The influence of electoral institutions on the de-escalation of post-conflict situations
**Introduction**

Ethnicity is formulated by Horowitz (1985) as a term that designates a sense of collective belonging, which could be based on common descent, language, history, culture, race, or religion (or some combination of these). Though ethnicity can evidently be instrumental to a sense of collective belonging, it has also spurred up conflict and violence in the past. Examples are numerous in history and the present, including tribal violence between Hutu’s and Tutsi’s in Rwanda, religious animosity in Ireland, persecution of the Jewish population in the Third Reich, and ethnic violence following the secession of the former-Yugoslav nations. Political theorists and social researchers have inspired to research ethnicity and ethnic groups. Though previous research and literature on ethnicity has entailed the relationship between it and nation building, consociational democracy and migration, this research will focus on ethnic conflict and relevant literature.

 Paramount in this research’s effort is to better understand ethnicity and its role in society regarding conflict and cooperation. According to Kymlicka it is necessary to give ethnic groups certain rights, which are group-specific to remedy the disadvantage ethnic groups have against dominant culture. Kymlicka defines group-differentiated rights as follows: “...all [are] group-differentiated rights, since they are accorded on the basis of cultural membership. But some are accorded to individuals, some to the group, some to a province or territory, and some where numbers warrant” (Kymlicka, 1995: 45). These rights can entail anything as long as these group-differentiated rights are based on cultural membership and are awarded to individuals. They do not necessarily adhere to these individuals, but can also adhere to groups or territories.

 In this research the ethnic conflicts in Bosnia-Herzegovina and Rwanda will be compared thoroughly, focusing on how these two countries developed post-conflict, and what influence the electoral institutions had. Both countries suffered from severe ethnic violence, labeled as genocide, that shook up the international community. Bosnia harbored three ethnic groups at the time: Bosnian Serbs, Bosnian Croats and Bosniaks (Islamic Bosnians). In Bosnia ethnic cleansing occurred on many occasions. Bosniaks, Croats and Serbs were expelled from their homes by opposing military forces during the Bosnian war from 1992 until 1995. In Srebrenica, a UN declared safe-haven, around 7,000 Bosniaks were murdered by Serbians, an act of genocide according to the UN (UN, 2007).

 In Rwanda ethnic violence has been even more extreme than in Bosnia. Rwanda was ethnically divided into three groups: Hutu, Tutsi and Twa. Extremist Hutu’s in the political elite began blaming the Tutsi minority for economic and political unrest, accusing them of supporting a primarily Tutsi rebel group, the Rwandese Patriotic Front (RPF). When the country’s president Habyarimana was murdered, his plane was shot down in 1994, an estimated 800,000 people were murdered in months following the crash, in what is now known as the Rwandese genocide (UNHRC, 2014).
These two countries are interesting for in-depth research due to the contrast between the extreme violence of the civil war situation and their post-conflict situations, which gives an opportunity to examine the resurrection of these countries. An in-depth analysis will be conducted on the circumstances under which the ethnic conflict de-escalated in both countries. Special attention will be paid to the electoral institutions and how it influenced political and societal life.

Research Question

This research attempts to find satisfying explanation to the question: How do electoral institutions influence the de-escalation of ethnic conflict?

This thesis will elaborate on the debate in political science literature on power-sharing. This debate, as further examination will show, concerns ethnically divided societies and the way in which political institutions influence the de-escalation of ethnic conflict. The original and main theorist, Lijphart, argues that ethnically divided societies function better with power-sharing institutions, which ensures that ethnic groups are included in the most important political institutions and acquire representation proportional to their size (or in some cases equal representation, regardless of their size). He argues that key element in this process is to give ethnic groups autonomy and to shield them from interference in their cultural affairs by the central state (Lijphart, 1977; Norris, 2008; Spears, 2010: 10).

Horowitz applies a different logic, an integrationist logic, to the de-escalation of ethnic conflict. Institutions should focus on transcending ethnical differences, and he argues that ethnic parties should be avoided at all costs (Horowitz, 1985). He defends majoritarian electoral institutions, as opposed to proportional electoral institutions that are prescribed by power-sharing. In this thesis the cases of Rwanda and Bosnia-Herzegovina, which share a re-emergence from a civil war infused with ethnic hatred and violence, are examined from the end of civil war until the present day. Two distinct strategies were employed to reduce ethnic tensions and to de-escalate the civil conflict. In Bosnia, power-sharing institutions were imposed by the international community. In Rwanda, the former Tutsi rebels of the Rwandese Patriotic Front won the civil war. They have taken over power and installed a ‘neutral’ government. Even though elections are held every six years since 2003, political pluralism has been severely limited.

Clearly the two countries differ greatly in terms of institutional design, and have used different strategies. Nevertheless both countries are relatively peaceful today. The main point of this thesis is to discuss whether power-sharing institutions and proportional representation (PR) are universally applicable to mitigate ethnic conflict in any post-conflict case. Power-sharing advocates influence policy makers and infuse them with the idea that power-sharing or PR is the recipe for the termination of war and democratization (Dixon, 2011: 313). Empirical evidence is not in any way conclusive whether or not this
is the case. Nevertheless, PR seems to be the dominant prescription for the first elections in post-conflict peace settlement (Boogaards, 2013: 82).

While Bosnia is an example of a case where power-sharing has worked well, albeit with considerable commitment from the international community, Rwanda is an example where power-sharing was not the best option to achieve peace. This is due to the nature of African politics, as I will later explain, but also self-evident given the failure of power-sharing institutions to prevent the Rwandan genocide. Given the fact that PR is the most prescribed electoral system in post-conflict African peace settlements, and given the lack of conclusive empirical evidence for the favourable role of PR in such situations; the policy makers should adopt a more case specific and critical view on PR and power-sharing (ibid.), as failing to do so can have disastrous consequences.

A detailed review of Bosnia’s and Rwanda’s political developments will shed light on favourable and prominent conditions that influence the success of power-sharing institutions in societies divided by ethnic conflict. This research will focus on societies that are recovering from acute and violent intra-state ethnic conflict, in other words a civil war. In the second chapter of this thesis, the theoretical part, power-sharing and integration will be reviewed systematically, and the most prominent criticisms included. In the third chapter, the methods section, the methodology of the thesis is discussed, including the dependent and independent variables, data collection and the reasons for selecting the cases. Chapters 4-7 will cover the empirical part, a detailed analysis of political conduct and the functioning of the country’s institutions. Chapter 8 will discuss the results and chapter 9 will conclude this thesis.

1. Literature Review

This chapter is structured as follows: first a general overview of the scientific literature will be presented, then we will examine the two cases more closely and show how they relate to the concepts presented in the literature on ethnic conflict.

Institutional approach

Varshney identifies four separate “Traditions of explanatory enquiry” in the niche of social research on ethnic conflict. The first two approaches, essentialism and instrumentalism, are no longer considered to be serious or sufficient explanations for ethnic conflict. According to Essentialists, ethnic conflicts are deeply rooted in historical conflicts, while Instrumentalists regard ethnic conflict as originating from the prospect of political or economic gains. Instrumentalists do not regard ethnic conflict as inherent to human nature and therefore do not regard it as intrinsically valuable for research (Varshney, 2014: 285). Research interest has shifted to two other approaches: constructivism and institutionalism. Since the
institutional approach fits my own research aspirations best, I will only discuss constructivism when it criticized institutional perspectives on the formation and transition of ethnic identities, and review the institutional literature more thoroughly (Varshney, 2014: 289).

The institutional traditions of social enquiry on ethnic conflict entails the notion that institutions matter (Horowitz, 1985: 293). That the institutional framework: the type of party system, electoral system and other power sharing institutions, federalism for instance, shapes the potential for ethnic conflicts considerably (Varshney, 2014: 289). Institutional literature with regard to multi-ethnic societies disagrees whether they should adopt majoritarian or consensus-based institutions. The field has been defined by Lijphart and Horowitz. The two scholars represent different sides in the debate on the influence of political institutions on democratic stability and inter-societal conflict.

**Consociational Theory**

Lijphart famously introduced consociational democracy when he tried to explain in a case study of the Dutch democracy before 1967 how a society so divided could have a stable democratic government (Lijphart, 1967; 1977: 2). He showed how in some Western European democracies (i.e. Belgium, the Netherlands, Switzerland and Austria) with deeply segmented societies, which made them inherently centrifugal, democracy could be “a stable and effective system of government” (Lijphart, 1977: 2). Until then political scientists had been very pessimistic about the prospects of stable democratic governments in segmented societies (Lijphart, 1977: 3). While consociational democracies permit a certain level of autonomy to societal groups comprising a divided society, which can be based on ethnicity, the interrelation of the leaders is characterized by cooperation, which transcends the segmental or subcultural cleavages at the mass level (Lijphart, 1977: 16). This element of power-sharing that Lijphart introduced, has been a major contribution to our common understanding of democratic stability.

Before the concept of consensus democracy was invented Sir Arthur Lewis researched the collapse of West-African democracies. He has proposed a primary and secondary meaning of democracy. The first is that those who are affected by a decision should be able to participate in making the decision either directly or indirectly. The second is that the will of the majority should prevail. These meanings are incompatible, because having a prevailing majority results in excluding a minority from participating in the decision (Lewis, 1963; Lijphart, 1999: 31). By alternating government after every election this incompatibility is somewhat mitigated, as is common in majoritarian democracies where this problem is most evident. If the government is not alternating because the currently governing party is not defeated in election, the incompatibility between the two meanings can become problematic. A clear case is Northern Ireland politics where the Unionist party representing the Protestant majority won all parliamentary elections from 1921 until 1972. In ethnically divided countries this can result in disillusionment within the minority group and civil strife, which ultimately happened in Northern Ireland (Lijphart, 1999: 33).
Contemporary literature on power-sharing is centred on the notions of state building and constitutional engineering. Lijphart attributes normative significance to consociational democracy as a blueprint for democracy in the Third World (Lijphart, 1977: 16). In a series of comparative studies Lijphart becomes convinced of the special features of consociational democracy that give it prescriptive value, as opposed to the ‘Westminster type’ of democracy (Bogaards, 2000: 403). Without a proper institutional and cultural tradition as well as inclusionary and cooperative politics it seems highly unlikely that consociational democracy will be embraced by a country (Lijphart, 1999: 305-306). Especially countries with little or no democratic tradition and ethnically divided societies, such as African states, have a high potential for ethnic conflict. Holding early elections in conflict-ridden countries seems to attract populist leaders that increase ethnic antagonisms to maximize their popular support (Norris, 2008: 13).

Norris provides us with a clearly identifiable structure for understanding the relationship between the electoral institutions and ethnic conflict regarding the electoral institutions, which will be helpful in answering the research question. It starts with the condition that the country in question has a plural society and contains distinct ethnic communities. The electoral institutions should be PR with low thresholds and ideally have positive action mechanisms for minorities, such as boundary delimitation, communal rolls and reserved seats (Norris, 2008: 105). PR with large multimember districts is expected to lower the formal vote hurdles for parties to seek elected office. Norris: “Consociationalism regards PR electoral systems as the simplest, least contentious, and most flexible way to facilitate the election of parties representing distinct minority communities”(Norris, 2008: 106). Power-sharing is expected to facilitate the election of representatives and parties drawn from ethnic communities and facilitate inclusive politics (Norris, 2008: 105; Norris, 2008: 108).

In plural societies with PR and positive action mechanisms, the elected leaders that are drawn from the communities are then expected to be willing to cooperate. In fact, they have strong incentives for cooperation, bargaining, and compromise. Potentially political parties can even acquire a position in government or develop alliances through political give-and-take consensual politics. Support for democracy is strengthened within the communities as minorities are represented and inter-communal trust is built at the elite level (Norris, 2008, 107-8). In the long term this process should stabilize deeply divided and conflict-ridden societies, eventually reducing even ethnic tension (ibid.). Thereby the democracy is consolidated, and PR as well as positive action mechanisms have a positive influence on ethnic conflict and democratic stability (For a more detailed description see: Norris, 2008 p. 105).

Critique on concepts in the Consociational Theory

Lijphart has been criticized for not clarifying the relationship between the empirical and normative types of consociational theory. Most criticism is centred around two typologies that Lijphart makes: the empirical theory differentiates between societal and elite cooperation, and gives four distinct types of
democracy: centripetal, depoliticized, consociational, and centrifugal democracy (Lijphart, 1977; Bogaards, 2000: 401). Of this typology the centripetal and consociational democracies are the most stable. In a centrifugal democracy the instability that emanated from a divided society is not checked by the soothing forces of elite cooperation. In a depoliticized democracy with a more homogeneous society elite cooperation cannot be justified, therefore the systems loses credibility and legitimacy because of the low levels of democratic competition (ibid.).

The normative twofold typology of majoritarian democracy versus consociational democracy was made later on (Lijphart, 1984). In the beginning Lijphart himself was not so self-assured of the normative merits of consociational democracy. In his first discussion of the value of a normative type of consociational democracy he focusses more on the drawbacks: inefficiency, immobilism, the strengthening of cleavages and democratic imperfections (Bogaards, 2000: 402). Later on Lijphart become more and more convinced of the normative significance of consociational democracy, but he commits a couple of errors.

First of all, while majoritarian democracy is described in strict terms of its characteristics as its empirical counterpart in Lijphart’s earlier work revolves only around the notion of adversial behaviour (Bogaards, 2000: 404). Whether this constitutes the empirical types centrifugal (the antitype of consociational democracy) or centripetal democracy is not clear. Lijphart has adopted the term centrifugal democracy from Almond’s typology of political systems, where the system is called Continental political systems. The fact that this category incorporates regimes like the French Third and Fourth Republics and the German Weimar republic, as well as its juxtaposition, the Anglo-Saxon democracy, makes clear that these cannot be equated to the majoritarian democracy (Bogaards, 2000: 405). It may be expected that theoretically, if consociational democracy has both normative and empirical validity, its juxtapositions in both typologies must overlap to high degree, and not deviate much, as Bogaards has shown (ibid.).

Second, Dixon argues that the concept of consociational theory has been stretched to make it applicable to a wide variety of cases that exhibit ethnonationally divided societies (Dixon, 2011: 309). Originally Lijphart has derived the term consociational democracy from observing the deviant Dutch case, where the choice was between limited democracy or no democracy at all. Later consociationalism was applied to the case of Northern-Ireland and appeared to be a bad fit, until the Good Friday Agreement was signed (O’Leary and McGarry, 2005: 34).

Its favourable factors have been dropped, thereby, if we only consider the four characteristics (grand coalition, mutual veto, segmental autonomy and proportional representation), making it less distinct from other approaches of conflict management such as integrationist power-sharing (Dixon, 2011: 313). Bogaards also shows that consociationalism’s favourable factors have been modified quite often by Lijphart to fit an ever increasing amount of cases (Bogaards, 1998: 478). The ambiguity is made clear by
Dixon as the four characteristics could serve to integrate as well as to segregate societies (2011: 312). By which they mean that a concept as autonomy could imply integration (autonomy in society can lead to cooperation in politics) as well as segregation (autonomy leads to less cooperation in politics).

As Sartori points out, conceptual stretching can be problematic if we aim to extend the boundaries of our concept to such an extent that it covers most or all cases, at which point it runs the risk of becoming too amorphous and universal (Sartori, 1970: 1034). If a concept is stretched and the observational terms increased in order to apply to more cases, then the concept itself must be discussed in more abstract terms, so as to describe a wider concept. Remaining within the boundaries of the original concept will result in a lack of focus (Sartori, 1970: 1040). Dixon argues that Lijphart and O’Leary and McGarry have made a mistake by using a broad definition of consociationalism that incorporates integrationist tendencies as well. By employing minimal criteria, the theoretical concept of consociationalism is no longer distinguishable from other approaches. It makes it difficult to distinguish “what consociationalism is; whether it has been applied to a particular conflict; and, therefore, whether or not consociationalism is a successful theory” (Dixon, 2011: 313).

An important reason why consociational theory must be scrutinized is because it serves as an important role model in international peace negotiations. Most important is the prescriptive value in conflict resolution that is awarded to PR and power-sharing in general. Dixon describes how consociational theorists like Lijphart as well as O’Leary and McGarry were first sceptical about the applicability of the theory to the case of Northern-Ireland, but as events turned in favour of consensus and adversarial groups started to talk, they turned their scepticism around and reappraised Northern-Ireland (Dixon, 2011: 314). As Lustick states, consociationalists have a tendency to become ‘evangelists’ or ‘academic entrepreneurs’ by building academic support and influence on international state building at the same time (Lustick, 1997; Dixon, 2011: 313). This depicts a danger: if consociationalism is conceptually stretched and applied to cases it is not applicable to, international agencies could install consociational institutions in countries to which it may not be appropriate. The case of Iraq after the Second Gulf War is a clear example (Dixon, 2011: 315-7). Apparently, consociational democracy or power-sharing institutions are not applicable to each and every situation.

Besides the favourable factors that Lijphart provides there is an ongoing debate on whether power-sharing institutions are an effective means of conflict resolution in African countries or not. Spears argues that African political leaders, even opposition leader, would rather make no deal at all than making a sub-optimal deal. Traditionally, African countries are seen as an indivisible territory that can be governed by only one power, thereby rejecting the notion of federalism (Spears, 2010: 11-13). This tends to increase the state of political bargaining, leading to bargaining that is both more rational and more motivated by self-interest. This is even more true for political entities that having just engaged in violent conflict:
“disputants almost never want to be together, let alone cooperate or share power on equal terms (Spears, 2010: 11)”.

The unwillingness to accept the notion of federalism by African leaders is symptomatic of the generally weak institutions in African polities. This makes power-sharing ever more difficult, because it requires a great deal of institutions constraints, who without powerful guarantees will fail to manage political competition in the long run (Spears, 2010: 11). This is what happened in Rwanda in the mid-1990s. Because there were no powerful guarantees to ensure power-sharing in the long run, the ruling party, RPF, began to slowly but surely accumulate power, thereby eroding power-sharing. More powerful even was the psychological barrier to cooperation in Rwanda. The years of civil war, infusion of the population with Hutu extremist propaganda and atrocities of the Rwandan genocide completely eliminated trust between Tutsis and Hutus making power-sharing even more difficult to achieve (ibid.).

Considering these constrains it is very odd that power-sharing and proportional representation have been so common in peace settlements in the past decades in Africa (Boogaards, 2013: 78). In a comparative study of twelve countries on peace agreements, nearly every single case had adopted PR, most of the time as part of a broader package of power sharing institutions. Apparently there seems to be a small section of the literature on institution building devoted to the electoral institutions. Bogaards’ comparative study has shown that PR, as part of consociational democracy, the electoral institutions rarely manage to implement both peace and democracy, even though it has been mentioned by Norris, among others, as the core sequential steps of Consociational Theory, that it shall lead to democratic consolidation as well as reduced (ethnic) conflict (Bogaards, 2013: 81-2; Norris, 2008: 107). Despite the preference for PR there has been little empirical evidence regarding causal mechanism of inclusion as well, making it difficult to argue that PR has a positive impact on peace and democracy in the context of post-conflict societies (Bogaards, 2013: 75).

Pippa Norris in her comparative study on democratic development and sustenance has a similar conclusion as Lijphart on the value of power sharing institutions in divided societies, where identities are based on race, language, region/nationality, and who are emerging from deep rooted conflict. She also links democratic performance with economic prosperity, as Lipset did (Norris, 2008: 209-211). There are however notable outliers to this proposition: Singapore, an autocratic and economically prosperous country, and South Africa, Benin and Mali, democratic and poverty stricken countries (Norris, 2008: 222). She disagrees with Lijphart on his argument of constitutional engineering and refuses to reduce prospects of democratic stability to institutional requirement, claiming that there is no ‘magic pill’ (Norris, 2008: 218). The evidence of divided democracies with consensus-based institutions plunging into civil strife, terrorism and violence, Lebanon and Israel of instance, and majoritarian plural democracies, such as the United States and India, remaining peaceful supports her claim.
Critique on segregationist tendency of Consociational Theory

Contrary to Lijphart’s argument for power-sharing and the consociational democracy, Horowitz argues for an institutional framework that promotes the formation of parties that appeal across ethnic groups (1985: 291). The formation of ethnic parties he argues, especially in Africa and Asia, tend to create party systems that will exacerbate ethnic conflict and deepen and extend existing antagonisms. If ethnic loyalties are important, parties tend to organize along ethnic lines, but this means that like other organization along societal division, it tends to be ethnically exclusive (Horowitz, 1985: 293). A party system with more broadly based and fewer parties, that include and aggregate the votes of multiple ethnic groups, does not strengthen the ethnic differences and, therefore, leave societies more stable. Though it is true in some cases multipartyism and party systems that were entrenched along ethnic lines have led to democracies and societies spiralling out of control, threatening democratic stability and giving rise to autocratic regimes, there are also numerous examples where it has increased stability.

Lijphart assumes that ethnic identities based on different attributes, acquired through socialization in early childhood and participation in a local community, do not alter in the short term as a result of political processes (Norris, 2008: 108). Constructivists challenge this primordial view of ethnicity, arguing that these are socially constructed and fluid over time, allowing the possibility for multiple group-membership and multiple ethnic identities. (Norris, 2008: 109). Ethnicity is not a rigid classification of the population as ethnicity is often linked to political and economic context or social or political narration (Schralm, 2014: 627). Horowitz states that ethnicity is often closely linked to kinship, especially in African societies (1985: 61-70). It often has ascriptive qualities, which are intense and permeative: ethnicity determines an individual’s profession, affiliation and attributes (Horowitz, 1985: 53-54). But identity, even seemingly rigid identities such as race, can change over the course of years; and small changes can happen much faster (Horowitz, 1985: 70).

Norris is also argued that proportional representation and other power-sharing institutions can threaten democratization when political leaders exploit ethnic cleavages in order to gain more electoral support or refuse to compromise with other ethnic group leaders. This is what happened, for instance, in Rwanda in the years before the genocide. Hutu extremists demonized Tutsis and orchestrated a genocide, after power-sharing institutions implemented by the Arusha Accord posed a threat to their survival. It was, by all means, a rational consideration (Spears, 2010: 27). Proportional representation has definitely the heighten and reinforce political instability when politicians conduct polarizing politics (Norris, 2008: 110; Lake and Rothchild, 1996: 41). In general political cooperation will be more difficult with power-sharing institutions, because political cooperation de facto entails trade-offs between conflicting sets of values (Norris, 2004).
As Horowitz justly notes there is no “iron law” concerning the conundrum of favourable institutional conditions for democratic stability (1985: 295). We can however safely argue that the ability to politically participate is a favourable factor for harmonious coexistence between ethnic groups (Birnir, 1997). Also, the willingness of elites to cooperate and transcend ethnic antagonisms can attribute to a stable democracy, as well as a positive attitude towards the possibility of stable and inclusive democracy (Lijphart, 1977: 3; Lijphart, 1977: 16).

*Descriptive representation*

Closely related to the empirical debate on the best institutional arrangements for stable democracy for ethnically divided societies, there is a normative debate on the appointment of group-specific rights. Descriptive representation, a concept invented by Hanna Pitkin, is one of several ways in which political theorist can view representation. The concept is closely linked to the inclusive political institutions proposed by Arend Lijphart. Explaining the concept of descriptive representation will not only give a theoretical argument for Lijphart’s preference for proportional representation electoral institutions, which should favour the election of political leaders drawn from the prominent societal groups. They will also help to explain the choice for groups rights and positive action mechanisms in consociational democracy.

Descriptive representation is the notion that a representative is “standing for” those he represents by “virtue of a correspondence or connection between them (Pitkin, 1967: 61)”. This relationship between representative and “the people” goes much further of the formalistic version of representation, where representatives act constituents. Descriptive representation is often defended by proponents of proportional representation, because it supports the idea that a representative body should be a small replica of society, a sort of microcosm of society. Proportional representation, amongst other rules of election, ideally delivers on descriptive representation, promoting the idea that all members of society are represented by someone akin to themselves (Pitkin, 1967: 62). Two consideration then have to be made for multi-ethnic societies: what characteristics are relevant as these change from time to time, and that a perfect reflection of society is unattainable (Pitkin, 1967: 87-88).

Mansbridge thinks of descriptive representation as an effective means to represent disadvantaged groups; individuals from the same background are more likely to mirror their “outward manifestation” (1999: 628). She recognizes that descriptive representation may not necessarily represent the substantive interests of their constituents better (Mansbridge, 1999: 630). Descriptive representation entails that most likely lesser talent is elected, runs the risk of judging all group members the same and potentially erodes the ties of unity in the polity (Mansbridge, 1999; Horowitz, 1985). Selection does mean that disadvantaged groups will be better represented, if the groups can be identified and there arrangements are temporary in nature (Mansbridge, 1999: 652). Kymlicka is against descriptive representation (1995: 139). In the next section his take on how disadvantaged groups should be aided institutionally is reviewed.
Group-differentiated rights and positive action mechanisms

Power-sharing institutions can employ different measures to achieve minority representation and prevent the disadvantagement of societal groups. Descriptive representation is one take on this problem, although it has a fair amount of costs linked to it, it can prove beneficial in the short run. Kymlicka (1995) offers a contribution to the normative debate on what keeps ethnically divides societies harmonious. He challenges the believe that the neutral liberal state offers a level playing field, especially in countries with a dominant culture. A proponent of group differentiated rights, he argues that the state, contrary to the contemporary liberal assumption of cultural neutrality, is ethno-culturally biased in favour of the dominant societal culture (Kymlicka, 1995: 15). Group-differentiated right and descriptive representation are beneficial in the debate on power-sharing institutions, because they both carry the same objective: making sure that they feel appreciated in society. This is what links the empirical debate and normative debate together. The empirical debate finds answers on how this should be achieved, while the normative debate ask: why should we care?

An argument on institutionally favourable factors could possibly be strengthened if a link between ethnic hostility and the absence of group-differentiated rights is discovered. Disadvantagement, as Kymlicka calls it, can easily transcend into disillusionment (Kymlicka, 1995: 33). That is why it may be wise for states to recognize their ethnic minorities and give them the means to protect their cultural heritage. When ethnic groups do get disillusioned they will first try institutionalized means for conflict, such as strikes or demonstrations. Violence is observed in three ways: riots (non-peaceful demonstrations), pogroms (organized violence against unarmed members of an ethnic or societal group) and civil war (mutual violence between ethnic or societal groups) (Vanhanen, 1999: 61). It is often possible to remedy existing tensions, which may be violent, by awarding some group-differentiated, in the form of institutional change, to ethnic minorities. An example is the Good Friday Agreement in Northern-Ireland, which included an armistice as well as power-sharing institutional reforms, such as proportional representation and minority veto, to make politics more consensus-based, in 1998 (BBC, 2014).

Group-differentiated rights may come in the form of institutions. For instance, federalism in Canada, where the Quebecois have self-governing rights, is a group-differentiated right (Kymlicka, 1995: 45). Bilingualism is also an example of institutionalized group-differentiated right. Belgium is an example where bilingualism was instated and Flemish was recognized as an official state language, just as French. Though Lijphart does not express his opinion on group-differentiated rights per se, he can easily be identified as a proponent. As one of the pillars of consociationalism, Lijphart makes a clear case for a degree of autonomy for societal groups (Lijphart, 1977).

Group-differentiated rights follows a similar logic with the institutional approach that Lijphart uses. Awarding group-differentiated rights to, for example, ethnic groups, asks for an official recognition by
the state of a particular right. It is backed by legislation and therefore an institution. Assurance of minority representation can be understood in similar terms, it is widely applied around the globe in various forms. In the United States districts are shaped (gerrymandering) in such a way as to promote the election of minority representatives. The electoral system can also be used for such purposes, examples are mixed member proportional, single transferrable vote and other proportional representation using lists (Reynolds, 11). In some cases nations even opt for positive action mechanisms, such as quotas. In such cases positive action mechanisms, justified normatively by Kymlicka, are there to assure that no communal group is left behind in representational terms.

Group-differentiated rights also employ a similar strategy of reconciliation and accommodation as consensus democracies and power-sharing institutions do to remedy ethnic division. They recognize group-differences and the fact that ethnic minorities then to get disadvantaged if they are not included in policy making. Power-sharing and group rights attempt to create a level playing field between ethnic groups and include all in cultural as well as political matters. By this logic it should not matter if one group has a majority or not, it matters that all ethnic groups have equal opportunities to acquire political representation and preserve their cultural heritage. The main reason group-differentiated rights are mainly expressed in political institutions is because the ‘rules of the game’ must encourage these equal opportunities for all.

2. Methodology

For this study, a qualitative paired comparative case study was performed, in which post-civil war Bosnia-Herzegovina and post-genocide Rwanda constitute the two cases. This study is about electoral institutions and their influence on the de-escalation of ethnic conflict. The cases are both new democracies. In Bosnia the civil war ended in 1995 and the first elections were held in 1996. From then the country was at least an electoral democracy with free and fair elections happening frequently. It makes sense to take 1996 as the starting point of the analysis. The late 1990s and early 2000s were most important for the development of Bosnia. The most important political crises took place then, and the ‘Bonn-powers’ were used most frequently, therefore it makes sense to focus the analysis on these years. Formally the ‘Bonn-powers’ are still at force, because Bosnian federal governments are still unstable and unable to pass legislation. The current High Representative, Valentin Inzko has held the post since 2009. His role is far from played out in Bosnian politics as he remains the principle policy maker. This makes looking at the more recent development interesting. However, there is extensive literature available about the first decade after Dayton so such a period from 1996 until 2006 makes most sense, even though newer reports and literature should not be excluded if proven relevant.
An important part of the analysis of Rwanda happens at an interval of the civil war, when peace was negotiated in Arusha. The civil war between the predominantly Tutsi Front Patriotique Rwanda (RPF) rebels and the Mouvement républicain national pour la démocratie et le développement (MNDR) government, run by Hutu extremists, was underway since 1990, but the international community pressured the government of Rwanda to democratize and start peace talks. The peace talks did more harm than good, because Hutu extremists in the government were already making the Tutsi scapegoats of everything wrong with the country. When president Habyarimana’s plane was killed in plane crash the government moved against the Tutsis and moderate Hutus. Exterminating all political adversaries in a genocidal campaign with power as the ultimate goal.

After this brutal government orchestrated massacre the analysis of Rwanda will commence with collapse of the MNDR government and the instalment of the RPF government at the end of the genocide in July 1994 and end in 2010. In 2012 the gacaca, civil local tribunals for genocide, concluded their work. This signals the end of an era: the genocide ceases to influence the daily conduct of Rwanda’s internal affairs. However, in 2010 the last presidential elections were held, so concluding the analysis in 2010 seems the best option, for the same reason as in Bosnia. Furthermore for Rwanda it will be useful to make a distinction between the transitional period from 1994-2003 in which there were no elections held and the period from 2003 until 2010. In the latter period there were elections and in the beginning of it a new constitution was implemented. All in all a more useful period to observe the effect of our independent variable, electoral institutions, on the dependent variable, ethnic conflict.

**Variables**

In this section I will shortly outline how the most important variables in my analysis are operationalized. Starting with the dependent variable, ethnic conflict, then the independent variable, electoral institutions, finally other variables that are expected to interact with ethnic conflict in post-conflict societies such as Bosnia and Rwanda.

**Dependent variable**

To restate it once more, this research is focused on the de-escalation of ethnic conflict. This concept can already be split in two relevant components according to Horowitz: institutionalized ethnic conflict and violent ethnic conflict (Horowitz, 1985). An example of the operationalization of this twofold nature of ethnic conflict is provided by Vanhanen. First, he quantifies the concepts of institutionalized ethnic conflict and violent ethnic conflict on interval scales from zero to one-hundred (0 = no conflict at all, 100 = extreme ethnic conflict). On the scale of institutionalized ethnic conflict he looks for the vote share of ethnic parties, the degree to which interests are characterized along ethnic conflict lines, the degree of
discrimination of ethnic groups and their size, and the degree to which interest groups are ethnically based (Vanhanen, 1999: 61).

Second, on the scale of violent ethnic conflict he looks for the occurrence of ethnic demonstrations, ethnic riots and the degree of violence. Violence is operationalized very mild in the beginning, starting with some tensions, destruction of property or violence against individual persons. As we move up the scale ethnic rebellion, acts of terrorism and ethnic war become part of the equation. As first demonstration and later violence becomes more widespread the scale moves up in increments of 10 points up to a maximum of 100. On the top of the scale stand ethnic civil wars and separatist wars, ethnic cleansing, deportation, and eventually genocide (Vanhanen, 1999: 62).

However, quantifying ethnic conflict is not very useful for my research design. Concurrently, the occurrence of parties and interest groups that are ethnic by nature is not expected to change dramatically over the course of the approximately twenty years we study ethnic conflict in Bosnia and Rwanda. Vanhanen’s operationalization of ethnic conflict is useful on the grounds that it provides me with clear-cut indicators for the degree of institutionalized and violent ethnic conflict; his work provides me with criteria to look for. So actual numbers, that Vanhanen uses his comparative research on ethnic conflict, will not be included in the research, his measures of institutionalized and violent conflict can be used to judge my cases on, because these measures represent a scale of severity (Vanhanen, 1999: 61). To give an idea of how he derives his numbers, I shall include replicas of two of his tables in which we makes this clear.

Independent variable

From the theoretical discussion of the Pipa Norris’ work on summarizing the Consociational Theory a great deal of mechanism behind our research question can be unrevealed. In figure 1 she summarizes the “Core Sequential Steps in Consociational Theory”. An important part are the influence on proportional electoral systems with low thresholds and positive action mechanisms for minorities, for example boundary delimitation, communal rolls and reserved seats (a more detailed discussion in chapter …). Because I am interested in these particular institutions I shall combine PR with low threshold and positive action mechanism into the independent variable electoral institutions. There are a number of ways in which we can observe the Core Sequential steps of Consociational Theory in practice.

First, the electoral institutions are expected to facilitate the election of representatives and parties drawn from minority communities. This is clearly something we can test. Are ethnic groups for instance represented on the highest levels of government (the executive and legislative) by politicians drawn from their communities? Second, once they are elected representatives of the ethnic groups they are drawn from, leaders have “strong incentives for cooperation, bargaining, and compromise, through the give and
take for legislative politics” (Norris, 2008: 107). It is expected that cooperation on the elite level will also build trust on the elite level. Finally, the polity is thus expected to become more stable and ethnic conflict between the communal groups is expected to decline. This can be best observed in the levels of ethnic violence, because the institutional conflict is more stable and also an important part in the sequential steps.

The electoral institutions are expected to influence the de-escalation of ethnic conflict in the two post-conflict cases. Actually the electoral institutions have a strong tendency to create multi-party systems. In multi-party systems it is difficult for one party to gain a majority of seats in parliament. Governments will then always consist of more than one party, which means power has to be shared. This results in a balance of power between the legislative and executive powers. Lijphart joined these variables together in the “executive-parties dimension” because these items (with corporatist interest groups) had shown to be closely related (1999: 244). Because I am only interested in the electoral institutions, I assume that proportional representation will force political elites to cooperate if they want to pass bills.

I have given positive action mechanism special attention because they are an example of institutionalized group-differentiated rights. It is in the interest of this research to observe institutions that derive from group-differentiated rights separately from ‘regular’ electoral institutions. I expect the existence of positive action mechanisms to mitigate ethnic conflict. They increase the influence of minorities on policy. A minority veto is expected to produce a similar effect on the dependent variable, because it too increases influence of minorities can exercise.

To summarize the effect of electoral institutions on ethnic conflict can be measured by, first of all the existence of proportional institutions that facilitate minority representation. Second leaders are drawn from ethnic groups and those leaders cooperate in the highest echelons of government. Fourth democratic support increases in society, and finally a reduction of (violent) ethnic conflict is observed paired with democratic stability. The type of electoral institutions is the independent variable, all the others (except ethnic conflict and democratic support, which are together the dependent variable) are intervening variables.

Control variables

Autonomy is especially in Bosnia very salient, because the state is highly decentralized, and in fact a federal state. Two of the ethnic groups have close ties with neighbouring countries, and they wish to increase the autonomy of the regions. The other ethnic groups wishes to increase the central states power. This is a division that can potentially influence our dependent variable. In Rwanda autonomy is expected to play a minor role, because one of the ethnic groups has a large majority in society, and minorities do not live in a clearly demarcated area.
I consider the history and culture of power sharing within elite cooperation as an important piece of information that can influence the relationship between institutions and ethnic conflict. The institutions for power sharing are in some cases present, but this does not necessarily entail peaceful coexistence within a heterogeneous society. Lijphart argues that elite cooperation can entail an effect called a self-fulfilling prophecy. This means that because the elites of ethnic or societal groups cooperate, because they fear the instability, which arises from the deadlock, if they don’t (Lijphart, 1977: 35-36). If there is no prior history of elite cooperation, due to institutions or the lack of democracy, then elites may be less inclined to cooperate and play by the rules of the game. There is a possibility that extremist politician will aggravate ethnic divisions for electoral gain. If there is no culture of power sharing or a high degree of polarization, elites and ethnic groups can become disillusioned and ultimately violent.

Societal trust is considered an important intervening variable as well. If societal trust is critically low and it is not attributable to one of the previous independent variables, there is still a very great chance of the escalation of ethnic conflict. In post-conflict situations societal trust is not expected to be high, but it is expected to be rising or at least stable, because in the event of violent ethnic struggle trust usually is non-existent.

Data

The primary data on election results to assess whether or not the electoral institutions in our cases facilitate the election of representatives and parties drawn from minority communities, will come from the Global Elections Database, for Bosnia, and the African Elections Database, for Rwanda. By comparing percentages of the population composition with the compositions of the parliament we can assess whether this is the case. Using secondary data from literature sources and country reports provided by Freedom House an assessment can be made whether community leaders have incentives to cooperate. Their behaviour to one another will determine if cooperation has led to increased trust between elites.

Democratic support will be measured using Freedomhouse and Minorities at Risk qualitative reports of our both cases. Because the link between the electoral institutions and democratic support is still theoretical, the reports only will not be helpful in making causal inferences about these to concepts. Still the reports on democratic support will help us in determining whether a particular set of institutions is working or not. Whether these institutions help decrease the amount of ethnic conflict in society or instead exacerbate it.

To assess the dependent variable: ethnic violence, will be assessed using country reports provided by Freedomhouse and Minorities at Risk. In Vanhanen’s research both cases scored extremely high due to the genocide. Now ethnic violence has dropped a lot over the years as peace returned. Institutional conflict can be assessed using election data from our two cases because the variable is measured primarily
by presence of ethnic parties. Election data helps us assess the electoral strength of ethnic parties. Ethnically based interest groups are also part of the assessment of institutionalized ethnic conflict. To assess this indicator the traditional social structures that represent citizens interests will be observed: trade unions and churches, though they are not as important as political parties. If parties, trade unions and churches are all organized along ethnic lines, it logically follows that interest conflict too takes place along ethnic lines, because these three organizations are the main aggregators and representatives of interest. Institutionalized ethnic conflict and ethnic violence indicators come together to provide an indication of the severity of ethnic conflict.

**Case Selection**

There are numerous noteworthy reasons for comparing Bosnia and Rwanda. Both countries have a history of extreme violence, in the form of genocide, due to ethnic conflict in their recent histories. Members of Rwandese society adhere to either the Hutu (84%) or Tutsi (15%) tribe, the main ethnic division (CIA Factbook, 2014a). Bosnian society is divided in three main groups: Bosniaks (48%), Bosnian Serbs (37.1%) and Croats (14.3%) (CIA Factbook, 2014b). Clearly these countries can be characterized as multi-ethnic societies. These cases offer my research a chance to examine the influence of electoral institutions on post-conflict politics with such extreme and therefore important cases.

The main reason for choosing these two cases is the need for variation on the independent variable, electoral institutions. In Bosnia consociational democracy is still firmly in place, though it is extremely difficult to form and maintain government and enact bills. In Rwanda the consociational mechanisms have disappeared altogether. Government is dominated by a single party, the RPF, which is unlike Bosnian parties, not established along ethnic division, incorporating both Hutu’s and Tutsi’s. The bi-ethnic setup seems to translate the demographic majority into an irreversible political majority (Lewis, 1963). The comparison between Bosnia and Rwanda offers an opportunity to examine the post-conflict situation in two countries with distinct institutional frameworks.

From Lijphart’s book *Driving Democracy* there can be derived nine favourable factors for consociational democracy, and while Stroh has already shown a lack of compliance with them, as theory suggested, it constitutes a good way of comparing the two cases (Lijphart, 2008: . First, I will describe the nine favourable factors for Rwanda and Bosnia, then I will draw a general conclusion on they comparability. The first of Lijphart’s factors is the absence of a solid majority group in either society. Given the numbers in the first paragraph the verdict is that Rwanda does not comply as it has a large majority (85%) belonging to the Hutu tribe. Bosnia does comply as no group is near a majority, even though the share of Serbs and Bosniaks is considerably higher than the share of Croats. The second factor is the absence of large socio economic differences. While Rwanda does not comply as it has a large income gap, nearly 60%
live with less than 1 US$ per day and a GINI-index of 46.8 (2000), Bosnia does with 17.9% poverty stricken citizens (far less than Serbia: 24.6%; and Croatia: 20.5%) and a GINI-index of 36.2 (2007) (Stroh, 2009: 12; Worldbank: 2014). Rwanda (two) and Bosnia (three) both comply with the third criterion: not too many groups.

Regarding the fourth criterion, Rwanda does not comply, while Bosnia does comply, even though the ethnic Croats are with far fewer than the Bosniaks and Serbs, because it has a formal separation of powers (Dayton Agreement, 1995). Five, Bosnia has a small population of around 3,8 million inhabitants, while Rwanda has a lot more: approximately 10 million (Citation). With external dangers, Lijphart means, external dangers, such as war, that pressure elite to cooperate, but in Rwanda and Bosnia external dangers did more evil than good. In Bosnia the Kosovo War only polarized politics and in Rwanda the Tutsi rebellion in neighboring Democratic Republic of Congo destabilizes the whole region (Freedomhouse, 2014a). Seventh, overarching loyalties are absent in both, as in Bosnia the parallel religious, language (more dialect than actually different languages) and national cleavages impede overarching loyalties or the ability for cleavages to cross-cut. In Rwanda there is a sound basis: common language and culture, but distrust makes overarching loyalties impossible (Stroh).

<table>
<thead>
<tr>
<th>Favourable factors</th>
<th>Compliance Rwanda</th>
<th>Compliance Bosnia</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) No solid majority group</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>2) Absence of large socio-economic differences</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>3) Not too many groups</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>4) Groups are roughly of the same size (balance of power)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>5) A small or very large population size</td>
<td>Neutral</td>
<td>Yes</td>
</tr>
<tr>
<td>6) External dangers</td>
<td>Neutral</td>
<td>No</td>
</tr>
<tr>
<td>7) Overarching loyalties</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>8) Federalism</td>
<td>Neutral</td>
<td>Yes</td>
</tr>
<tr>
<td>9) Traditions of compromise and accommodation</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Table 1: Lijphart’s favourable factors: comparing Rwanda and Bosnia-Herzegovina

Eighth, Federalism is absent in Rwanda all together. In Bosnia the country is formally divided in two entities: the Federation of Bosnia-Herzegovina and the Republika Srpska. The first containing the Bosniak and Croat ethnic citizens, the second is inhabited by the Serbs. Finally, both countries completely lacked
any traditions of compromise and accommodation. Rwanda has been dominated by foreign powers (first Germany, then Belgium), and since independence a predominant party system. Bosnia has been part of three large multi-national states: the Ottoman Empire, the Austria-Hungarian Empire and Yugoslavia. So both countries do not comply on Lijphart’s last favourable factor.

Given the contribution made by Spears (see theory section) on the psychological and institutional barriers that affect post-conflict countries such as Rwanda and Bosnia, with weak (central) institutions, there are other factors then those provided by Lijphart to compare the two countries. To elaborate, both countries have encountered the psychological barrier, caused by the civil war. It has proven difficult to cooperate with groups or leaders that used to be sworn enemies. Obviously the institutional barrier is valid for Rwanda, but it is also valid in Bosnia where strong central institutions were also absent to provide strong guarantees for power-sharing. The main difference is that in Bosnia international actors have made a commitment to provide those safeguards for them, for example by instating the Office of the High Representative and giving it the ability to intervene if necessary. This is something that Lijphart does not account for even in his more recent works, but it should be weighted in the comparison.

3. **Power Sharing institutions in Post-Civil War Bosnia-Herzegovina**

Bosnia-Herzegovina was, during the time it was part of the Ottoman and Austro-Hungarian Empires, an administrative unit. After the First World War Bosnia was assimilated completely in Yugoslavia that was Serb dominated. Not until after the Second World War was Bosnia reinstated as an administrative territory, and the country was used by Tito to balance Croat and Serb nationalism (Robinson et al. 2001: 960). In the Yugoslav state an corresponding identity was forged, however separate nationalism of Serbs, Croats and Slovenes still existed, though this was suppressed by the central state. Power within the states was allocated in accordance with resources in a centralized nation state. The Croats, who hoped for a confederal state, did perceived themselves treated fairly, and this stimulated the emergence of a violent resistance movement, called the Ustashe. During the Second World War Serbian nationalists formed the Chetniks to fight the Germans, while the Ustashe collaborated with them (Posen, 1993: 36).

Serbs and Croats already had a history with mutual conflicts and killings in the past decades, especially in World War Two (ibid.). With the emergence of armed nationalist militias, Ustashe and Chetniks, mutual distrust grew even more. In post-World War Two Yugoslavia the Muslim population was seen as a remnant of Ottoman imperialism and therefore not recognized as a perpetual part of the Bosnian territory (Robinson et al., 2001: 961). They found their allies in the Croats, that still felt dominated by the Serb population of Yugoslavia. A population that albeit being twice as big, was less wealthy that the Croats. When it became obvious that Yugoslavia was going to collapse, the fact that ethnic Serbs and Croats were
so dispersed across the Bosnian territory proved problematic (Posen, 1993: 37). Employing a pre-emptive strategy Serbian leader Milosevic made sure heavy weapon were taken from Croat territory, shifting the strategic advantage to the Serbs, while Croatia accelerated military preparations. The roots for the civil war in Bosnia, that followed from the collapse of Yugoslavia in smaller nation states, stemmed from history, but the cause were political extremists within Serb and Croat ranks, who increased mutual distrust and sparked the eventual conflict. (Posen, 1993: 37-39).

From 1992 until 1995 Bosnia was torn by a civil war in which ethnic groups, namely the Croat, Bosniak and Serbian Bosnians clashed violently, ensuing in ethnic cleansing of territories that had been claimed by one of the ethnicities (Dahlman and Tuathail, 2005). Abhorred by this discriminatory violence, and World War Two still fresh in everyone’s memory, the international community imposed a peace settlement on the ethnic groups. The democratization of Bosnia was a primary goal in the peace settlement, publicly known as the Dayton Agreement, to ensure sustainable peace in the country, as was common policy from the 1990s (Manning, 2007: 253). The Dayton Agreement instituted all four of Lijphart’s classic characteristics of consociational democracy (Lijphart, 1977). My investigation focusses on the electoral institutions, but because these institutions cannot really be seen separate from other institutions of the state, such as the executive and the degree of centralization, I will briefly discuss the institutions of Dayton’s constitution for Bosnia in their totality, before returning to the discussion of the electoral institutions and their influence on the de-escalation of ethnic conflict.

**Grand Coalition**

Grand coalition takes on an interesting form in Bosnia, that is according to Lijphart ‘less suitable’ to consociational government. The executive is presidential and always consists of three representatives from the three ethnic groups, and is directly elected in federal elections. This is so because a presidential system usually entails a dominant single leader. The chairmanship of the presidency rotates between the three ethnicities every eight months regardless of the election results (CIA Factbook, 2014). This makes sure that not any of the ethnic leaders can hog the chairman position for too long, and makes sure that leaders of all significant parts of society participate in governing it (Lijphart, 1977: 31). In the elections for the presidency of Bosnia national identity is placed over competence. Members of smaller communities, that are not Croat, Serb or Bosniak, are unable to run for the presidency, because the constitutions prescribes the nationality of the members of the presidency. Simultaneously members of one entity are unable to elect a candidate of different ethnicity. However unlikely this may be in the near future, the way a grand coalition is formed in Bosnia is very inflexible, and prevents the voting across ethno-national lines (Bieber, 1999: 85).
Proportional representation and positive action mechanisms

The party system is dominated by political parties that have a strong linkage with one of the three ethnic groups in society, thus it can be labelled as an ethnic party system. In the case of the Parliamentary Assembly the seats are allocated by quotas to ensure that each ethnic group has an equal number of representatives in parliament (Dayton Agreement, 1995: 70). The House of the Peoples consists of fifteen members (five Bosniak, five Croat, and five Serbs), who are elected by their ethnic groups. The same goes for the House of Representatives that is comprised of 42 members, 14 for each ethnic group. These two Houses together make up the Parliamentary Assembly. As being said they are elected by quota, this to make sure that all minorities are represented equally in the Assembly, though they are not represented proportionally.

The institutions offer modes of equal representation rather than proportional representation. The first problem that arises with such rules is that they have institutionalized the existing ethnic order, thus stabilizing, reinforcing and perpetuating it (Belloni, 2001: 172). The party system incorporates at least two opposition parties, the Serbian SDS and the Croatian HDZ, that were armed opposition groups during the Bosnian War. Second, a similar problem arises as with the election of the presidency, voting across inter-ethnic lines is not possible, because constituents don’t have the possibility to elect a representative that is not part of their ethnic group (Bieber, 1999: 85). As for positive action mechanisms, Bosnia employs in boundary delimitation (not on purpose) and reserved seats (Norris, 2008: 107). Next I will discuss another positive action mechanism that promotes minority representation.

Minority veto

Entity-voting constitutes the most important veto mechanism in the Bosnian Parliamentary Assembly. It is an example of Lijphart’s minority veto, because it is a way in which a minority group, in this case an ethnic group, can defeat decisions that are regarded as ‘vital interests’ (Lijphart, 1977: 36). The objective of minority veto is thus to safeguard against the tyranny of the majority where grand coalitions do not sufficiently deal with the problem. However, a minority veto can easily be misused, a grave danger, because it can encourage a tyranny of the minority, which is equally bad for the cooperation in a grand coalition as the opposite (Lijphart, 1977: 37). This is exactly what happens with the minority veto in the Bosnian Parliamentary Assembly, where it is used to often and causes a deadlock in parliamentary decisions (Bahtic-Kunrath, 2011: 901). Entity-voting, as the mutual veto is called in the literature, means that every parliamentary decision must be supported by at least one-third of the delegates elected from the
RS and the Federation of BiH in both houses (Bahtic-Kunrath, 2011: 902). Given that there are no rules in the Constitution or the rules of conduct in the parliament, entity-voting can be used to cripple parliamentary decisions on every possible subject (ibid.). The lack of restrictions was recognized in 2002 and the minority veto was limited a bit (Caspersen, 2004: 583).

*Segmented Autonomy*

The three ethnic groups are divided over an federal state with two entities: the Federation of Bosnia-Herzegovina (Fed. of BiH) or the Republica Srpska (RS). The three groups acquired a certain degree of autonomy and a minority veto ensured that the ethnic groups could protect their ‘vital interests’ (I will explain minority veto further below) (Belloni, 2001: 172, Lijphart, 1977: 36; Dayton Agreement, 1995: 65-70). Tensions in Bosnian politics are still high. The Serbs and Croats continue to attempt to strengthen their regional autonomy at the expense of the joint institutions, while the Bosniaks try to strengthen the Bosnian state. The Serbs and Croats therefore accuse them of seeking dominance through institutional means (Belloni, 2001: 166; Bahtic-Kunrath, 2011: 913). While the Serbs have acquired their own entity in the federal state of Bosnia, the ethnic Croats share their entity with the Bosniak population. This central-peripheral division between the Croats and Bosniaks is relatively new. Formerly they were two co-existing nations new modes of cooperation have to be created to potentially create co-existence in the entity again. During the Bosnian War areas that after Dayton became the entities are largely mono-ethnic areas, while they belong to a weak multi-ethnic state (Bieber, 1999: 79).

*International involvement*

A very prominent role in the Bosnian political and policy process is taken by the Office of the High Representative, an ad-hoc institution, created by the Dayton Peace Agreement. Over the years it has gotten extraordinary powers of intervention in the Bosnian polity. The “Bonn power”, as they are called, mean that the OHR can redirect policy, pass or deny legislation, and most importantly sack any Bosnian politician that sabotages the Dayton Peace Agreement (Freedomhouse, 2004; Chandler, 2006: 340). Even though Bosnia is a formally independent nation, since 1997 when the Bonn summit of the Peace Implementation Council took place, the OHR can without any reason or without consulting the Bosnian people or politicians intervene drastically in Bosnian politics (ibid.). There have been talks in the past to alleviate the OHR from these powers, but international actors have to this day found it necessary to keep them in place (Freedomhouse, 2007). Freedomhouse has therefore justly regarded Bosnia an electoral democracy (Freedomhouse 2008).

In this chapter the implementation of consociational institutions in Bosnia after the Dayton Agreement is examined in detail. It becomes clear that even though minority representation is institutionalized in its constitution, seats are not allocated proportionally, but equally to the three big ethnic groups in Bosnia.
Overarching loyalties are not rewarded at all by the current set of electoral institutions, because 1) constituents of an ethnic group can only express support for a political leader that belongs to the same ethnic group, 2) constituents that do not belong to one of the three ethnicities are unable to run for office. The electoral institutions appear to make it almost impossible for politicians to transcend the ethno-nationalist divide in Bosnia. Scholars have criticized the electoral institutions of consociational democracies extensively on the grounds that the political salience of ethnic ties and identities are unintentionally increased by proportional representation and by positive action strategies. Bosnia may constitute an example of the danger of those settlements, because they reduce the incentive for trans-ethnic cooperation by political leaders and non-ethnic electoral incentives (Norris, 2008: 110). The difficulty of cooperation of political elites that transcend ethnic differences is also increased by the minority veto, that can enable minorities to block all kinds of legislation, effectively paralyzing parliamentary decisions.

This is particularly hard to swallow considering Bosnia ambitions to acquire EU-membership. Because ethnic antagonisms are institutionalized in the Bosnian party system, and because it is very difficult to reach decision due to the compromises politicians and political parties have to make, Bosnian politics and policy agenda tend to be very oriented on policy stability and the status-quo (Bahtic-Kunrath, 2011: 902). The policy stability strategy is most well suited to the Serbs, while the Croat and Bosniak politicians prefer the change of policy, though they have very different goals (Bahtic-Kunrath, 2011: 902-3). In chapter (..) the performance of Bosnia’s electoral institutions is analysed systematically, this chapter is to give a general idea of how the electoral institutions, which came in a package deal with other consociational institutions, are influencing reconciliation and stability in Bosnia.

4. Bosnian electoral institutions in practice

Given the very violent civil war that ended in 1995 and the ensuing Dayton Peace Agreement (DPA), prospects for a peaceful and democratic Bosnia looked grim. The DPA arranged for power sharing institutions as I have shown in the last chapter. Now we will embark on a more thorough look in the electoral institutions and their influence on reduction of ethnic tension.

Ethnic conflict

All in all, the Bosnian society can be characterized by a high degree of segmentation; this is of course in line with Lijphart’s comments on the consociational democracy. Increasingly over the years of our analysis is characterized by the three distinct entities: the Serbian, Croat and Bosniak Bosnians. In the process of Dayton the international actors made sure that the three minorities were represented well within the institutions of the state, giving considerable autonomy to the entities: Republika Srpska (RS)
and the Federation of Bosnia i Herzegovina. A side-effect of these constitution building aims were that in that process they created a very weak central government. It legitimized the institutionalization of ethnicity into politics and society (Freedomhouse, 2005). A couple of issues are recurrent within inter-ethnic conflict; I shall point them out in the following section.

First of all, the returns policy has caused for considerable conflict in Bosnian society and even sabotage by politicians and government officials, most notably in the RS (Freedomhouse, 1998). The DPA arranged for the return of refugees to the homes they have abandoned during the Bosnian War (Dayton Agreement, 1995: 62). During the Bosnian War whole regions were ethnically cleansed, and the returns policy arranged the return of those displaced persons. Regional authorities have always tried to hinder these returns policies (Freedomhouse, 1998). For instance villages in the RS that were overwhelmingly populated by ethnic Bosniaks or Croats, were after the War in majority inhabited by Serbians. Regional authorities attempted to consolidate such territories and would allow the free movement of people to those towns, effectively sabotaging the returns policies.

Eventually most refugees would not return, as they found refuge in territories in Bosnia that inhabited a majority of their own population or had migrated abroad. Those that would return, primarily did so to sell their property (Freedomhouse, 2001). Eventually ethnic cleansing during the War was consolidated after the War, contributing to a segregated society (Dahlman and Tuathail, 2005: 572). Much of the returns policy for minority civil war refugees did not happen, which means the ethnic groups are more territorially concentrated (Dahlman and Tuathail, 2005: 592). Some emigrated, some only returned to collect their possession or sell their properties and some did not return at all. Members of an ethnic groups who live in a territory where they are a minority are subject to some discrimination. For instance, Muslims are unable to practice their religion in Croatian majority or Serbian majority territories, because their religious symbols or mosques are desecrated or destroyed. The discrimination also manifests itself in housing appointment, employment and social services. Also in academic circles are characterized by ethnic favouritism (Freedomhouse, 2005).

Before the civil war started the distribution of the ethnic groups was comparable to ‘leopard spots’. They were distributed all over Bosnia (Minorities at risk, 2006b). Ethnic cleansing during the civil war has made territories less ethnically diverse and more concentrated. But not only ethnic cleansing had part in the change in demographics. Also the increased distrust made it so that Bosnian Croats wanted to live close to the Croatian border and the Bosnian Serbs in the RS, close to Serbia. It increased segregation in Bosnia, which was reinforced by not only distrust, but also the new institutional arrangements after Dayton.

Second, ethnic conflict has become institutionalized into Bosnian society. The main interest groups (trade unions and churches) are almost always divided by ethnicity. The same goes for school that in order to
prevent “ethnic assimilation” choose to separate students. The most important political parties are ethically based, and choose to attract their followers using nationalist rhetoric around elections. As stated in the past paragraph Bosnian society is characterized by a large amount of contempt and discrimination of people belonging to another ethnicity.

Third, the center-periphery cleavage is very salient in Bosnian society and politics. Because DPA has separated Bosnia in a Bosniak-Croat and a Serbian entity, the distribution of power between the entities and central government was an important line of conflict. Usually the Bosniak politicians will try to increase the power of the central government, and the Croatian and Serbian politician will try to consolidate or increase the power of the entities or in the case of the Croatian leadership try to create their own entity (Freedomhouse, 2001). The OHR had to block legislation in 2010 when the Bosnian central parliament voted to prevent any future power transfer from the entities to the central government (Freedomhouse, 2010).

Finally, though Bosnian society is and has been very segregated, to the extent that it resembles apartheid, the DPA has managed to lessen violence considerable and maintain peace in Bosnia. Besides violent attacks on individuals, that tried to return to the homes, journalists, that wrote critical pieces, and the assassination of a Croat leader in 1999, violence has been contained. No widespread unrest is reported, except demonstrations following the implementation of new rules of conduct for the central executive by the OHR. Following the then High Representative Lajcak’s initiative to revise the central government’s quorum regulations, that allowed a single cabinet minister to block proceedings by not showing up, large demonstrations commenced after the resignation of Nicola Spiric, who the country’s was prime-minister then (Freedomhouse, 2008). The crisis was averted eventually with legislation passed, but it signals the volatility of the current system.

**Ethnic representation**

The current institutions have very much favoured the representation of ethnic parties. Election results from 1996 until 2010 show that a large percentage of the elected parties have their roots in one of the ethnic groups. Looking at figure 1 the percentage of ethnic seats has been very high over the past elections, only in 2010 does it drop to 66,6%, which is still a high percentage of ethnic seats. When looking at the different groups, it becomes clear that the Bosniak, who make up 48% of the population, are underrepresented to last elections with percentages ranging from 21,1 (in 2010) to 50 (in 1996). The amount of Serb, who make up 37,1% of the population, are underrepresented as well with percentages ranging from 19 (in 1998) to 33,3 (in 2010). The Croatian part of the population, around 14,3%, is represented well with percentage of seats ranging from 11,9 (in 2006 and 2010) to 19 (in 1996). The lower share of Serb and Bosniak seats then one would expect given their size in the population is mostly
due to the success of the multi-ethnic Social Democratic Party (SDP). Currently this party occupies 8 of the 42 seats in the Bosnian parliament (for more detailed information see Appendix 1).

### Ethnic representation in the Bosnian Parliament

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<td>27</td>
<td>16,6</td>
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Fig. 1 shows the percentages of seats occupied by ethnic parties

The claim that Bosnian elections would constitute an ethnic census seems justified despite some fluctuation (Reynolds, 2). Even though ethnic parties have an important role in Bosnian politics as most Bosnians vote for ethnic parties, especially in the presidency and the executive, there is also some support for multi-ethnic or independent parties. De facto ethnic parties have hold all the executive power in Bosnia, except two notable exceptions. First, the instalment of the Alliance for Change Coalition which was officially ethnically neutral and second, the election of Zeljko Komsic for the Croatian seat of the presidency despite not having a nationalist Croatian background or ideals; he can be considered the first ethnically neutral presidency member (Freedomhouse, 2001; 2007).

It is safe to conclude that in Bosnia the electoral institutions did what was expected of them, according to Consociational Theory. PR and positive action mechanism did establish the election of parties and leaders from the ethnic groups. A large percentage of the parliamentary seats went to candidates with clear ethnic connotations that run for ethnic parties. This has established dominance of ethnic and nationalist parties over the executive institutions, such as entity governments, the national government and presidency. However in some cases the institutions have been discriminatory in nature as well: in 2006 two candidates, one Jewish and one Romanian, were excluded for running for presidency because they lacked the proper ethnicity. The European Court of Human Rights has judged such institutional arrangements to be discriminatory (Freedomhouse, 2010). It shows that institutions like those in Bosnia cannot include everyone.

**Elite Cooperation**

A weak central government made it very difficult to reform Bosnia politically or economically. DPA arranged for minority veto power, so policy could easily be blocked by one of the ethnic groups. Such provisions made passing reforms necessary for EU partnership difficult. The High Representative had to step in on a number of occasions. Dozens of local and national politicians were removed from office by the OHR. The positive action mechanisms and the electoral system of PR made sure that minorities were represented in political conduct. The party system has shown to overwhelmingly consist of ethnic parties,
and because of the tripartite nature of the main parties in the central state’s institutions and their different policy aims and objectives; it has been very hard to make the necessary policy reforms and to build coalitions to rule the country. Even though it can be argued that the OHR has helped to ensure a certain amount of stability and progress in Bosnia, it is not the most democratic.

At the end of the 1990’s tensions between the three ethnic groups and their politicians were still very severe. In 1999 Bosnia had no functioning government for several months after first the Serb then the Croat leadership completely withdraw themselves from the central government. After the crisis was subdued Croatian Bosnian voted in overwhelming majority for the construction of their own entity, which was consequently rejected by the international community. In 2002 even an Alliance of Change coalition that was ethnically neutral proved not to be stable, because of a lack of cohesion (Freedomhouse, 2002a). It accomplished very little. At the time the Croats had retreated all of their people for state institutions, including the army, and instituted self-rule for a couple of months.

During these times when Bosnian politicians did not manage to make compromises and pass legislation the international actors, most prominently the OHR, passed all the legislation and necessary reforms, which prevented the nation from slipping into international isolation. During the beginning of the 2000’s the OHR rejected numerous Bosnian politician from office, most were SDS members.

In 2005 Bosnia and the EU entered in negotiations for the Stability Association Agreement, an important first step for EU membership. This happened after because progress was made by Bosnian politicians to meet EU criteria. However progress is still very slow. Conversely Bosnia was rejected for the NATO Partnership for Peace, because war criminals in the RS remained at large. For the first time steps are made in the right direction by Bosnian politicians.

The literature on power-sharing suggests that the election of political representatives from ethnic groups would increase cooperation (Norris, 2008; Lijphart, 1977). This is not what is observed in the Bosnian case. Political leaders do not have similar objectives and policy preferences (when it comes to centralization/de-centralization for instance) (Belloni, 2001: 166; Bahtic-Kunrath, 2011: 913). This is not problematic on itself, because it can solved by a trade-off of policy positions (Norris, 2008: 111). To create a consensus that is acceptable to all groups. Willingness to achieve such a consensus is present apparently in Bosnia.

The country is in a political crisis since 2012 when a government with the SDP and SDA collapsed. Because the SDA blocked the dismissal of ministers and SDA used their veto rights, to block a new government, the political situation was jammed once again. The battle was taken on to the courtroom as the SDA blocked the appointment of a judge for the Constitutional Court, because it supposedly harmed
their interests as well (Freedomhouse, 2014a). Generally political parties use their veto powers much too often, which is very bad for effective policy making.

The vetoes exceed their goals. The original goal of the mutual veto is to make sure that minorities do not have their interests harmed by majority decision, but parties have to be very reserved when exercising this right (Lijphart, 1977: 37-38). If parties use it too much, it will cause policy deadlock. Parties in Bosnia misuse their power when it comes to the mutual veto, so the institution is more of a nuisance than a help. The orientation of the veto is usually to protect the status-quo. The veto is misused because not all relevant players accept on another and grant each other favourable policies (Bahtic-Kunrath, 2011: 918). Therefore the veto becomes an instrument of gridlock, instead of a safeguard for ‘tyranny of the majority’. Institutions should be designed to prevent possibilities for political groups to hijack institutions for their exclusionary interests (ibid.; Freedomhouse, 2014a).

*Democratic consolidation*

The OHR has played a considerable role in keeping the Bosnian policy building process, in order to achieve the goal of EU partnership, flowing and its democracy working. Especially in the first years after the DPA the OHR made sure that Bosnian politician did not make the same faults as before, when political deadlock led to the Serbs attempting to secede from Bosnia. The influence of the OHR and consociational institutions in general have not been more focused on results and the inclusion of the ethnic groups. The institutions implemented by Dayton had the objective to give Bosnia’s politicians a coping mechanism for the extreme dividedness in society, that manifests itself in a segregated society.

However, it remains hard to argue that consociational institutions in general, and PR and positive action mechanisms in particular, have been a great success. A great success would have been the case if the difficult reforms, such as constitutional reforms, would eventually be implemented on initiative and by consensus of the Bosnian politicians. One of the more successful examples of consociational democracy was the Netherlands from 1917 until 1968, where despite a divided society legislation was passed and governments were build and survived. Given the experiences of Bosnian politics, it can be argued that minorities were represented quite well, but consensual politics was not established in a sustainable and reliable fashion.

The gridlock in policy and decision making makes the Bosnian democracy, as far as one can speak of Bosnian ‘ownership’, unstable. The root cause of the gridlock can be found in the institutional arrangements and the exploitation of these arrangements by the Bosnian politician to serve exclusionary interests. Critics of consociational democracy have made this point. The low thresholds and institutions that are favourable for minority interest can be used by extremists. In some cases they make the trade-offs
necessary for good political conduct less likely, especially in post-conflict societies (Norris, 2008: 110-111).

Ethnic conflict

Assessments made by Minorities at Risk and Freedomhouse all agree that there is a small potential for rebellion within each of the three national minorities. The most important reason both research collectives give for the lack of potential is that all groups have gotten representation at the various level of government. Political pluralism is high, as there are ethnic political parties represented in regional and national assemblies for every ethnic group. Overall, the Croats are overrepresented considering their share of the population and the Serbs and Bosniaks are underrepresented. These arrangements were made in the General Framework Agreement for peace in BiH and agreed upon by all parties so they pose no problems. (Dayton Agreement).

While there are still demonstrations in all parts of the country, these efforts are generally small and peaceful (Minorities in risk, 2006). The involvement of international actors, most notably the OHR with the “Bonn powers”, makes sure that peaceful demonstrations cannot escalate into widespread rebellion. Since the civil war demographic distribution of the ethnic groups has changed from “leopard spots” to more concentrated areas, where one group has a clear majority. Though the concentration of ethnic groups as a result of ethnic cleansing during the civil war has made federalism and groups autonomy possible, there is now discrimination of ethnicity in parts where that groups is minority. Croats primarily live close the Croatian border and Serbs primarily in the RS. Especially the Croats, while they are overrepresented in the country’s institutions, feel threatened and opt for even greater autonomy. At this moment they have to share an entity with the Bosniaks.

Judging on Vanhanen’s criteria, ethnic conflict is very institutionalized. Every group has a wide array of political parties that serve the groups interest in the various levels of government. Violent ethnic conflict is very limited, to only a small amount of peaceful demonstrations. There is discrimination, in employment or religious freedoms for instance, in areas where the group is not a majority. Also there are some incidents of inter-ethnic violence reported, but this sporadic in nature. Problems arise most for ethnic members if they live in areas where they are a minority (Minorities at Risk, 2006c; Minorities at risk, 2006d).

5. Power sharing institutions in post-Arusha Rwanda

The Hutu tribe originally came to the area around 1000 AD and were farmers. The Tutsi came to the land that is now Rwanda some 400 years later. Traditionally the Tutsi have been the ruling class of Rwanda,
but this dominance, supported by the colonizers, ended in 1959 with a Hutu rebellion (Freedomhouse, 1999). Mouvement républicain national pour la démocratie et le développement (MRND) was the predominant party during that period, its last president Juvenal Habyarimana led the country from 1973 until 1994.

Our description of the Rwandan case starts in 1990, when the RPF started an rebellion against the MRND. The nation was effectively in a state of war, which meant an overall collapse of the domestic economy. The civil war that went on for three years, made sure that the MRND government, known for its clientalist tendencies (the catering to the akazu, powerful clique of Northern Hutu), had to give in to pressures from NGO’s, such as the IMF and Worldbank, to make peace and democratize (Hintjens, 2001: 23). Successful military operations by the RPF and the creation of a coalition government, which included opposition parties, led to peace negotiations in Arusha between the RPF and the government of Rwanda (Reyntjens, 1996: 234). The Arusha negotiations not only provided an equal footing for the RPF to the Rwandan government, its subsequent Accord included a number of democratic reforms that would take a lot of the akazu’s and government’s power away. It is argued that a market-dominant minority is the Achilles’ heel of free market democracy. Concentration of wealth is perceived in such a group, democracy does the opposite: it increases the political power of the majority. Ambitions for democracy fuel ethno-nationalism, antagonizing a frustrated majority, by political opportunists, against a hated minority. (Reyntjens, 2007: 1104)

The Arusha Accord, including protocols agreed on in 1992 and 1993, together with the Constitution of 1991 was to provide a Fundamental Law for the transitional period (Reyntjens, 1996: 235). First of all, the president was stripped of his political power, which were reduced to that of a ceremonial head of state. Much alike constitutional monarchs in Western Europe his appointments are imposed on him, and he is obligated to sign approved laws and decrees. The real executive power lay with the Broad-based Transition Government (BBTG), that consisted of six political parties, most notably the RPF and MRND (ibid.). The seats of this twenty-one member executive were distributed by a formula that made sure that at least three parties’ approval or a two-thirds majority was required (ibid.). Such an executive clearly depict the characteristics of the grand coalition which should include all the major political parties (Lijphart, 1977: 32).

Similarly a Transitional National Assembly was implemented by the Arusha Accord in a parliamentary relationship with the BBTG. Like the BBTG its seats were also fixed in advance. The assertion made by Reyntjens that the institutional changes brought by the Arusha Accord were incredibly radical, especially when it is compared by the former regime, a presidential system backed by a predominant party (Reyntjens, 1996: 235-236). The system did never function, because this “would probably have been just a theoretical possibility” (Reyntjens, 1996: 235). The developments were caught up by current events.
Concurrently with the Arusha negotiations, the residing government of Habyarimana, known for its corruption, clan-based politics and discrimination, was very afraid of losing its power due to democratic reforms to the RPF (Hintjens, 2001: 35). It began an enforcement of differential forms of citizenship, embarking a propaganda mission to define the Tutsi population on racial terms and as an enemy from within (Hintjens, 2001: 26). All Tutsi were equated with the regimes military enemy: the RPF. This meticulously planned and state-led policy of hate eventually culminated in Rwandan genocide.

The genocide profoundly influences political conduct in Rwanda to this day. It is for this reason I explore the reasons for it so thoroughly. It helps us understand the de-escalation of the ethnic conflict much better, and helps us pinpoint the influence of the electoral institutions better. Even the Arusha Accord, which despite international efforts, proved to be unable to solve any of the political problems Rwanda was facing at the time, is a continuing source of legitimacy for the Rwandan government led by the RPF. In a transitional period after the genocide, the government promised to stick to the provisions made in Arusha. It turns out that under the pretences of consociational democracy the RPF lead government was accumulating power and limiting opposition in the transitional period that ended with the approval of the 2003 Constitution (Reyntjens, 2007: 1106; Hintjens). In the next section I will review the institutional arrangements of Rwanda and the acquiescence of the RPF to absolute power.

Post-genocide Rwanda

The RPF that seized power in Rwanda initially received a great deal of credit from the international community, that stood idle as 800,000 people were massacred, for ending the genocide. It was widely assumed that, despite clear signs of a surge to authoritarianism, Rwanda was transitioning into a democracy (Reyntjens, 2007: 1103). This transition paradigm has been criticized extensively in literature that uses the Rwandan case as an example (Stroh, 2009: 6, Reyntjens, 2007: 1103). In order to consolidate its power the RPF government, amended the Arusha Accords provisions, which were constructed in the spirit of power-sharing. The amendments reintroduced a strong executive president, redrew the parliament’s composition and imposed the RPF’s dominance on political power. While doing making these provisions the RPF attempted to mask their hold on power, a façade that continues to this day (Reyntjens, 2007: 1105; Stroh, 2009: 15). I will return on the appropriation of power by the RPF later and the role the electoral institutions. First I will elaborate on the ethnic policies of the RPF government, by which they effectively ban the notion of ethnicity from political and public life.

An essential of the RPF’s apprehension of political power, was the absolute denial of ethnicity to be a factor in Rwanda’s political life. The RPF tried to emphasize ‘national unity’ by giving Hutu seats in the executive, and they introduced an official policy of human equality by claiming that all citizens are Rwandans (Banyarwanda) (Reyntjens, 2007: 1109; Stroh, 2009: 8). The notion of Tutsi ethnicity has changed also. Instead of referring to the pre-1994 domestic Tutsi as such, they are now called genocide
survivors (Stroh, 2009: 10). The policy of *Banyarwanda* has masked to fact that the higher, but less
visible, echelons of government are RPF-isation and Tutsi-isation, and that they have fashioned
themselves the new *akazu* (Reyntjens, 2007: 1109-10). The *akazu* is a title for the political elite and the
accompanying clientalist network.

The objective of *Banyarwanda* policy was the crafting of a new Rwandan national identity. It proved
once again shows that social identities are not rigid at all (Horowitz, 1985: 74). This strategy of ethnic
denial was successfully employed in other small Tutsi-led government, such as in Rwanda in the 1950s
and in Burundi between 1965 and 1988. The strategy is clearly to de-institutionalize ethnic conflict.
Whether it will work time will tell, but past experience has shown that forcing an identity on a societal
group can even prove to work counterproductive, as is often a consideration in integration policies of
Western governments (de Zwart, 2005: 138).

The appropriation of power started with the façade of continuing of the Arusha Accord, while it was
amended to allow RPF executive dominance (Stroh, 2009: 8). Then the RPF aimed to de-institutionalize
the ethnic conflict, by rejecting the notion of ethnicity as a politically relevant line of conflict, and by
banning the former dominant party MNRD and the extremist Coalition pour la défense de la République
(CDR). Initially, in 1994, the Hutu Faustin Twagiramungu from the Mouvement démocratique
républicain (MDR) became the prime minister as provided by the Accord, though in 1995 he and other
Hutu ministers had to resign in 1995 and subsequently went into exile (Reyntjens, 2007: 1105). From
early 1995 Hutu political elites had to endure harassment, imprisonment and violence. Eventually the
MDR, that was the biggest opposition party until then, was banned by the government because of the
alleged spreading of ‘divisionism’ in Rwandan society (Reyntjens, 2007: 1107). The notion of a Hutu
political party went against the *Banyarwanda* policy. Thereby limiting political pluralism as well as other
civil liberties like, freedom of press, association and expression for instance, made sure that after the 2003
elections the RPF was the predominant party in Rwandan political affairs.

The official view of the Rwandan government is that elections are an instrument of democratization. The
‘language’ of consensual politics and democracy is to their official statements used in order to justify its
institutional choices. By these words the Rwandan government cater to the internationally dominant
paradigm of transition to democracy, but it is accepted that the citing Lijphart’s model of consociational
democracy in state documents is nothing more that “a sophisticated and convenient reference to the
academic debate” (Stroh, 2009: 11).

The international community has expressed a strong preference for electoral rules that enable the
emergence of ethnic parties (Reilly, 2006: 814). This was also the case in Rwanda which had relatively
‘permissive’ electoral institutions: proportional representation in a single district comprising the whole
country, with a five per cent threshold (ibid., Stroh, 2009: 9). Only fifty-three seats are open to direct
election for the Rwandan parliament, which is composed of two houses: the Chamber of Deputies and the Senate. The rest of the seats are allocated to minority groups, such as women, and are thus fixed. The president, who now enjoys considerable executive power again, is elected directly by the Rwandan citizens (Stroh, 2009: 8).

Note that it is not the intention to characterize Rwanda as a consociational democracy as it fits the characteristics and favourable factors devised by Lijphart poorly (Stroh, 2009: 11-12). The institutions of Rwanda can nowadays be best understood as those of electoral authoritarianism. The role of PR is very important in this regime and I will elaborate much more on the role of the electoral institutions in chapter 7. This chapter's aim was to give the reader a general idea of independent variable of this research, the electoral institutions, and how they developed over time. How the electoral system influences the institutionalization of ethnic conflict and the occurrence of ethnic violence will also be an important puzzle of this research.

6. Rwandan electoral institutions in practice

After a transitional period that lasted from 1994 until 2003 Rwanda finally saw its first multi-party parliamentary elections since 1961. During the transitional period the RPF led a self-appointed government for Rwanda. The political parties that played a part in the genocide were all banned. Except for the Movement Democratique Rwanda (MDR) there was no Hutu political party. Hutu in Rwanda were only represented by prime-minister Bernard Makuza. Throughout the period of the analysis the RPF is the predominant party in Rwanda and it closely directed political life in the polity (Freedomhouse 2002b). In fact the multi-party parliamentary elections were move to legitimate the regime both to its population and the international community. In the next section this strategy and the implications for ethnic conflict will be discussed.

Starting in the transitional period a number of civil and political liberties were limited in Rwanda, by which the RPF helped secure ownership of the Rwandan state for itself in an authoritarian fashion. First of all, media, both written and broadcasting media, were censored. They did this either voluntarily, because the fear of harassment and reprisal, or were silenced by the government, that did not fear using violence or ‘disappearances’ to ensure their silence (Freedomhouse, 2001b). The media did play an important part in the realization of the genocide, as it was used by the government to broadcast hate propaganda against Tutsi citizens in the years before the genocide. Therefore the media is under intense scrutiny of the government.

Second, the RPF limited political pluralism considerably. The party has allowed for other parties to exist next to them. For instance, the Parti Socialiste Democratique (PSD) and the Parti Liberale (PL), that have
been established before the genocide and did not play an active role in it. There are also a number of parties that run on a collective ballot with the RPF, which I am not going to name all. Important is to note that the RPF has not allowed Hutu parties under the current electoral system, PR with a four per cent threshold. The Hutu parties MRND and CDR have, understandably, been banned for their active role in the genocide, however another Hutu dominated party MDR has been banned as well under allegations of causing “dividedness” (Freedomhouse, 2002b).

Third, the limitation of political pluralism is enforced by the Political Party Forum, a political parties’ branch organization if you will, that is under control of the RPF. Further attempts to establish independent parties, such as the effort of former president Pasteur Bizimungu, have been answered by criminal charges. Bizimungu was sentenced to fifteen years in prison, but was released after five years. The conviction is generally regarded as a political sentence. The judiciary system, which had to be built from the ground after 1994, is not independent, and subject to political influence (Freedomhouse, 2004b).

By limiting political pluralism and disrespecting some civil liberties, such as the freedom of press, speech and association, the RPF has created a strong power base for itself. By Freedom House Rwanda is not even regarded an electoral democracy, such a term for illiberal polities with free elections, but can be characterized best as an authoritarian state (Freedomhouse, 2007b). The RPF, itself a Tutsi dominated party, has not allowed for the accession of an ethnically Hutu party to democratic elections, therefore the Tutsi part of the population that after the genocide still comprised 14% of the population, while the Hutu are 84% of the population. As one can see in figure 1 the Tutsi population is since the introduction of proportional representation is overrepresented by a very large amount in the Rwandan parliament, while the Hutu who comprise an overwhelming majority within the population is under represented. This is obviously due to the governments limiting of political

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<th>National legislatures composition (Rwanda 2008-2013)</th>
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<td>Ethnic group</td>
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*Figure 1: overrepresentation of the Tutsi population and Hutu underrepresented in parliament*
pluralism under the pretext of it causing “dividedness”, the *Banjarwanda* policy. Certainly in this case an electoral system of proportional representation does not render the election of representatives from all communal groups.

Generally it is believed by policy makers and scholars that elections are an instrument of democratization in divided societies. Supporters of the transition paradigm understand elections as a contribution to the establishment of democracy (Stroh, 2009: 6). The Rwandese government understood such ideas very well, and through its rhetoric tried to support this conception that Rwanda through PR and positive action mechanism, which are mostly gender based, not ethnically based, was democratizing and conducting in consensual politics (Stroh, 2009: 10-11). Instead of PR electoral institutions being part of a consociational package, PR is the electoral policy under authoritarianism; it can be expected that PR in such circumstances has some ‘unintended undemocratic effects’ (Stroh, 2009: 12).

**PR to consolidate a predominant position**

The first elections in 2003 with PR institutions, with a low threshold and a single large constituency, were only held when the RPF had a firm grip on the state’s legal and executive institutions. It has been suggested by international observers, such as Freedom House, and scholars that the actual objective of PR was not the representation of minorities (or majority in this case), but legitimizing the regime, by making the election results appear more democratic than they actually were (Freedomhouse, 2010b; Stroh, 2009: 17). Stroh calls it the power maintenance approach; by performing a counterfactual analysis, he shows that the election results with SMD or smaller proportional districts would deliver the RPF 100% of the seats (Stroh, 2009: 18-20).

The multi-party system that sprung from the introduction of PR has not meant that the RPF had to cooperate with other parties to pass legislation. Some of the parties that ran on the RPF’s ballot did not expect to meet the electoral threshold so decided to place themselves on the common list (Stroh, 2009: 10). Simultaneous with the introduction of PR positive action mechanism were installed to ensure the election of a considerable amount of female MPs. In fact, Rwanda is the first country ever to have a majority of MPs to be female. Most women are even if they ran for independent women representative seats, closely linked to the RPF (Bauer, 2008; ibid.). Neither smaller parties, nor specially elected individuals hold power to veto the RPF’s decisions in the same way as for example Bosnia. For Stroh it confirms Rwanda’s status as an electoral autocracy (Stroh, 2009: 19)

**Ethnic conflict**

Ethnic conflict, manifesting itself in two distinct features, has lowered quite a bit in the past decades in Rwanda. Due to the repressive tendencies of the current regime, ethnic conflict is less institutionalized, though some doubts can be placed with the *modus operandi* of the RPF regime. Violent conflict has also
lessened compared to the first half of the 1990s. Still there is scattered violence, but it is no longer
directed to one single rebel movement, like the RPF once was. I will discuss the developments on
institutionalized ethnic conflict and violent ethnic conflict in the following section and why I think the
electoral institutions have not influenced these developments.

Institutionalized ethnic conflict manifests itself through the occurrence of ethnic parties, interest groups
and interests being structured along ethnic lines (Vanhanen, 1999). Horowitz defines the ethnic party as:
“the test of an ethnic party is simply the distribution of support [because] in practice, a party will serve
the interests of the group comprising its overwhelming support or quickly forfeit that support (1985:
293)”.

With the exception of the RPF, none of the parties in the Rwandan party system can be considered
ethnic, because only the RPF’s cadre is truly ethnic. This because it is prohibited by law. Given the fact
that the RPF leads a de facto single party government, the share of ethnic seats could even be considered
one-hundred per cent, because the RPF is a Tutsi dominated party. Conversely interest groups are hardly
ever ethnically structured. Trade unions for example have greater autonomy than they had under the pre
1994 dictatorship (Freedomhouse, 2007b). For churches a similar argument can be made. Unlike Bosnia
for instance there is religious freedom in Rwanda, mainly because religion is not ethnically determined
(Freedomhouse, 2001b).

Violence in Rwanda has lessened a lot, which is as suspected after such a violent episode as the year 1994.
Most of the tension and potential for violence seems to come from neighbouring countries such as
Uganda and the Democratic Republic of Congo (DRC), where the Rwandese government supposedly
backs Tutsi rebels (Freedomhouse 2010b). Internally the country has remained relatively peaceful. There
are no structured anti-government militia anymore, no real rebellion by Hutu who fled abroad after the
genocide. Acts of violence that did happen were targeting individuals, not ethnicity in general, and are
isolated in nature. A very positive notion is that refugees that fled after the RPF takeover have almost all
been returned to Rwanda and have not been prosecuted en masse by the government, though people
suspected of war crimes are indicted by gacaca tribunals or by the ICRT based in Arusha (Freedomhouse,
2002b).

Conclusively one might add that the progress made by the government was not done democratically in
any sense. It limits political pluralism and civil liberties, but it has managed to shed the violence from
Rwandan society and made sure that victims and perpetrators of the genocide can now live side by side
once more. As Stroh has argued the country does not meet the criteria provided by Lijphart that are
favourable for consociational democracy (2009: 14). Its government has found other, more repressive,
forms to limit political competition. In the light of Rwanda’s very violent past these measures are as good
as any. They did not led to more democracy, as the transitional paradigm predicts, but it has led to a
sustainable peace and lessening of the ethnic conflict, though the political oppression of the Hutu will have to end in the future or it could spell a new era of violence, as the former oppressive regime did.

7. Discussion and comparison

I started this thesis with a discussion of ethnicity and ethnic violence: how the current political scientific literature regards institutions, how they influence the development of ethnic conflict in divided societies in general, and, more specifically, in societies that are recuperating from a civil war. In a democracy the electoral institutions are certainly an important force in mitigating ethnic conflict: they can enforce the election of representatives from all parts of society, as well as inspiring politicians to build consensus instead of schism in some cases (Lijphart, 1977; Norris, 2008). The Netherlands are a prime example of that mechanism, which Lijphart at first based his concepts of consociational democracy and the encompassing electoral institutions PR on. PR is the go to institution for constitutional engineers when drafting new rules for a post-conflict society. Power-sharing and proportional representation can certainly lower the stakes of conflict and provide an equitable solution to the “who rules” question (Lijphart, 1977).

One problem is that if one excepts the premises of power-sharing and consocialism it becomes difficult to imagine any other strategy (Spears, 2010: 10).

However, power-sharing institutions are not a universal cure for every post-conflict situation (Boogaards, 2013; Dixon, 2011). The Arusha Peace Process has shown that Rwandan leaders were not willing to share power at the time (Spears, 2010: 10; Norris, 2008: 107). Spear remarks that “[…] having Tutsis share power with Hutu extremists was akin to the Jews agreeing to share power with the Nazis or the Armenians cooperation with the Turks” (Kaufmann, 2002: 145) and that “as desirable as it might be for outsiders, such arrangements may be unpalatable for belligerent parties to accept” (Spears, 2010: 11).

A comparison between Rwanda and Bosnia certainly shows that these countries would not be where they are today if it weren’t for undemocratic elements. In Bosnia the High Representative had to intervene repeatedly to pass legislation and remove subversive elements from political ranks. In Rwanda the authoritarian government simply banned ethnicity, simply commanding the Rwandan people to be “united” (Reyntjens, 2007: 1109). I think it shows that in such extremely violent situations as genocide and ethnic cleansing, democratic ideals should be put on hold. In Bosnia the international community attempted to establish a democracy right away, but it was soon clear that, so shortly after the civil war, distrust between politicians and civilians was a stronger emotion than the calling for cooperation. The alternative solution is authoritarianism, as in Rwanda. The downside of authoritarianism is that the repressed groups in society may try to emancipate themselves and an authoritarian state, be it slightly
democratic, is likely to oppose such a movement. They pose a threat to the ruling class, which may lead to violence in the future.

When looking at the electoral institutions PR is no guarantee for inclusive politics, it is no safeguard that minorities will be represented in the national political institutions. This was especially clear in the case of Bosnia, where the drafting of the constitution was supervised by international actors (Dayton Agreement, 1995). There was no repression when the party system was created in 1996, which ensured that the main ethnic groups all acquired representation, although this does not mean that everyone is represented. Those that were represented, however, were first and foremost former armed opposition forces that were rewarded for their violent behaviour in the civil war (Spears, 2010: 13; Manning, 2004: 54).

In 2006 a Jewish and a Romanian Bosnian won an appeal at the European Court of Human Rights, claiming that the rules for the election of the presidency were discriminatory against minorities other than Bosniak, Serb or Croat (Freedomhouse, 2010a). Why did former radical acquire representation, where more moderate groups did not?

The Rwandan case has shown that PR can be used as a way to legitimize otherwise unfree and uncompetitive democracy. In Rwanda the Hutu never were represented by their “own” party due to a limitation on political pluralism. The Hutu are a disadvantaged majority in Rwanda: they carry the guilt of the genocide and are dispersed demographically, while the Tutsi government is holding all political and military power (Minorities at Risk, 2006a). The Tutsi predominance will probably lead to a new eruption of the ethnic conflict in Rwanda in the future.

The downsides of PR have become more clear in the Bosnian case. Because Bosnian politicians were unable and unwilling to conduct consensual politics and pass necessary legislation, it became clear that critics of consociationalism have a point when they are pessimistic about the resolve of politicians in fragile democracies and failed states to find trade-offs between conflicting values (Norris, 2008: 111). The argument that PR may also give communities incentives for rivalry instead of cooperation, as can be observed in Bosnia (Norris, 2008: 110). In Rwanda power-sharing has given politician incentives for rivalry instead of cooperation. In the period leading up to the war, in both countries extremist politicians demonized people belonging to other ethnicities (ibid.). It made ethnic violence in both civil wars possible.

Policy makers should be very careful with consociational engineering. The normative and empirical types of consociational theory are conceptually unclear, and PR is considering comparative research a good measure to attain peace, but not to establish democracy (Bogaards, 1998; Bogaards, 2013). My case studies generally support Bogaards’ claims that PR is a good institution to acquire peace, both cases stayed free from large outbursts of violence (Boogaarts, 2013). The latter claim is also true for both cases.
Both cases have not become strong democratic polities: Rwanda is classified as an authoritarian democracy and Bosnia an electoral democracy by Freedomhouse (2008a, 2010b).

Rwanda is probably not a favourable case for PR or any form of consociational democracy (Lijphart, 2008). African countries are rarely federal and have weak institutions, and armed conflicts are often extreme. This raises all kinds of barriers for political leaders in Africa to opt against power-sharing (Spear, 2010). Despite a huge amount of distrust between Hutu and Tutsi, Stroh argues that there is a sound base for establishing overarching loyalties between both groups, because they have a shared language and culture (Stroh, 2009: 12). Bosnia is a much more favourable case as ethnic conflict is much more institutionalized then in Rwanda. The ethnic divide is accompanied by strong feelings of nationalism, interests (like centralization versus de-centralization) are ethnically based and there is large overlap between religious denominations and the ethnic divide. Such a society is much better suited to consociational institutions among other factors.

8. Conclusion

The research design and research topic have some serious limitations, which need to be elaborated on further. In the final thesis the conclusion cannot be formulated in strong statements of causality or correlation. The fact that I have adopted a comparative study of two cases will make it difficult to generalize the findings of this research. Even though making the comparison between those cases is very useful in dissecting some of the events that have led to the de-escalation of ethnic violence in Bosnia and Rwanda. Certainly some of these events will be similar or comparable. The main contribution of this thesis will be in scientific debate on electoral institutions and their effect on the de-escalation of ethnic conflict. In Bosnia the adoption of consociationalism has proven useful to mitigate some of the very violent tendencies these ethnic groups showed towards each other. It has promoted group representation and minority veto’s, to make sure the three big ethnic groups have their say in the political affairs of the country.

Rwanda offers another perspective on the institutional debate. Although due to external pressures consociational institutions were adopted, ethnic violence on a large scale was not prevented. In the post-conflict situation a predominant party arose and consociational institutions were abolished in effect. If political affairs in Rwanda are explored more thoroughly, it will be possible to draw inference on how these new political norms have served Rwandese politics and the coexistence of ethnic groups. The comparison between Rwanda and Bosnia is important because we can delve into and compare the conditions for success of the Consociational Theory. With the criticisms expressed in the literature in mind, I shall review the electoral institutions and their influence on the post-conflict situation.
Another limitation of the comparative case study adopted in this research is that we cannot ignore the possibility that the circumstances which influenced the de-escalation of ethnic conflict were case specific. Perhaps consociational theory can only explain the de-escalation in part at best. Therefore it is of vital importance that all possible explanations are incorporated. A high degree of uncertainty is inherent in this field of research. Realizing this is an important step in making a clear argument. This research should be judged on its merits, supplying case specific evidence to the debate in the literature and broadening our understanding of it.

In this comparison the limitations of consociational theory are observed. First of all, the political relevance of social identities. Carla Schralm has shown in her comparative study that the political relevance of social identities in Rwanda and Burundi is quite limited (2014: 626-627). Horowitz also observes that these identities can change over time. In this research the policy of Banjarwanda, implementing a Rwandan identity, by the current Rwandan government shows that it attempts to de-institutionalize ethnicity from Rwandan society (Reyntjens, 2007: 1109-1111). In Bosnia Bosniaks reacted to Serbian and Croatian nationalism in Bosnia by creating their own national identity, while they were only a religious group before, they are now a force to be reckoned with in Bosnian politics (Robinson et al., 2001: 960). Power-sharing and consociationalism have been criticized before for assuming the rigidity of social identities (Norris, 2008: 108-109).

It is sometimes very questionable if power-sharing has led to incentives to cooperate. In Bosnia the main reason why democracy has survived is that the OHR could pass legislation and remove politicians that frustrated the implementation of the General Framework for Peace in Bosnia (Chandler, 2006: 340). Because of the so called Bonn-powers it did not matter if Bosnian federal politics were deadlocked and governments did not stay in power for a prolonged period of time (Freedomhouse, 2010a). In Rwanda there was no incentive to cooperate whatsoever. As Reyntjens has argued, political pluralism in Rwanda is even more limited than before the elections of 2003, and other civil liberties were lacking as well (2007: 1109). This all made political opposition very hard. Spears has argued that the degree of commitment required to employ in power-sharing and inclusive politics is very unlikely in Africa (Spears, 2010: 11). These conclusions about Rwanda and Bosnia were already recognized by Norris (2008: 110).

The last point Norris makes on the critique of consociational democracy is already somewhat covered by these previous considerations. Fragile democracies may be less equipped to cope with the trade-off of values required in consociational democracies. Observing Rwanda and Bosnia has shown that both countries did not really manage to meet these criteria. In Rwanda, like Spears argued, leaders were very reluctant to share power, as political conduct is based more on realist conceptions of bargaining. Zero-sum games, everything I give you I lose, are more important in countries with weak central institutions (2010: 11). These considerations may also hold for Bosnia, where leaders of ethnic political parties would
rather serve their group’s interests than cooperate for the greater good (Belloni, 2001: 166; Bahtic-Kunrath, 2011: 913).

We can conclude that both Bosnia and Rwanda do not meet all or a substantial number of the criteria Lijphart and Norris present for power-sharing, and a detailed description of those cases shows the limitations of the consociational democracy. This is the case in Rwanda to a larger extent than in Bosnia. Despite the differences, it is a reassuring thought that Bosnia and Rwanda have remained peaceful over twenty years, despite their extremely violent period in the 1990s, which were so extreme that they reminded politicians of the Second World War. This has sparked an immense commitment in Bosnia to make power-sharing work. In Rwanda, however, such an effort probably would not have worked, which is supported by the course of the Arusha negotiations. The mayor difference between the processes which took place on the route to peace, was that Bosnia was mostly governed by external forces, forcing their system onto the Bosnian government, while in the Rwandan case the external forces had more of a guiding role, which clearly signifies how different these two countries and their peace processes were.
Literature


Reynolds, A. “Electoral systems and the protection and participation of minorities”, in *Electoral Studies and the Protection and Participation of Minorities*.


¹ The original publishing date could not be recovered so the date the article was visited was used instead
Appendix 1

Composition of the Bosnian Parliament (1996-2010)¹,²

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1) Bosnian parliamentary election results: [http://www.ipu.org/parline-e/reports/2039_arc.htm](http://www.ipu.org/parline-e/reports/2039_arc.htm)

2) Classification of ethnic and non-ethnic Bosnian parties: