. Municipalities with high levels of ethnic diversity (high ethnic fractionalization) show increased cross-ethnic voting and voting for non-ethnic candidates. On the other hand, municipalities divided between two large ethnic groups (high ethnic polarization) were less likely to vote for cross-ethnic options and non-ethnic candidates, even if this did not affect the vote for candidates of their own ethnic group. Thus, electoral incentives for interethnic voting in the Presidency elections had much more effect in highly diverse municipalities (Kapidžić, 2014).

With elections resulting in a clear victory of ethno-nationalist parties regardless of the electoral system design, there is need to look into the limited impact of the different electoral systems employed. These founding elections took place during a democratic transition process that had a strong impact on the politicization of ethnicity in Yugoslavia and BiH. A lack of democratic tradition and uncertainty of electoral outcome led the drafters of the electoral law to simultaneously adopt very different electoral systems, while including provisions to manage ethnicity and ensure ethnic representation in each of them. Holding an election with three different electoral systems simultaneously is sure to have produced interaction effects that intensified the significance of ethnicity of both parties and candidates. For a long time, Yugoslav socialist political ideology attempted to vilify ethnic nationalism, but it also involuntarily institutionalized it as an alternative political reference point.

Birnir argues that in times of uncertainty, characteristic of democratic transition, ethnicity and ethnically defined institutions become key sources of information on political choice. Information is thus ethnically filtered and emphasized, resulting in mono-ethnic information systems on political matters (Birnir, 2007). In such situations, ethnicity is perceived from the outside and from other groups as relatively stable, but is internally flexible and opportunistic enough to adapt to new situations. It is therefore plausible to assume that voters in plural societies undergoing democratic transition will prioritize ‘their’ ethnic parties and candidates during free elections. In line with arguments made by Chandra (2012), Birnir (2007), and Zuber (2013), it is possible to attribute the success of ethnic parties during the 1990 elections in BiH to the activation of ethnic identity categories,

which became relevant and important within the transitional context. At the same time, leaders of ethno-nationalist parties intensified ethnic rhetoric and put ethnicity at the forefront of electoral campaign (Burg, 1997). As Mujkić points out, the peoples of BiH 'were mobilized by new ethnic leaders through a network of religious organizations emphasizing past grievances, oppression, and crimes committed by Communists, thus demobilizing multi-ethnic political parties and elites' (2010, p. 22). Furthermore, as family support networks and political clientelism are deeply embedded in the ethnic structure of BiH society, private family relations were politicized and became relevant for electoral politics as categories of identification and voting.

Conclusion

Democracy and democratic change are possible in plural societies, although getting there is not always easy. Especially the process of transition from an autocratic towards a democratic regime is a decisive and unpredictable moment that will define the future relations among ethnic groups in society and politics. Although successful democratization necessitates the creation of a political regime that guarantees equal rights to all individuals and groups, the process of transition often strengthens and intertwines particularistic and antagonistic interests of ethnic elites that can endanger the very process of democratization. In this regard, elections can be viewed as a potential threat, as well as a potential solution, where the choice of an electoral system might mean all the difference between peace and conflict.

At the same time, electoral system design is not the single most important factor influencing political institutions, as analysis of the 1990 elections in BiH has demonstrated. Under the same least likely circumstances, three very different electoral systems produced almost identical outcomes. When designing institutions, 'apt design and good timing are both required' (Horowitz, 1985, p. 684). In the context of BiH in 1990, the timing was far from ideal. In an environment not conducive to democratic change and interethnic politics, the troubles that accompany political and economic transitions further reduced democratic stability and intensified the significance of ethnicity in politics. Opportunistic ethnic parties and elites in BiH deliberately misused the uncertainty of the democratization process with the goal of ethno-national homogenization.

The 1990 founding elections were held under conditions that encouraged voting along ethnic lines and hampered the success of non-ethnic politics. Under such circumstances, the choice of an electoral system made little difference in electoral outcome. This is not to say that the electoral systems designed for the three state-level elections were faulty, but rather that transitional uncertainty made the victory of ethnic parties very likely. Under difficult circumstances other factors are likely more important for successful democratization than the design of the electoral system.

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Notes

1. Bosniaks formed the absolute majority in 37 municipalities, Serbs in 32, and Croats in 14.
2. The municipalities of Bosansko Grahovo, Cazin, Čitluk, Drvar, Grude, Ljubuški, Posušje, Široki Brijeg, Šekovići, and Velika Kladuša had a majority ethnic group of more than 90% of the population.
3. Political scandals such as the 'Agrocomerc' and 'Neum' affairs where political elites misused their power and influence for personal gain, on the cost of the state or state enterprises.
4. For more details on the legal framework, constitutional amendments, new electoral laws, and by-laws adopted prior to the elections, see Arnautović (2009, pp. 179–181).
5. Some local-level dynamics can be noticed through the analysis of the parliamentary Council of Municipalities elections. A qualitative-historic analysis of municipal elections in socialist Croatia in 1990 indicated strong local processes of ethnification and post-electoral radicalization, which later spilled over to the state level (Kubo, 2007).
6. Originally, it counted nine members who were all at the same time members of the ruling party and thus represented ideological party interests, rather than preferences of their ethnic groups.
7. A vote would be invalid if more than two candidates were selected from either the Croat or Muslim or Serb list, or if more than one candidate was selected from the 'Others' list.
8. In his recommendations for reforming the electoral system for the post-Dayton BiH Presidency, Bochsler (2012) proposes many elements included in the BV-EL system, including a single electoral district and a larger number of available seats in the Presidency.
9. A different number of delegates were elected from each electoral district, reflecting the difference in population size of the districts: 28 delegates were elected from the Tuzla electoral district, 25 from Banja Luka, 24 from Sarajevo, 15 each from Zenica and Mostar, 14 from Doboje, and 9 from the Bihać district. This translated into approximately one seat on the Council of Citizens for every 30,000–35,000 people.
10. In accordance with the last population census and a margin of error of $\pm 15\%$.
11. The municipalities are very diverse in population size, ranging from just over 4,000 to almost 200,000 people (the average population is 40,156, while the standard deviation in population size is 33,113).
12. To be appointed by the City Council, which itself was composed of representatives from the city's six municipalities.
13. The electoral data are based on new data available through ZIPO (a Sarajevo company entrusted with processing the official electoral results, completing the process in late 1992 during the Bosnian war). These election data were thought to be lost due to conflict, but were retrieved in 2012 by Analitika Sarajevo. The original data set can be provided by the author upon request.
14. The SRSJ did not run in the Zenica district, just as the MBO, which additionally did not run in the Banja Luka district. The SPO did not run at all for these elections.
15. The highest turnout was recorded in Grude municipality (95.9%) and the lowest in Bijeljina municipality (60.3%), with a low standard deviation of 6.7%.
16. In Tuzla they won 32.84%. That is the only municipality where non-ethnic parties won the vote by a large margin of 62.95%.
17. While disaggregating data to the lowest level reduces ecological inference, and even though most municipalities fit the regression line very well, ecological inference problems are possible.
18. One additional delegate was appointed by the Sarajevo City Council.
19. The SDA had candidates in 79 municipalities, slightly more than the SDS (76) and SKBiH (73, thereof 35 independently and 38 in coalition with DSS). The HDZ (51) and the SRSJ (51) also had candidates in a large number of municipalities, while all other parties only had a limited number of candidates running (MBO in 16 municipalities, DSS in 15, SSO-DS in 14, and SPO in 1). There were also a significant number of independent candidates or candidates running for smaller parties in 65 municipalities, which I shall omit in further analysis since their ethnicity cannot be traced.
20. Voting results for the second round are not presented in detail, as it did not take place throughout the country.

21. Out of these 83 municipalities, 10 are predominantly mono-ethnic (more than 90% homogenous), while 67 have one or more significant 'minorities' with over 10% of the municipality population.
22. The exception is Foča where, in the second round of voting, the SDS candidate was elected in front of the SDA candidate. The difference in the ethnic share of the population between Serbs and Bosniaks is relatively small (45.2% compared to 51.3% in favour of Bosniaks).

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