

5-2010

The Comparative Effect of Minority Vetoes on Shared Governance in Post-Conflict Consociational Societies: Case Studies of Bosnia-Herzegovina and Lebanon

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**The Comparative Effect of Minority Vetoes on Shared Governance in Post-
Conflict Consociational Societies:
Case Studies of Bosnia-Herzegovina and Lebanon**

A thesis submitted in partial fulfillment of the requirement
for the degree of Bachelor of Arts in International Relations from
The College of William and Mary

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Accepted for Honors
by

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The College of William and Mary
April 16, 2010

Dedication

To my wonderful parents, Tarek Abdel-Fattah and Gihan Mandour, and my lovely sister, Noora. Thank you for nurturing my love of knowledge and always pushing me to go above and beyond.

Acknowledgments

I am heartily thankful to my thesis advisor, Professor Paula Pickering, and my other committee members, Professors Rani Mullen and Abdul-Karim Rafeq, whose encouragement, guidance and support throughout the course of my thesis helped me create the work I had envisioned. I am indebted to the Charles Center, the Critchfield Endowment, and all my financial donors who provided me with the opportunity to make my research truly transcontinental. I also want to extend a warm and grateful thank you to all of my family, friends, and professors, especially Mary Mitchell, Adam Levin, Tala Karadsheh and Ania Leska Baltes, for their endless support and motivation that helped me persevere and sustain my dedication to making my thesis the best it can be. Finally, I am forever appreciative to everyone I met in Bosnia-Herzegovina and Austria, in addition to all my e-mail correspondents, who despite their busy schedules, have successfully helped me gather all the necessary data and information for my thesis. I cannot begin to express my gratitude for your help, hvala ljepepa.

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Chapter 1

Introduction and the Effect of Consociationalism on Democratic Governance

My thesis is primarily a study of the effect of consociational, power-sharing, arrangements on shared governance in post-conflict societies. Specifically, I look into how the formality of minority vetoes in consociational parliaments affects the level of inter-ethnoreligious political party cooperation in the legislative process. I wanted to choose two different case studies based on the presence of formal (written) or informal (implicit) minority vetoes in their consociational parliaments. I chose Bosnia-Herzegovina and Lebanon due to their difference in minority veto formality and the number of controls I can account for between both countries. This chapter provides an overview of what constitutes a consociational government and why it is implemented. I will also discuss the development of my hypothesis, theory, and methodology, after I consider the literature on consociationalism.

Here I review the literature written about consociationalism, specifically how this type of “democracy” affects the process of post-ethnic war societal and governmental development. I will focus on literature about the decision-making processes involved in the implementation of consociational agreements, in addition to case studies that explore how consociationalism has affected post-conflict governmental evolution in deeply-divided societies. Thus, the scope of my literature review extends from analyzing the theory and methodology behind implementing consociational democracy to qualitative and quantitative research on the effects of consociationalism on governmental effectiveness. The primary

purpose of this discourse is to see whether the available literature on consociationalism explores how *varying levels* of institutionalized power-sharing arrangements affect political party formation and subsequent inter-party interactions. This will be beneficial to my research since it focuses on investigating **to what extent** these varying levels of power-sharing rigidity **affect** inter-ethnic political party cooperation for governance. More specifically, I seek to explore how the presence of minority vetoes in post-war deeply-divided societies affects inter-ethnoreligious party cooperation and interaction, i.e. how varying levels of rigidity (from formal [i.e. written] to informal [i.e. understood] of minority vetoes either facilitate or hinder cross-party interactions. Thus, my hypothesis is that the more a minority veto is formally institutionalized in a post-war deeply-divided society, the more difficult it will be for ethnoreligious parties to cooperate. In sum, this chapter will be helpful in fleshing out how consociationalism affects the viability of a non-stagnant multiparty democratic system in post-ethnic war societies.

I have divided this chapter into four sections. First, I review literature written about the theoretical foundations of consociationalism, focusing on how these works describe when consociationalism is appropriate. Second, I review literature that focuses on explaining why consociationalism is not always the most appropriate for deeply-divided societies. Third, I review literature about specific instances of implemented consociational democracy, including but not limited to Bosnia-Herzegovina and Lebanon, to see the varying effects of “applied” consociationalism. Lastly, I discuss my research design.

Theoretical Foundations of Consociationalism

It is appropriate to begin with Lijphart, who has been given the title “the father of consociationalism.” His preliminary works revolve around what should comprise the structure and nature of consociational agreements. Thus, even though the concept of consociationalism was present in literature before Lijphart’s works, he is credited with creating the definition that is still in use today (Andeweg, 510). Lijphart’s definition of consociationalism is a “government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy” (Lijphart, 216). Thus, consociational democracy was engineered to counterbalance the “destabilizing effect of social segmentation” (Andeweg, 510). According to Andeweg (510), these social segmentations can arise from two possible sources: the presence of deep societal cleavages (Lijphart, 207) and the inability of voting maximization (i.e. the ability to gain numerous votes during elections) to take place in a democratic system due to *limited mobility* between social segments (Lehmbruch, 91). I believe Lijphart has contributed a vast amount to the literature on consociationalism, regarding how a government can be structured in deeply-divided societies. However, his theory does not address deeply-divided societies that have ingrained ethnoreligious cleavages, such that the political elites in these societies *make little or no attempt* to finding grounds for cooperation. In addition, he places too large of an emphasis on the fabrication of the governmental structure of consociational societies and does not provide much explanation as to how to deal with the ensuing societal structure – even with the most meticulous governmental engineering, there is no

guarantee that the political elites and constituents will use the system as dictated or prescribed. As I will discuss later, Lijphart puts aside these important aspects of deeply-divided societies that need discussion, by stating that his method of consociationalism *preassumes* elite cooperation.

For the most part, Lijphart argues in favor of implementing consociationalism in heterogeneous societies. He defines heterogeneous societies as those that do not follow the practices of *homogenous societies* (e.g. Anglo-Saxon societies), with deeply fragmented societies being the extreme case of heterogeneity (Lijphart, 215). Societies that need to find “overlapping memberships,” i.e. a consensus that spans different societal segments in order to show that they are in favor of such an agreement, are also heterogeneous (209). Additionally, he argues that “political culture and social structure are empirically related to political stability,” where homogenous societies, which share a similar political and social structure throughout their histories, are more inclined to political stability (208). Nonetheless, he does list several successful heterogeneous European governments (such as post-1945 Austria and post-democratic Belgium), who, despite their different minority groups, were able to find “overlapping memberships” to reach “cross-cutting” consensus regarding governance (208). Thus, in order to facilitate such inter-group relationships, the “main political institutions” of consociational democracy, according to Lijphart, are a grand coalition (joint consensual rule between the minority groups), a mutual veto (vetoes granted to all the minority groups), proportional representation (“fair and equal treatment instead of the disproportionality in favor

of majorities” as seen in majority rule representation in government based upon population break-down), and segmental autonomy (“minority rule over the minority itself in the area of the minority’s exclusive concern”) (Binningsbø, 2 and Lijphart, 113).

Nonetheless, he does provide the caveat that a society can suffer from such deep cleavages, that the “pressure toward moderate middle-of-the-road attitudes are absent” (Lijphart, 209). I believe this is strongly related to the point he makes that, “the essential characteristic of a successful consociational democracy is not so much any particular institutional arrangement as the **deliberate joint effort** by the elites to stabilize the system” (213). His statement sheds light on the reality that the success of consociationalism is largely contingent on whether elites are able to set aside their differences and work together, adding a difficult dimension to consociationalism, such that its success is largely based on factors that cannot be significantly shaped through institutional design and engineering. Nonetheless, even though he acknowledges that political immobilization *can* arise from consociationalism, he believes these instances are not the norm. Lijphart states the system structure (i.e. the presence of a grand coalition, quotas in public offices, and vital interest veto in addition to the degree of territorial autonomy, with higher levels of each indicating more chances of political stability) and societal structure (i.e. greater levels of homogeneity), in addition to the willingness of elites, can help determine the success of consociational agreements (210-211).

Criticism of Lijphart

Nonetheless, many of the consociational agreements implemented since his article was written in 1965 have resulted in immobilized political systems (Seaver, 247 and 252). For example, present-day, politically deadlocked Lebanon is a stark contrast to 1940's Lebanon, which Lijphart used as an example for "successful" consociationalism (248). Plus, Cyprus's short-lived attempt at consociational democracy from 1960-1963 failed due to the unwillingness of Turkish and Greek elites to cooperate together (248). Even though the small countries of Europe (Austria, the Netherlands, and Switzerland) Lijphart used as examples of successful consociationalism have not experienced the debilitating effects from implementing consociationalism of the previous examples, scholars, such as Seaver and Barry, argue that these countries are not truly consociational in nature (e.g. missing some of the four main political institutions of consociationalism) (Barry, 481 and Seaver, 252). In addition, they have experienced other factors that might have played a larger role in stabilizing their political system, such as their high levels of economic prosperity after the Second World War (Seaver, 252).

As discussed before, the "main political institutions," of consociational democracy, according to Lijphart, are a grand coalition, a mutual veto, proportional representation, and segmental autonomy (Binningsbø, 2). Nonetheless, the fact that the success of consociationalism and its key institutions is contingent upon the motivation, capability, and cooperation of political elites,

in addition to the presence of the “proper environment” for a consociational democracy, makes it difficult to argue that Lijphart’s consociational democracy’s successes are replicable. As seen in the following list, *six* of the eight (excluding 1, 2, and 3) conditions necessary for the success of a consociational democracy are partly dependent on the willingness of elite groups to cooperate with one another:

1. Presence of an external threat
2. Multiple balances of power among subcultures
3. Relatively low total load on the decision-making apparatus
4. Distinct cleavages and clear boundaries between subcultures
5. Development of a deeper sense of mutual awareness and responsiveness among encapsulated cultural units
6. Internal political cohesion of the subcultures
7. Adequate articulation of the interests of the subcultures
8. Widespread approval of the principle of government by the elite cartel (217-222)

Lijphart does spend time explaining the difficulty of promoting elite cooperation through his case study of understanding the failure of the French Fourth Republic (the inability, and unwillingness, of the Republic to create solutions) (Democracy in Plural Societies, 114-117). Nonetheless, the French Fourth Republic, though fragmented in terms of ideology, was not a consociational government. Lijphart should have examined an example of failed consociationalism, due to the unwillingness of elites to cooperate, to make it relevant to his argument. Nonetheless, his point, and one that I believe is important to consider in consociational contexts, is that it is not easy to assume elites will be rational actors and cooperate when there is a clear incentive to be

gained for their respective constituent group. As I will later discuss in my review of Arfi's work, elites, especially those who have a clear monopoly on power in a power-sharing system, have a tendency to be unwilling to make strides towards the betterment of the state, if that means they will have to relinquish some of their maximized power (Arfi, 257). When the success of a governmental structure is based more on the decisions of its actors than on its institutional arrangement, it adds an additional level of insecurity to governance, that many post-war and otherwise divided countries may find to be a large, if not obstructive, burden. However, Arfi does not spend enough time exploring the alternatives to consociationalism when elites refuse to, or cannot, cooperate. Nevertheless, I do not believe this piece was written to be overly comprehensive. Through the following quote, "[C]onsociational democracy presupposes not only a willingness on the part of elites to cooperate but also a capability to solve the political problems of the country," it is evident that his primary concern is to highlight how consociationalism *can* work, given the proper environment, as listed in the previous paragraph (218).

Alternatives to Lijphart's Consociational Democracy

My analysis of Lijphart's piece on consociational democracy, after reviewing his work in addition to others, is similar to what other scholars have concluded as well. Horowitz's approach, written in response to Lijphart's, spells out reasons why consociationalism is often not appropriate for divided societies. He argues that identities are not static: Horowitz states there is "potential for fluidity" and saliency between different ethnic groups. He states that "[e]xtreme

forms of ethnic exclusion require a legal framework that is ultimately inimical to democratic principles” (Horowitz, 25). Furthermore, he sees the process of inclusion and exclusion as a cyclical one (27). He puts it interestingly, when “opponents do unite, that is not because they have suppressed their differences, but because those differences are not yet relevant...they become relevant...when it is time to decide who will rule” (27). Thus, Horowitz argues that there must be inclusiveness and flexibility in a system of governance in a deeply-divided society that allows for the changing of, and movement between, different identities. Lijphart’s approach to identity, similar to what is present in current-day Bosnia-Herzegovina, where ethnic identity is the foundation of divisions in government, is prone to ingraining ethnic cleavages, thus yielding an inefficient governmental structure (Caspersen, 573). Caspersen indicates that the most visible elements of the Dayton Peace Accords, current-day Bosnia-Herzegovina’s notable power-sharing mechanism, are consociational (e.g. joint institutions and ethnic autonomy) and thus fall under Lijphart’s model (573). Lebanon also has consociational power-sharing mechanisms in its governing structure, e.g. confessionally-based positions of top governmental leaders and proportional representation in parliament, government, and public administration (Salamey and Payne, 453).

Nevertheless, more “integrative institutions,” such as those that Horowitz advocates for, also have drawbacks: because they are based on ethnic equality, there is no veto mechanism present in integrative systems. Thus, ethnic groups run a risk of being outvoted and subject to “majority rule”...a risk that

consociational agreements avoids. Caspersen states that because of the aforementioned problems with each type of system, support for consociational or integrative institutions varies in practice according to what ethnic groups fear. Ethnic groups that see themselves as marginalized minorities, such as the Croat community in Bosnia-Herzegovina, will favor consociational structures because they desire the assurance they will have representation in government, despite their demographic size. Nonetheless, ethnic groups that perceive themselves to be the majority (I use the words “see” and “perceive” because there has not been an official census in Bosnia-Herzegovina since 1991) will prefer integrative institutions because they allow them more governmental maneuverability, in addition to guaranteeing that they can pass a law with a majority vote, all the while not having to worry about it being blocked via an ethnic veto. A similar situation is present in Lebanon, a country who also has not had an official census since 1932 (Salemev and Payne, 452). The lack of an updated census is due to the political elites’ unwillingness to address the stark population changes in the country since 1932. This unwillingness is due to both stability concerns and incentive-based reasons, which include the realization that the Christians would have to relinquish their slight majority (the Muslims now hold the population majority due to large refugee influxes from the Palestinian territories and the increasing emigration of the Christians out of the country) (455). Thus, integrative institutions would be preferable to the ethnic groups that either hold the majority in the country, as dictated in censuses (the Christians in Lebanon), or

those who are the actual majority and want to hold more power (the Muslims in Lebanon).

“Effectiveness” of Consociationalism

It is equally important to give recognition to research that has investigated the effectiveness of consociationalism. However, I believe it is imperative to indicate that the term “effectiveness” carries different implications and is contingent on what the researcher is looking to investigate as an effect of consociationalism. Thus, “effectiveness” can take on the meaning of successfully halting violence or creating a functioning democratic system. The implementation of consociationalism can provide successful results towards *ending* a civil war, and granting political and representational equality to the different warring factions, in addition to providing a lasting source of peace and stability in what was once a conflict-ridden country (Binningsbø, 2-3, Rothchild and Roeder, 5-6). Before looking at literature that describes consociationalism’s effect on governance, I will review Helga Malmin Binningsbø’s article on consociational democracy’s effects on post-civil war peace, where the success of consociationalism is not measured in terms of governmental efficiency but rather if it can *ensure and grant peace (the absence of warfare)* in post-conflict societies.¹

¹ Binningsbø is from the Norwegian University of Science and Technology and International Peace Research Institute (PRIO) – renowned for their “Conflict Database and Datasets.”

Binningsbø focuses on investigating whether varying presences of the main political institutions of consociationalism, as characterized by Lijphart, affect the success of consociationalism in deterring warfare to breakout again in post-civil war countries. As previously mentioned, these “main political institutions” are a grand coalition, a mutual veto, proportional representation, and segmental autonomy (2). Her sub-set hypotheses, the ones that collectively contribute to her general hypothesis, are as follows.

First, “[t]he probability of lasting peace is greater in a post-conflict society with a grand coalition than in such a society without a grand coalition” (8). Second, “[t]he probability of lasting peace is greater in a postconflict society with proportional representation than in such a society without proportional representation” (9). Third, “[t]he probability of lasting peace is greater in a postconflict society with segmental autonomy than in such a society without segmental autonomy” (10).

Her definition of segmental autonomy is “decisions...concerning the different segments” being decided separately (9). These issues can concern questions about, but are not limited to, “religion, language, and education” (9). Additionally, segmental autonomy can be based upon “personal self-identification” **or** territorial separations (9). These three hypotheses combined lead to her fourth, and thus general, hypothesis which is “[t]he more power-sharing institutions in a postconflict society, the higher the probability of lasting peace” (10). Her fifth and final hypothesis, which takes into account Lijphart’s claim that smaller countries are better suited for consociationalism, is that “[t]he smaller a postconflict society, the greater the probability of lasting peace” (13). Lijphart argues that, in smaller countries, leaders know one another better and thus, are more willing to work with one another (Lijphart, 221). Additionally, he argues

that smaller countries are easier to govern due to their smaller territorial size (221).

The interesting aspect of Binningsbø's work is that it is one of the few quantitative studies done on the effect of consociationalism on peacebuilding (30). Using logit analysis, multivariate regression models, and crosstabulation, Binningsbø finds statistical significance in the correlation that "granting regions in conflict-ridden societies some sort of autonomy" reduces the likelihood the country will revert back to violence (21). However, as Binningsbø points out, her definition of territorial autonomy does not imply that the different ethnoreligious groups are "demographically separated" (21). Thus, her claim that her findings correlate to Kaufmann's findings, that *ethnic partitioning* is a solution to ethnic wars, is slightly overambitious since Kaufmann's findings are dependent on the fact that the different ethnic groups are separated in order to achieve peace (21). Another claim she makes without substantial evidence besides her statistical findings, is that "high-intensity conflicts are more likely to achieve lasting peace than low-intensity conflicts" (21). I understand her argument about how the duration of a conflict has a negative influence on lasting peace. Nevertheless, she does not expand on the logic behind this relationship. The only explanation she provides is, "[d]uration is often correlated with intensity, which might explain why it is different in my analyses compared to other research" (21).

Nonetheless, I believe her empirical work has something to offer to peacebuilding literature, particularly her finding that the sole presence of a grand

coalition (meaning no other power-sharing institutions in place) in a post-conflict country has a negative impact on post-conflict stability, meaning an increased chance in whether the country will revert back to violence (e.g. Angola and Burundi) (24). Additionally, she claims that though state size does have a impact on the successfulness of consociational democracy, with smaller states being more successful, they still have high probabilities of lasting peace, *regardless* of whether consociational features “are present or not” (23).² Nonetheless, as the size of the country increases, the difference “between having and not having” consociational features, such as proportional representation and territorial autonomy, “has a larger effect on Binningsbø’s lasting peace variable (23). These findings actively call into question the effectiveness of one of Lijphart’s idealized power-sharing institutions, particularly the one concerning the negative effect of having just a grand coalition (she does though find that it is “positively related to lasting peace” when present in conjunction with other power-sharing institutions, which in fact supports Lijphart’s argument that consociationalism requires *all* four power-sharing institutions to be present) (27). Again, I believe it is important to realize that Binningsbø’s work strived to show how consociationalism is helpful in peacebuilding (i.e. ensuring the absence of violence) rather than creating a functioning government (i.e. not fraught with decision-making immobilization), let alone democracy-building. Thus, it is necessary to investigate

² Her country size variable, in square kilometers accounting for both land and water area, is collected from the CIA World Factbook’s 2003 statistics. She transforms this variable using the natural logarithm (because she assumes size will have a diminishing effect on peace) and has a range of 7-17ln for her size variable (16 and 23).

consociationalism's effect on governmental effectiveness, once peace is achieved, which I will demonstrate through my review of the literature regarding consociational democracy's effect on statebuilding.

The inability of power-sharing agreements in providing a viable means of post-conflict governance is explored by Roeder and Rothchild who present a collection of different views about why power-sharing agreements do not, for the large part, work. In addition, some of the collected works in Roeder and Rothchild focus on explaining *alternative* options for post-conflict governance, such as “power-dividing,” in which the “ethnic stakes in politics [are lowered] by taking the most divisive cultural or identity issues out of the hands of government [and into the hands of] civil society” (Roeder, 342). Roeder and Rothchild begin their introduction with an attention-grabbing statement that largely explains the role power-sharing agreements play in post-conflict societies over time: “[t]he very same institutions that provide an attractive basis to end a conflict in an ethnically divided country are likely to hinder the consolidation of peace and democracy over the longer term” (Roeder 6). This “inconsistency between short-term benefits and longer-term costs” is what they coin the “dilemma of power-sharing” (6). In short, they explain in the introduction why the most popular post-conflict governance systems do not work, and begin to show how power-dividing is better-suited to providing a post-conflict governance system that will function efficiently over the long-run.

To expand, they list the three “traditional choices” that come into play in post-conflict countries: a) choosing between majority democracy and power-sharing (as discussed in Lijphart’s works), b) deciding whether to establish a foreign protectorate, and c) deciding whether to partition the state (as described by Kaufmann whom I briefly mentioned before, in addition to Sambanis) (9). Roeder and Rothchild’s argument against power-sharing is rooted in how the demographic structure of typical “power-sharing agreement prone” societies, i.e. deeply-divided countries, works against its potential efficiency. As Roeder and Rothchild state, “[p]ower-sharing strategy embraces three main objectives: inclusive government, group self-government, and proportionality” (9). However, they argue that the “incentives created by power-sharing institutions” provide opportunities for, and encourages, nationalist elites to increasingly prioritize their own gains (9). This point, as they further explain, is evident in current cases of countries with stagnant power-sharing structures - a problematic environment when it comes to ethnic elites refusing to forsake some of their own power and gains for the betterment of the country. As Lijphart originally noted, consociationalism presupposes elites’ willingness to cooperate. However, as exemplified by the current actions of the current president of the Republika Srpska, Milorad Dodik, some ethnic elites, once given power, are reluctant to cooperate with the other ethnic elites, if no clear incentive for their respective ethnic groups is promised (Touquet, 270).

Qualitative Analysis of Consociationalism

To continue my review of elites' role in power-sharing structure, I examined Badredine Arfi's historical and qualitative analysis of several multiethnic states, with the two main countries and time periods of analysis being pre-1991 Yugoslavia and confessional Lebanon (250). Arfi's focus of research was on intercommunity interaction in deeply-divided countries and how that affected the form of state governance and intercommunal interactions in the political sphere. His first conclusion was that "[t]he greater the sense of intercommunal interdependence among the politicized communal groups in the polity, the more likely they will be to seek to debate the existing form of state governance to deal with the fundamental changes occurring in the international environment" (253). Conversely, he found that as fear of domination by other ethnic groups increased, the likelihood that the different ethnic communities would engage in conversation about the government decreased, particularly if these conversations would involve topics such as reform and reallocation of power (256). The examples he provided as the best illustrators of this circumstance were Lebanon (1973-1976) and Yugoslavia (1987-1991) (255). It is surprising to note that he did not mention that both these time periods in both countries encompassed the lead-up to their major civil wars, in addition to preliminary ethnoreligious violence. Though he states his hypothesis was backed up by qualified historical accounts, I believe since he did not account for preliminary mobilization (both militarily and psychologically) for ethnic war, this brings into question whether other variables help explain the failure to engage in

conversation about the government (Gagnon and Zahar). Additionally, during this time period Yugoslavia was still a one-party, authoritarian government and thus, in terms of governmental structure, is not comparable to Lebanon's confessional democracy.

Arfi's hypotheses that revolve around how perceptions of intercommunal interactions affect the functionality of governments in multiethnic societies are particularly relevant to my research question. Though he does not explicitly use the term power-sharing agreements, I believe his implication is that the governmental structures he is analyzing account for some sort of multiethnic representation, i.e. confessional Lebanon. Thus, his independent variable is how the level of trust (or distrust) between the different ethnic communities in multiethnic states affects the system of governance. For example, his conclusion that "[t]he more rapidly expected intercommunal vulnerability declines, the more politicized communal groups are able to construct a form of state governance with a higher degree of [cross-communal consent]" shows how ethnic groups use the state government as a mechanism to relay "good will" between one another as their relationship grows stronger (Arfi, 256). This is an interesting finding, but I believe it requires some additional explanation. He provides more clarity regarding his conclusion that as a dominant group has stronger institutional power, it becomes more likely that it will "rely on institutional power to shape the outcome of [state governance debates]" (257). In sum, Arfi's final conclusion ties together the previous conclusions that I have reviewed: "[t]he more rapidly the reliance on institutional power increases the more rapidly intercommunal trust

decreases, and the more rapidly the scope of collective intentionality decreases” (259).

Case Studies of Consociationalism

In my next and final section, I will delve more deeply into literature that describes how power-sharing rigidity affects governmental efficiency by looking at two case studies; first, Bosnia-Herzegovina, followed by Lebanon. First, I will review a piece by Florian Bieber, a prominent scholar of the Balkans, on institutional engineering looks at two cities within Bosnia-Herzegovina that have two different approaches regarding the rigidity of power-sharing, which influences the effectiveness of their governments. In Brčko, a less formal system of power-sharing was used, where as in Mostar, a system of “complex consociationalism” was in place (Bieber, 420). Thus, Bieber suggests that “less formal systems of power-sharing [i.e. Brčko]...have been more successful than the complex consociationalism and territorial fragmentation of post-war Mostar” (420). What is key in Bieber’s argument is how he defines informal and complex consociationalism. He defines informal as the lack of formal power-sharing features, such as no veto rights for ethnic communities (426). Thus, a formal, or written, power-sharing arrangement would be one that does have such features and where the emphasis is on ensuring that no one community would have an outright majority (423). For Mostar’s case, the fact that it was subjected to both local and cantonal governments caused Bieber to term it as a “complex” system of consociationalism (423). It is important to note though, before delving too deep in

Bieber's piece, that Brčko is an anomaly in Bosnia-Herzegovina in general due to its unique government structure and "considerable international [executive authority] resources and tax advantages over the rest of BiH" (431). Though Bieber takes this account into his piece, he still suggests that Brčko can be used as a model for other deeply-divided cities, particularly in Bosnia-Herzegovina.

Bieber makes clear the way that war disrupted and changed the ethnic makeup of both of these cities. The shift in which ethnic group emerged as the predominant one after the war, outnumbering the historically predominant ethnic group, caused disputes over which ethnic group should yield the most power (421). Disputes related to perceptions regarding ethnic predominance still persist to this day in Mostar, which continues to exist without a mayor since its elections last fall, where a Bosniak victory caused uproar among the Croat community, who historically held the mayor seat (ICG report on Mostar). Bieber suggests that "the contested nature of both towns made them a target of the post-war nationalist leadership keen to consolidate their grip symbolically and demographically" (Bieber, 422).

Thus, the power struggles that emerged in both cities caused them to be keen targets of international intervention and administration. Nonetheless, the international approach in both cities was starkly different. International efforts in Mostar focused on "quick elections," institutionalizing and ingraining the status quo (422). International efforts in Brčko, on the other hand, focused on emphasizing "institution-building and integration before democratic elections,"

thus institutions that were “inclusive and flexible” were built before elections took place (421-422). As Bieber suggests, these measures helped to define and dictate the nature of power-sharing in both cities. In Mostar, there was much abuse of the power-sharing system, a city in which ethnic quotas ruled the political scene (423). Manipulating the ethnic quota system by placing “other” candidates on their ballot lists, allowed the SDA and HDZ to capture seats that were not specifically intended for their ethnic groups, and created opportunities for outvoting (423-425). Thus, Mostar’s “six” municipalities operated as though they were two: one Croat and one Bosniak (424). Despite the international community, namely the OHR, realizing that Mostar’s power-sharing system was in fact “accept[ing] and perpetuat[ing] the postwar status quo,” attempts to change the ingrained divisions by uniting Mostar into one municipality have not changed the way the city operates; with a rigid power-sharing structure still in place, grand coalitions and veto rights are the norm of politics (424-426).

While Mostar suffered from nationalist leadership and ethnic politics, Brčko saw relatively few of the same problems. It was not until 1999 that Brčko was made into an autonomous district under an international arbitrator. Even after this, its international administrator “appointed the mayor and all members of the assembly until 2004” (426). Thus, governance in Brčko was largely removed from the realm of the political parties and placed into the hands of the international community, because of which it lacked formal power-sharing mechanisms, such as veto rights, which were replaced by a 3/5 majority requirement that prevented the marginalization “of the two large communities,

Bosniac and Serb” (426). What he marks as remarkable, was not that Brčko served as a beacon of moderation (Bieber mentions there was not much difference behind its ability to promote moderate political parties and Mostar’s), but rather that the main political arguments, particularly between Bosnian Serb parties and international administrators, were solved through “*bargaining* behind closed doors than in public competition for votes” (429). Again, the transfer of Brčko’s government from the political parties to the international administrators, created the opportunity for the ethnic parties to not have to worry about their political representation. Thus, informal, negotiation-based strategies were used to reach compromise and cooperation; Brčko was able to make much more progress in political decisions than Mostar, where vying for power and claiming a majority in seat allocations became the driving force behind local ethnic politics. Nonetheless, the success of Brčko’s integrative mechanisms and the number of refugees returned should not be solely linked to its political structure. As mentioned before, Brčko’s economic prosperity in addition to the international community’s tight grasp on it provided additional facilitators for power-sharing effectiveness in Brčko (431).

Other literature is present that also talks about variances in power-sharing agreement formality, where formality is defined as the level of institutionalization and rigidity of a power-sharing agreement. What I found most interesting about the case of Lebanon is the different role consociationalism played in the country over the span of a little more than half a century. Consociationalism, in the early days of the modern state of Lebanon (around the 1940’s) was hailed to be the

“solution” for alleviating its inter-religious tensions (454). The unwritten National Pact of 1943 was a three-fold informal agreement, based upon segmental proportionality, segmental autonomy, and foreign policy neutrality, created to address governmental vulnerabilities ignored by the French during their rule over the country (Zahar, 238). Additionally, it was the first attempt of the different religious sects to take accountability for their own actions (recognizing the need to stop leveraging their power through international actors) to ensure the stability and future of Lebanon as *their own* state (240). Nonetheless, as the years progressed and the demographic composition of Lebanon changed, in addition to uneven economic development among the different religious communities, religious elites refused to reassess the consociational structure of Lebanon, and instead used it for their own advantages (Salamey and Payne, 455). Salamey and Payne provide examples of elites taking advantage of their lack of accountability (due to the awareness that the National Pact and quota system were not susceptible to revision), one of which being the “division of the state’s resources, including money and jobs, on a sectarian basis” (455). As consociational Lebanon aged, it became evident that there was a least one point of consensus between the political elites, which was to keep state power in the hands of “political sectarian elites” and undermine measures to improve government “commitment to the public good” (455).

In summary, the National Pact of 1943, was an *informal*, mutually-accepted agreement, created by the different sectarian communities in an attempt to define and secure their role in Lebanon’s government structure.

Simultaneously, the National Pact was made to also ensure that the other sectarian groups would not seek outside help, in order to destabilize the country's balance into their favor. The National Pact, gave the Christian communities a political advantage, due to their slight majority (54% of the population), according to the 1932 census (455). While the Pact promoted stability in Lebanon during the forties, as the country experienced large influxes of Palestinian refugees after 1948 and a general greater increase in the Muslim population, the static National Pact did not accommodate demographic, and thus representational, changes in the country. Tensions arose between the sects, and lead to the outbreak of civil war, in 1958 and 1975. It is arguable that this was not the fault of the agreement, but rather the unwillingness of the different sectarian leaders of that time to compromise, that lead to civil war (Zahar, 239).

Conversely, the Ta'if Accords, brokered and implemented in 1989, was a *formalized* power-sharing agreement, that built off of the National Pact, but institutionalized consociationalism into domestic politics by redistributing power between the three major sects and seats in the Lebanese Parliament, in addition to redefining the relationship between Syria and Lebanon (233). The Ta'if Agreement:

Curtailed the powers of the Maronite President..., entrusted most executive powers to the confessionally-mixed Council of Ministers (thus yielding significant power to the Sunni Prime Minister), and increased the power of the legislature and especially that of the Shi`a House Speaker. Ta'if replaced the old 6:5 distribution of seats in Parliament by an equal distribution between Christians and Muslims; it also increased the number of seats in parliament from 99 to 108 and eventually to 128 (232).

Though Lebanon has not reverted to violence since the implementation of the Ta'if Agreement, its consociational agreement has not been as successful nor as well received as the National Pact of 1943, which had claimed the title for Lebanon, “the Switzerland of the Middle East” during the early forties (Safa, 24). In fact, due to its tolerant and cooperative confessional government during this time period, Lijphart described Lebanon as being one of the models of successful consociationalism (Seaver, 248). Nonetheless, scholars, such as Salamey and Payne, argue that Lebanon “continued to experience institutional collapse” despite its consociational arrangement (Salamey, 452). Salamey and Payne argue that one of the main causes of the Lebanese government’s failure is a “constantly recurring disagreement among confessional elites over power-sharing agreements” (452).

Nonetheless, through a review of literature on Lebanon, it is apparent that the role of international interveners in its political system, in addition to large shifts in its demographics (either through refugees influxes from the surrounding region or the migration of Lebanese citizens) have also affected the political dynamic in the country (Zahar, 243 and Salamey and Payne, 455). Salamey and Payne argue the fact that Lebanon’s population percentages are still defined in terms of the 1932 census, the determiner of power-sharing allocation between the seventeen different religious groups in Lebanon, the growth of the Muslim population since then and the decline of the Christian population, due to “progressive increases” in its migration to the West, are both largely ignored (Salamey and Payne, 455). Zahar makes the point that despite the promise of the

sectarian groups in the 1943 Pact to not draw in outside support to strengthen their respective groups, sectarian groups still “drew outsiders into domestic politics to redress internal inequalities” in addition to countering perceived threats (Zahar, 239). Rather, Lebanon became more susceptible to outside intervention, as evidenced by Syria’s increasing and deepening role in Lebanese politics, further institutionalized by Syria being declared as a protector of Lebanon in the 1989 Ta’if Agreement (245).

Drawing Conclusions from Discourse on Literature

As for my question, my review of the previous literature, particularly Arfi’s work, has left me with the realization that there are a number of understudied, and important, questions that need to be addressed regarding the role of ethnic elite cooperation on the effectiveness of consociationalism. As Lijphart and other scholars have mentioned, elite cooperation is one, if not the largest, determinant of a consociational democracy’s success, with success meaning the creation of a governmental system that is not politically immobilized (Lijphart, 213). But I believe the more important question is not how the elite cooperation effects the success of a consociational democracy but rather how the *structure of consociationalism affects* elite cooperation. What if consociationalism is implemented in a society with elites that are unwilling to cooperate and compromise? Does that mean the consociational structure is fated to fail, or are there mechanisms that can be implemented to encourage and motivate elites to cooperate within the system? Consociationalism is the de facto “tool” used to help

re-shape divided societies, which Roeder and Rothchild argue is cause for many of the political problems we see in many present-day consociational democratic countries (Roeder, 5). They argue that this is the case because consociationalism is designed and implemented in many circumstances without proper analysis of background circumstances or the composition, distribution, and interaction of the different ethnic groups (5). Thus, Roeder and Rothchild argue that consociationalism is sometimes implemented in a society that is not properly suited for such a governmental structure, causing further exasperation of ethnic cleavages and political problems (6-7). What sparked my interest after reviewing this piece was whether the cases of failed consociationalism are primarily due to the *nature* of the consociational agreement or rather the *unwillingness* of elites to cooperate and compromise. If the nature of the agreement spurs the unwillingness of the elite to cooperate, then changes must be made in the agreement in order to incentivize cooperation among the different ethnic groups. If the unwillingness of the elites was present before the agreement was created, then also, modifications to the agreement must be made to incentivize ethnic elite cooperation. Even though there are many external factors, which do not allow for a direct causal relationship between the aforementioned variables, that play a role in this question, it nonetheless helped to narrow my focus and allow me to construct my hypothesis, as I show below.

Discussion of Hypothesis

As is somewhat demonstrated in Binningsbø's piece, consociationalism has different effects on post-conflict societies when not treated as a monolithic structure: the varying presences of the four institutions that compose a consociational democracy (as outlined by Lijphart) had starkly different effects on post-conflict stability (in terms of the absence of violence) (Binningsbø, 23). Though Binningsbø's dependent variable was the presence of post-conflict outbreak of violence, and thus her measure of post-conflict stability, I believe the same logic can be used and applied to show how variations in consociationalism affect the efficiency of a post-conflict governmental structure. I will investigate how the type of a post-conflict consociational structure affects the efficiency of the government, one measure of which is ethnic elite cooperation. To narrow my independent variable, my "variation" in consociational agreements will be limited to variations in the *rigidity* of these agreements. I define rigidity as the level of formalization of a consociational agreement—whether or not the consociational agreement is formally institutionalized in a written agreement, such as in the Dayton Peace Accords/Constitution in Bosnia-Herzegovina, or informally adopted, such as in the 1943 National Pact of Lebanon.³ More specifically, I plan to investigate variations in the rigidity of minority vetoes between my two case studies. They are formally (e.g. written) allocated to the minority groups in Bosnia-Herzegovina and informally (e.g. understood, similar veto-like system

³ I will not be focusing on the 1943 National Pact specifically. This reference was for definitional purposes.

present due to strict ethnoreligious quotas) allocated to the minority groups in Lebanon. Thus, my hypothesis is that the more a minority veto is formally institutionalized in a post-war deeply-divided society, the more difficult it will be for ethnoreligious parties to cooperate.

Explanation of Independent Variable

I have decided to use the minority veto's, a type of power sharing mechanism, level of formality as my independent variable because of the following variations in my selected cases. In comparison to Bosnia-Herzegovina, who has clear veto powers for the three ethnic groups in both the executive and legislative branches (to use to protect each community's *vital* interests), there is no institutionalized "veto power" in Lebanon, other than that allocated to the President in the Lebanese Constitution, to use over any legislation approved by the parliament. As Shehadi and Mills describe in their chapter about Lebanon's implementation of consociationalism, "the 'mutual veto rule' appears to be operative in a practical if not strictly legal way, given the distribution of high offices among the major sects" (Shehadi and Mills, 227). Thus, the division of parliamentary seats and the troika act in a sense as the "mutual veto", particularly between the Sunni and Christians. However, other smaller minorities, such as the Druze and Shi'a, have less representation in government and public administration, and thus less prescribed leverage than that allocated to the Sunni and Christians. This is partly the reason why Hezbollah requested to have veto power as it rose to power after 2005 (and which was granted to it May 21, 2008)

(Bloomberg Article). Thus, the conflict that arose internally in Lebanon about factualizing and legalizing minority vetoes during this time is not a surprise since the Christians and Sunnis have in the past used the ambiguity of veto rights to their advantage, without addressing the need to ensure and allocate such rights to the Druze and the growingly influential Shi'a.

Thus, I will investigate how the difference in the minority veto's formality in both countries has affected elite cooperation, where Lebanon represents an example of an informal minority veto and Bosnia-Herzegovina represents a formal minority veto. Arguably, since there has been no explicit minority veto in Lebanon, we have seen the creation of cross-confessional alliances, when both of the minority groups share the same grievances or interests. These alliances shift with different interests and over time, and thus allow for greater variation in the makeup of these cross-confessional alliances. Thus, my independent variable is the formality of the veto rights allocated to the "major" ethnic groups (obviously not all minorities have veto rights, smaller minority groups are present in both Bosnia-Herzegovina and Lebanon, such as the Jewish and Druze communities respectively) and how that affects inter-ethnic political party cooperation (my dependent variable).

Operationalization of Dependent Variable

I believe investigating the level of ethnoreligious elite cooperation is a useful measure of the efficiency of a consociational regime. Consociational governments place a large emphasis on the allocation and division of power

between their different minority groups. Without cross-ethnoreligious elite party cooperation, it will be difficult to get both consensuses and laws passed, since no one group should theoretically have enough power to hold a majority and thus consistently pass laws without the cooperation, and approval, from at least one other ethnoreligious group. Thus, less cooperation between political elites from the three primary ethnic groups can be indicative of a poorly functioning governmental system, specifically when such lack of cooperation hinders and affects the functioning of the government. I will focus mostly on the process of shared governance in the legislative branch of both governments to measure levels of inter-ethnoreligious elite cooperation.

I will analyze the legislative proceedings for a 13-month period, 13 years and 18 years after the implementation of Bosnia-Herzegovina and Lebanon's consociational agreements, respectively. The most important reason for this selection is to allow for enough time to have passed since the initial heavy-handed international intervention both countries experienced after their respective wars to see more clearly how consociational mechanisms affected political elite cooperation. Though both countries still have a large international presence to this day, and thus a variable that cannot be completely controlled for, I nonetheless believe that analyzing more recent laws will at least help to bring to light the waning power of international actors and provide a short enough time frame to see variations in both countries' consociational democracy effectiveness. Thus, for Bosnia-Herzegovina, I will analyze laws from June 1, 2008 to June, 30,

2009. For Lebanon, I will analyze laws from September 1, 2008 to September 30, 2009.

Sources of Data and Methods

I will look specifically at laws that were passed and not passed in Bosnia-Herzegovina, while only analyzing laws passed in the case of Lebanon. I understand there will be both data and time limitations that will constrict me in conducting a holistic analysis of all the laws passed and not passed in both countries' 13-month period: I do not have access to information about laws not passed in Lebanon, for example. Nonetheless, I have created a coding scheme to analyze the controversy around a law, e.g. whether or not it falls into a controversial sector. Non-controversial laws, in theory, should not incite ethnic tensions, since they are for the betterment of the country as a whole. Thus, they should not have enough grounds to spark the fear of marginalizing an ethnic group's power or interests.

Additionally, it will also be important to look at laws passed and not passed in theoretically controversial sectors, to see whether *there is* any sort of cooperation over time regarding these matters. In fact, controversial-sector laws that are passed, may be more favorable to my argument: the fact that ethnic groups are willing to help pass a law that is beneficial to another ethnic group shows an attempt to alleviate ethnic cleavages in the political realm. Though this may be an outlier scenario, it would nonetheless be interesting to see if it does exist in my two case studies. A complete discussion about my theoretical

argument about the theoretical and literature behind picking these controversial law sectors, in addition to a detailed outline of my methodology, can be found in Chapters 3 and 4.

I plan to use both countries' online parliamentary archives, in addition to the Office of the High Representatives Parliamentary Minutes for Bosnia-Herzegovina's Parliamentary Assembly. I also have fieldnotes and interviews from my time spent in Bosnia-Herzegovina and Austria this past summer, 2009. Though these interviews mostly deal with subjective perceptions of the government's efficiency there, I believe I will need to include at least a brief mention of how the constituents perceive their governments in both countries as a counterbalance to my objective research.

Chapter 2
Discussion of Case Selection and Delving into the Importance of Minority Vetoes in Consociational Governments

I considered many cases of consociational governments when I decided which countries to select, ranging from well-established examples of consociationalism (e.g. Austria and Belgium) to more recent consociational governments (e.g. Rwanda and Afghanistan). Nonetheless, I chose Bosnia-Herzegovina and Lebanon because both countries have had similar post-conflict circumstances that I can control for, allowing me to focus on the varying levels of rigidity in their respective power-sharing agreements. Thus, by analyzing these two countries, I aim to not only highlight the similarities these two countries share, but also to use these similarities to strengthen my argument by controlling for a significant number of important variables. The following are the controls that I will use in my theory and analysis. Both countries have: 1) experienced ethnic wars, 2) had large, undocumented (i.e. no post-war censuses) demographic shifts, 3) ethnoreligious quotas in their governments, in addition to having parliamentary seat reservations for the respective ethnoreligious groups, 4) an extremely decentralized governmental structure, 5) experienced heavy-handed international intervention (both internationally and regionally), and 6) the largest network of international non-governmental organizations (NGOs) in their respective regions.

Control 1: Similarity in Ethnic War Outbreaks

Both Bosnia-Herzegovina and Lebanon have had ethnic wars among their chief communal groups that caused political intervention and penetration from neighboring countries, in addition to international actors establishing systems of semi-protectorates in their post-conflict eras—though varying in nature in both countries (Chandler and Zahar). The dissolving of Yugoslavia and the subsequent power vacuum and power-grabbing that emerged among the national leaders of the break-away regions caught Bosnia-Herzegovina in the middle of the worst war to emerge in Europe since World War II. There have been several different explanatory approaches regarding the reasons behind the outbreak of violence in Bosnia-Herzegovina in April 1992 (Burg and Shoup, 33). The simplistic approach used by some scholars, journalists, policy-makers—those with no expert historical or cultural knowledge of the region—painted the violent outbreak of war as one that was primordial in nature and wrongly assumed that there was pre-existing ancient hatred between the different countries which festered until its breakpoint in the 1990's (Gagnon, 1). Such commentary on the Yugoslav wars overlooked Yugoslavia's post-World War II history of ethnoreligious stability and political consolidation.

As quickly as the ethnic fighting broke out during World War II between the Croatian Ustaša and the Serbian Cetniks, the Communist Partisans were able to heal those cleavages with the same speed and consolidate the warring groups into the country that became a beacon of heterogeneity and ethnic inter-mixing.

Compared to the other communist states in the Soviet bloc at the time, the League of Communists of Yugoslavia favored an untraditional approach to communist rule. Topics such as the discussion of minority representation and recognition (e.g. regarding the Muslims in Bosnia) were a key component of the communist government's strategy for regulating ethnicity (Burg and Shoup, 41). Communism in Yugoslavia became increasingly less centralized over time, eventually evolving into a system of loose federalism under Tito (44). Nonetheless, self-interested political elites in the 1990's, who felt threatened and challenged by the collapse of communism and governmental transitions, used violence as a means to redirect "the focus of politics towards a purported threat" (Gagnon, 8). Thus, the root of the ethnic war in Bosnia-Herzegovina was not a manifestation of a pre-established bitter feud between the different ethnoreligious factions, but rather a mechanism used by the threatened elites at the time to secure their own positions, to reconceptualize the former Yugoslav countries, and to ascertain their envisioned status quo.

For over three decades, Lebanon experienced a non-continuous civil war that officially ended in 1990 with the signing of the Ta'if Agreement. Nonetheless, there was a clear distinction between the different rounds of the civil war, with the largest escalations of sectarian fighting in Lebanon beginning in 1958, 1975, and 1982. Lebanon's ethnic war, even though it lasted for a much more prolonged period than that of Bosnia-Herzegovina's (1992 – 1995), still exemplifies the same underlying characteristic of the Yugoslav wars – the use of violence as a tool to create a system favoring otherwise threatened political elites.

Nevertheless, just like Bosnia-Herzegovina, Lebanon was not a faltering state on the brink of collapse at the outbreak of its civil war. Rather, Lebanon made great strides in its recent pre-civil war history to heal old tensions and embrace its ethnoreligious plurality. Due to the official recognition of the necessity of shared governance in the country, the National Pact of 1943 named Lebanon “the Switzerland of the Middle East” (Safa, 24). In fact, as mentioned in the previous chapter, due to its tolerant and cooperative confessional government during this time period, Lijphart described Lebanon as being one of the models of successful consociationalism (Seaver, 248). Yugoslavia during the Titoist period was similarly hailed by the West as the “shining star of Eastern Europe” because of its higher levels of travels to the West and its greater acceptance of Western values than other Eastern European governments at the time (Gagnon, 8).

The initial outbreak of civil war in Lebanon in 1958 was due to a changing regional environment that both pressured and worried the political elites in power at that time. Rapid demographic changes in both the Christian and Muslim communities heightened political elites’ ambitions to keep the 1943-status quo in place, at the expense of addressing the changes happening within the country. This parallels my previous discussion regarding how surrounding circumstances—like communism’s loss of traction in the 1990’s—influenced nationalistic elites’ decision-making during the break-up of Yugoslavia. More specifically, Winslow explains that the Suez Crisis of 1956, the implementation of the Eisenhower Doctrine in 1957, and the formation of the United Arab of Republic in 1958 worked together to make the Chamoun administration in

Lebanon feel threatened both from internal and external pressures (Winslow, 107).

Control 2: Large, Undocumented Demographic Shifts

Additionally, both countries have not had any recent censuses, particularly in the periods after their wars. As my fieldnotes from Bosnia-Herzegovina describe, this is a political tool used by elites of the historical majority ethnic communities to deny the existence of demographic changes that they fear would strip their community of power. The lack of an updated census in Lebanon acts as a source for disgruntlement by the perceived “new” majority ethnoreligious group, who would like more political recognition (Salamey and Payne, 455). Additionally, the lack of a recent census in Bosnia-Herzegovina undermines reporting and factualizing the effects of ethnic cleansing that took place during the war. Still, despite not having national censuses to document the changes in each ethnic group’s population, there is no denying that large demographics shifts did occur in both Bosnia-Herzegovina and Lebanon due to their wars. The changes are largely due to war-related death and casualties and the mass fleeing of refugees out of both countries during and after their respective conflicts. Again, even though Lebanon has gone for much longer than Bosnia-Herzegovina without an official census—the last government-conducted census in Lebanon was in 1932 compared to 1991 in Bosnia-Herzegovina—both countries have the same underlying reasons as to why the political elites are not advocating for updated censuses.

According to the 1991 census, Bosnia-Herzegovina had a population of 4.3 million, 41 percent of which was identified as Muslim, 31.4 percent as Serb, 17.3 percent as Croat, and 7.6 percent as other (Walsh, 57). However, rough surveys taken by the UNHCR and the Economic Institute in Sarajevo estimated that at the end of the conflict in 1995 the population of people living in Bosnia-Herzegovina was reduced to 2.9 million people and that nearly 1.3 million people (about 28 percent) of the pre-war population were now living outside of the country as refugees (Prašo). Though the overall population ratios remained nearly the same (44 percent Bosniak, 34 percent Serb, and 16 percent Croat), the dispersion of the different ethnic groups within the country was starkly altered. Notably, the creation of the predominantly-Serb Republika Srpska by the end of the war served as a grim reminder of the ethnic displacement and cleansing that took place in the once ethnoreligiously porous country.

Due to exterior (i.e. displaced refugees from the Palestinian-Israeli conflict) and interior forces (i.e. increasing emigration of its Christian community), Lebanon also experienced large alterations in its demographic makeup. Unlike Bosnia-Herzegovina's abrupt change in its ethnoreligious composition, the changes in Lebanon's societal structure took place over a longer period of time and thus were a cause for rising tensions between the different ethnoreligious communities. Both countries, though, have vulnerable ethnoreligious communities (the Croats in Herzegovina and the Christians in Lebanon) that fear an updated census will shed light on their post-war diminishing numbers—which are mostly due to the faster growth of other communities and

their own community's emigration into other countries—and provide justification for their need to relinquish some of their now unproportional power. Nonetheless, as I mentioned before, it will be difficult to ascertain the demographic shifts at the national level in both countries without a recent census. But with domestic government information about pre- and post-war demographics as well as information about refugee fluxes and information gathered from other scholars, I believe I can control for demographic changes in both countries as a part of my research analysis.

Control 3: Ethnoreligious Quotas in Government and Parliamentary Seat Divisions

Another control is that both countries have quotas and parliamentary seat divisions for each ethnoreligious group. In Bosnia-Herzegovina, there are 15 delegates (5 from each group) in the House of Peoples and 42 members in the House of Representatives with two-thirds from the Federation and one-third from the House of Representatives (Bosnian Constitution). Compared to the previously present 6:5 ratio between Christians and Muslims respectively, the Ta'if Agreement in Lebanon stipulated that parliamentary seats would be divided 50-50 between Christians and Muslims (Lebanese Constitution). Also, both Bosnia-Herzegovina and Lebanon have a similar decentralized governmental structure. In Bosnia-Herzegovina, after the entity division, there are cantonal, municipal, and local government divisions in the Federation. Lebanon is divided into

governorates which are then divided into districts (the Beirut governorate is not subdivided into districts), which are in turn also divided into municipalities.

Ethnoreligious identity plays a large role in both countries' governments. The representation and distribution of the different ethnoreligious identities is present in every level of government in both countries – each level has at least some sort of requirement, if not specified quotas, regarding the distribution and allocation of representation for the different ethnoreligious groups. Since my thesis focuses on the national level of government in both countries, I will spend time here discussing the role of ethnicity at that level. Bosnia-Herzegovina's entities reinforce the post-war ethnoreligious distribution of the country. The Federation is predominantly Bosnian Croats and Bosniaks while the Republika Srpska is predominantly Bosnian Serb. Thus, the political parties that represent each entity, particularly in the National Parliament, also reflect the ethnoreligious constituency of their respective entity. Similarly, the Lebanese national government reflects both geographic distributions of the different confessions, in addition to proportional representation based upon population (though as mentioned in the previous section, based upon the 1932 census). The executive troika, consisting of a Maronite Christian President, Sunni Prime Minister, and Shi'a Speaker of the House, is similar to the tri-ethnic presidency in Bosnia-Herzegovina. Additionally, the National Parliament's seats reflect not only the populations of each community but also their location – each Lebanese governorate has a pre-defined number of representatives that must be elected from it, representing its ethnoreligious spread. Finally, the dominant political parties

in Bosnia-Herzegovina and Lebanon are both nationalistically-based. They represent the three largest ethnoreligious groups in each country and they, for the most, wield the greatest power and influence in the political arena.

It is important to note that even though both countries are consociational democracies, Bosnia-Herzegovina is a variant of a presidential democracy whereas Lebanon more closely resembles a parliamentary democracy. The key difference is the executive branch's role in the parliamentary and legislative process: the executive branch in Lebanon plays a greater and more involved role, when compared to Bosnia-Herzegovina. These intricacies will be discussed in further detail in each respective case study chapter. Nonetheless, for the purposes of my research, I am looking at variations in the use of the minority veto in the national assemblies of both countries. Thus, I am more focused on the logistics of the parliamentary process itself, rather than its role in the whole government.

Control 4: Heavy-Handed International Intervention and Large NGO Networks

As mentioned before, both countries have experienced heavy-handed international intervention since the end of their wars. Regionally, the largest interveners in Bosnia-Herzegovina's case are Serbia and Croatia. In Lebanon, they are Syria, Israel, and the Palestinian territories. Internationally, both countries have had strong UN systems in place (from peacekeeping missions to human and refugee assistance). Both countries experienced fighting up until the creation of both internationally-brokered peace agreements. Due to this large

international presence, both countries have the largest non-governmental organizations (NGOs) networks in their respective regions. There are more than 1,000 registered NGOs in Beirut alone (Lebanon APS, 18). Thus, both countries have had a heightened and prolonged role of international and regional monitoring and influence than other post-conflict societies – i.e. shorter UN peacekeeping missions in Croatia, Cambodia, and Rwanda. This arguably changes the dynamic and capacity of local institutions since there are international institutions working on the same issues. This in turn marginalizes the self-sustainability of many of the local institutions. The lack of coordination within the international community in both these countries further exasperates the development of local institutions because there is no definitive mandate or recommendation for improvement provided at all times. Nonetheless, a difference exists between these two countries. Bosnia-Herzegovina has an Office of a High Representative, in which the internationally-sponsored High Representative (nominated by the Steering Board of the Peace Implementation Council and endorsed by the United Nations Security Council) wields significant power in Bosnia-Herzegovina's government, including the ability to impose and reject laws. Lebanon does not have such an explicit representation of the international community's voice present in its government but nevertheless still shares the same consequences of such strong exterior power within its country. The Ta'if Accords' enumeration of rights to Syria, in order to "monitor" the Lebanese government, created a similar political situation to that of Bosnia-Herzegovina, in which an exterior force (Syria) could intervene in the Lebanese

political system. Thus, even though the role of foreign actors in Lebanon is more implicit than that in Bosnia-Herzegovina, foreign actors still play a large role in the functioning of both of these countries.

Chapter Conclusions

I hypothesize that more formal minority vetoes lead to less ethnic elite cooperation in post-war societies. My case studies of Bosnia-Herzegovina and Lebanon were selected based upon the aforementioned variables that I could control for. Lebanon represents an example of a country with an informal minority veto as understood through the strict quotas placed on its government and administration. Bosnia-Herzegovina, a country with a very rigid consociational structure represents a country with a formal minority veto.

The next chapters will discuss the operationalization of my dependent variable. By analyzing laws passed regarding sectors that are theoretically not subject to ethnic tensions, as well as laws that are in theory subject to such tensions, I plan to portray how elites cooperate in both contexts and more importantly how the rigidity of the minority veto plays into the passage of such laws. Thus, my dependent variable, the cooperation of elites, is a subset indicator of the government's efficiency at large. After my research and analysis, I plan to also briefly discuss the implications of my theory in terms of other consociational societies since it is not possible to generalize my conclusions from only two case studies.

Chapter 3
Empirical Analysis of the Parliamentary Assembly of Bosnia-Herzegovina

The legislative procedure in consociational democracies requires cooperation between the various ethnoreligious groups within them in order to function. The institutional engineering and set-up of consociational legislatures aim to avoid “majority rules” that are associated with the traditional, majoritarian notion of democracy. The inclusivity of, and quotas for, the different minorities in the legislative branches of consociational democracies, in addition to the rules of procedures that usually call for a voting framework based upon plurality (of at least the major ethnoreligious groups), rather than majority of votes are but a few ways that consociational democracies differ in their approach to democracy. Nonetheless, as Samuel Barnes states, “[d]emocracy is an institutionalized process of decision making and societal learning, not a substantive formula for a regime” (Barnes, 89). Thus, there is no one set definition of what a democracy can, or should, be. Every country’s democratic regime should be tailored to match its social, economic, and cultural traditions, a lengthy and involved process that requires an in-depth understanding of the different roles these facets of society play. Therefore, post-conflict agreements, e.g. consociational arrangements, are subjected to sacrificing lengthy analysis of a country’s multifaceted traditions for the sake of quickly ending its conflict. Barnes makes an important conclusion about the importance of cultural assumptions in post-conflict governance: these cultural assumptions, specifically cultural identifiers (e.g. religion, ethnicity, socioeconomic class) are “better conceived of as biases

that elites can manipulate and exploit than as conditions that prescribe a particular pattern of behavior” (90). In post-conflict settings, where the governmental structure is fairly new and not long established, this exploitation of societal identity is used to fulfill an individual’s or group’s goal even though such incentivized behavior may not be beneficial to the society as a whole. Such rational political egoism may even jeopardize the functioning of the state, where incentivized political actors “...interpret the rules to meet their goals when they can” (92). Thus, in order to establish a viable democratic system in post-conflict societies, institutions **must** play a role in dissuading political elites from pursuing their own interests and work within the realms the established institutions intended for shared governance. Nevertheless, for my case studies of Bosnia-Herzegovina and Lebanon, both countries have yet to achieve this level of institutionalized governmental efficiency. Thus, since ethnoreligious interests still play a prevailing role in both countries’ government, it is imperative to delve into the role that ethnic interests play in governance.

Theoretical Argument About the Relevance of Controversial and Non-Controversial Law Sectors in Consociational Democracies

To analyze the role of ethnic interests in post-conflict consociational governments, I have created a coding scheme that signifies whether a law falls into a controversial or non-controversial law sector. My six controversial sectors, numbered cardinally, are:

1. Education
2. Religion
3. Identity Symbols
4. Refugee and Asylum Seekers
5. Territorial Distribution and Claims
6. Ethnic Representation in Government

These six law sectors were chosen due to the ethnoreligious connotations they carry in consociational societies, based upon both the theoretical arguments and research present in the literature on consociationalism. Education can be a useful tool “to create harmony within a nation of divergent peoples” (UNICEF, 6).⁴ Nonetheless, in post-conflict setting, *ethnocide*:

[t]he process whereby a culturally distinct people loses its identity as a result of policies designed to erode its land and resource base, the use of its language, its own social and political institutions, as well as its traditions, art forms, religious practices and cultural values (Stavenhagen, 1990)

is a common fear of minorities, particularly in the event of a new post-conflict regime that must rebuild its educational system. Additionally, the manipulation, distortion, or false creation of history is not an uncommon procedure that political elites force onto already ethnicized education (UNICEF, 12-13). Even unintentional omissions or recreations of historical narratives can happen in both pre-set (e.g. curriculums) and spontaneous circumstances (e.g. during classroom education, by teachers). Thus, the historical and political power education wields can make it a highly controversial sector, particularly in deeply-divided societies that do not have a nationally unified educational system and curriculum. Laws that deal with education in such contexts need to find a common denominator so

⁴ In this thesis, education here refers to pre-university education (i.e. primary and secondary education).

that all parties involved do not feel that their historical narrative, group, or identity is being marginalized or omitted. This also applies to laws that deal with religion and symbols of identity (i.e. identification cards, voter registration cards, censuses etc. where religious denomination or ethnic background may be noted), though on a more direct level. Laws that are relevant to either of these two sectors can reignite tensions related to the underlying, and for the most part, ingrained, norm of identifying citizens in consociational societies: through asking each citizen to identify themselves with a religion or ethnicity. This forced identification in a sense evokes cries from non-nationalistic parties to create citizens of the “state,” whereas nationalistic parties prefer to see the continuation of such segmented identification within the state, since it ensures their survival.

Territorial issues can spark controversy because of the sensitive nature of the population balance and dispersion in post-conflict societies. The separation of different ethnoreligious groups into separate territorial units is proposed by Kaufmann as a way to alleviate the tensions in deeply-divided societies. Nonetheless, the notion of separating and “unmixing” these once-destabilized heterogeneous societies, even if enacted on a small scale (i.e. one city, one district, etc.), is one that can evoke strong reactions among political elites. Population and land transfers are by no means an easy or desirable way of dealing with the problems that arise within deeply-divided societies, nor are they proven to guarantee long-term stability and compromise. A notable example of separation “gone awry” is the bloody partitioning process of Punjab and Bengal in British India during the late 1940’s (Bose, 178). Finally, laws dealing with ethnic

representation in government can also stir up controversy due to their proposition to amend the crafted balance of minority representation in government. Thus, any changes, even if necessary, such as reallocating seats due to population shifts, would create clear winners and losers. Since my emphasis is on controversial laws, all laws that did not fall under the aforementioned controversial sectors were lump coded as (9), non-controversial. Additionally, there was an *unclear* code (99) to be used for: a) laws whose controversiality could not be deciphered through analyzing just the title of the law and b) laws which spanned several groups and therefore could not be coded under just one sector.⁵

Sources and Research Approaches

This controversial/non-controversial coding scheme was used to code all the laws passed and not passed in Bosnia-Herzegovina's Parliamentary Assembly between June 1, 2008 and June 30, 2009. The sources for these laws were the official list of laws passed from the BiH Parliamentary Assembly website and from the Office of the High Representative's Parliamentary Minutes. The focus of my empirical research is on Bosnia-Herzegovina. A similar empirical analysis of Lebanon's parliamentary proceedings is not possible due to severe data limitations; there is no publicly available record of laws not passed or of party voting for the adoption and non-adoption of laws. Nonetheless, I will employ a quasi-qualitative research methodology to analyze my Lebanese case by

⁵ These laws are noted in the tables and counted in the population of laws, but not in the total of laws passed/not passed, to avoid wrongly skewing the data analysis.

analyzing the laws passed and combing my findings with literature and general observations made about the functioning of the Lebanese Parliamentary Assembly. This tri-fold quasi-qualitative approach will help to flesh out the how Lebanon's informal minority veto structure affects its legislative process and in particular, what law sectors are subject to frequent vetoing and non-adoption.

The Parliamentary Process of BiH

The Parliamentary Assembly of BiH is bicameral, consisting of an upper house – the House of Peoples – and a lower house – House of Representatives. The House of Representatives has 42 members (2/3, 28 members, from the Federation, 1/3, 14 members, from the Republika Srpska) (Article III, Section 2, BiH Constitution). Members of the House of Representatives are directly elected from their respective entities. A majority from all the members in the House of Representatives suffices as a quorum (Article III, Section 2, BiH Constitution). The House of Peoples is smaller, and has an indirect election process for its members. It is comprised of 15 members, again with 2/3 of its members from the Federation (5 Croats, 5 Bosniaks) and 1/3 of its members from the Republika Srpska (5 Serbs). These delegates are *selected* by the respective national assemblies of each entity: the House of Peoples of the Federation elects the Croat and Bosniak delegates and the National Assembly of the Republika Srpska elects the Serb delegates (Article III, Section 2, BiH Constitution). A quorum in the House of Peoples consists of nine members—however, it is only a quorum if there

are at least **three** members of each community present (Article 61, Rules of Procedure for the HoP).

Proposed laws are introduced in the House of Representatives where they must pass through a committee review and a first and second reading. The House of Peoples has an equal process of law review. Nonetheless, the House of Peoples has the final say on whether or not a law is to be adopted. It is important to note that Houses are divided into entities, the Federation and the Republika Srpska. As will be discussed below, entity approval is weighed more heavily than majority approval – even with a majority of votes, if “[t]he majority of votes does not contain one-third of the votes of Delegates from the territory of each Entity,” the law cannot be adopted (Article 79 RoP of the HoR and Article 73, RoP of the HoP). This lack of entity consensus acts as the veto mechanism for each entity.

In both Houses, laws can be rejected due to two conditions: 1) failure to reach a majority or 2) blockage due to the lack of one-third of the votes from each entity. In other words, laws can be rejected due to “majority vetoing” or “entity vetoing” (Kunrath, 5). Nevertheless, if entity vetoing is invoked for a proposed law, the law is not automatically rejected – “the Collegium shall, working as a commission, strive to reach an agreement within three days” (Article 80, RoP for the HoR and Article 74, RoP for the HoP). During the stage of “harmonisation,” if the Collegium (consisting of the Chairman and the First and the Second Deputy Chairman of the House) reaches an agreement, the Delegates are informed, and the law is adopted (for that reading). If the Collegium does not reach an

agreement, the proposed law is sent back to the floor for a second round of voting. This applies to both Houses, where “decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates elected from either Entity” (Article 80, RoP for the HoR and Article 73, RoP for the HoP). Even with this increased requirement for entity vetoing (2/3’s versus 1/3’s) in the second round of voting, during the 13-month period from 2008 to 2009, most laws still reached the required number of votes to invoke an entity veto and were thus rejected. During my time frame of analysis, of all the laws that made it to a second round of voting, 15 were rejected, whereas 1 was adopted in the House of Representatives. In the House of Peoples, of the 5 laws that made it to the second round of voting, only 1 was adopted.

Though the legislative processes in both Houses are similar for the most part, there are nonetheless two major differences. As Kunrath notes, the House of Representatives’ Rules of Procedure were amended in 2007 to improve the previous process of harmonisation (Kunrath, 6). Before the amendments, even when the Collegium reached an agreement, it was still obligated to send the law back to the floor for a second round of votes, subjecting it to the possibility of being rejected by entity vetoing once more (6). Though this part of the harmonisation process has been amended in the House of Representatives’ Rules of Procedure, the House of Peoples has not undergone a similar reform. Secondly, in the House of Peoples, there is the possibility for a law to be rejected by the invocation of a “vital interest veto.” As defined in Article 161 of the Rules of Procedure of the House of Peoples, “[a] decision proposed by PABiH may be

declared detrimental to the vital interest of Bosniak, Croat, or Serb people by the majority by the Bosniak, Croat, or Serb members.”⁶ If such a veto is invoked, a joint committee, comprising three delegates (a Bosniak, a Croat, and a Serb, each one selected by the respective community’s Delegates) has five days to resolve the issue (Article 4, Section 3, BiH Constitution and Article 162, RoP for the HoP). If the committee is unsuccessful in resolving the issue, the law in question is submitted to the Constitutional Court of BiH, to review whether the community group’s vital interest was in fact infringed upon (Article 192, RoP for the HoP).

For the time frame of this study, no vital interest vetoes were invoked by the House of Peoples. The lack of the use of vital interest vetoes in comparison to entity vetoing is understandable for several reasons. First, the vital interest vetoes do not have the ability to thwart the passage of legislation, as entity vetoes do – if the Constitutional Court deems that the law does not threaten the interest of the community in question, then the law can still be adopted via the second round of voting. Additionally, since there is no formal definition of what constitutes a community’s vital interest, the invokers of the vital interest veto are playing an uncertain game when they propose that a law threatens their interests. Much room is left to the Constitutional Court to decide whether or not a law threatens the proposing group’s interest and thus the proposing group cannot be certain that they would win the case if the law makes it to the Constitutional Court. Thus, as

⁶ PABiH stands for the Parliamentary Assembly of Bosnia-Herzegovina.

found in the comprehensive study on BiH's parliamentary process from 1997-2008 by Professor Kasim Trnka and as noted by Kunrath in her Council of Europe report, the vital interest veto has only been invoked *four* times in eleven years (Kurath, 7).

It is interesting to mention that there have been several suggestions as to what sectors might be relevant to the invocation of a vital interest veto. In the amendments to Article IV of the BiH Constitution, the following list was provided, to describe possible sectors that “may invoke” a vital interest veto:

1. The rights of all three constituent peoples to be represented in legislative, executive, judicial authorities, and to have equal rights to be involved in decision-making processes;
2. The identity of a constituent people;
3. Territorial organization;
4. Organization of the bodies of public authority;
5. Education;
6. Use of languages and scripts;
7. National symbols and flags;
8. Spiritual heritage, particularly the fostering and affirmation of religious and cultural identity and traditions;
9. Preservation of the integrity of Bosnia and Herzegovina;
10. Public information systems;
11. Amendments to BiH Constitution (Article IV amendments, Section 12, BiH Constitution).

My controversial sectors – education, religion, identity symbols, territorial distribution and claims, and ethnic representation in government – are embodied in the suggested list of vital interest sectors. My sector of refugee and asylum seekers, though it does not appear in the aforementioned list, can still be argued to be controversial in nature due the implication refugee returns carry for population distribution among the different ethnoreligious communities. Sustainable refugee

returns, in the case of Bosnia-Herzegovina, is a means to try to “undo” the effects of ethnic cleansing perpetrated during the war (Eastmond, 142). The topic of refugee return, though not as visible as it was in the years directly after the war (the initial wave of refugee return was between 1996 and 1999), is still cause for ethnic debate when mentioned (Tuathail, 10). For example, a Proposed Revised Strategy for the implementation of Annex VII of the Dayton Peace Accords, rejected by an entity veto from the Republika Srpska in its second reading, was an attempt to discuss how to ensure the construction of housing units for returned refugees in order to help create more sustainable returns (52nd session, Item 15, OHR Parliamentary Minutes). Annex VII was the provision in the Dayton Peace Accords that aimed to reverse “the demographic consequences of ethnic cleansing” (Tuathail, 8). Nonetheless, its emphasis on freely allowing anyone to return to their home of origin, in addition to property compensation, evoked many difficulties in its implementation process, particularly in areas where an ethnic group was a majority before the war only to become a minority after the war (i.e. Zvornik (Bosniak returnees), Travnik (Croat returnees), and the Una-Sana region (Serb returnees) (11).

Coding Process

My coding process consisted of going through all the parliamentary sessions of both Houses between June 1, 2008 and June 30, 2009: sessions 29 to 55 for the House of Representatives and sessions 17 to 31 for the House of Peoples. I only analyzed the actions taken for proposed and adopted laws in my coding analysis – my coding did not extend to the Houses’ conclusions on

appointments, resolutions, decisions, approvals for ratification, etc. For each law, I coded it in terms of its controversial/non-controversial law sector, and marked whether it was adopted or rejected, and in which reading such a decision was made. If a law was rejected, I noted whether it was due to majority vetoing or entity vetoing. If entity vetoing was the reason a law was rejected, I noted which entity (the Federation or the Republika Srpska) invoked the veto. If a law was adopted, I noted whether it was adopted under normal procedure or whether it was adopted after harmonisation or under urgent procedure. If it was adopted under urgent procedure, I marked it as being adopted in the second reading, since it did not have to pass the normal process of two readings.

For the purposes of this more recent study, I used the parliamentary minute summaries as provided by the Office of the High Representative (OHR). The official parliamentary minutes, as available on the BiH Parliamentary Assembly (PA) website, only cover the parliamentary sessions held between 1996 and 2006. Thus, it would not be possible to use the official parliamentary minutes for this study. Though the information was not always complete in the OHR parliamentary minutes, particularly regarding voting distribution, e.g. the number of votes in favor, against, and abstained for a law, and party voting, the official parliamentary minutes on the PA website also did not follow a consistent pattern of voting summarization. Nonetheless, there was a fair amount of reported votes to conduct some analysis of voting distribution. If reported, I noted all the votes in favor, against, and abstained for each law, in addition to the political parties and their respective voting on a particular law. Concerning entity vetoing, I noted

the number of votes, either for or against a law, from both the Federation and the Republika Srpska and the political parties involved in such voting, when reported. Additionally, if a second round of votes was undertaken for a law, I similarly gathered all the available voting information. I took note of all the available voting information for both laws adopted and rejected in each House.

It is important to note though that I analyzed *every* instance of voting on proposed laws. I analyzed laws in each reading level and at all stages of consideration, which is particularly relevant to laws that were subject to rejection, since there are several tiers of consideration that are only applicable to rejected laws. Thus, I analyzed laws that were rejected, rejected and sent back to the committees, rejected and harmonized, and rejected and not harmonized. I make this distinction clear to bring awareness to the fact that my study strives to show the mechanics of inter-ethnic interactions in the BiH PA, rather than just relaying how many laws are passed/not passed, and not considering laws that were sent back to the committee. If I had done the latter, I would have only analyzed “truly” rejected laws, since laws that are sent back to the committee for additional review are not actually rejected—they can be salvaged in the committee review. Nonetheless, disregarding laws sent back to the committee would also mean that I would have overlooked the voting processes that are involved in more thorough law reviews. By analyzing the intricacies of the voting process in the PA, I plan to shed more light on role of ethnic voting as a law passes, or does not pass, through the various levels of consideration in both Houses. This allows me to follow inter-ethnic cooperation, or lack thereof, as it unfolds across different parts

of the voting process. Though I do make note of the finalized number of laws adopted and not adopted, this study is an overall analysis of *all* voting instances on draft laws in this 13-month period of investigation.

Findings

My findings aim to discover to what extent ethnic vetoing, e.g. vital interest vetoes or entity vetoing, is used in controversial sectors, in comparison to non-controversial sectors. Theoretically, we should see ethnic voting being used far more in controversial versus non-controversial sectors, for the reasons discussed in this chapter's theory section. To test such a hypothesis, the following crosstabulations were made:

Table 1: Laws Rejected in Different Readings in the Bicameral Parliamentary Assembly of BiH takes a look at the number of laws rejected by sector in both the first and second readings in both Houses, and notes whether a law was rejected due to majority or entity vetoing.

Table 2: Laws Adopted and Laws Not Adopted in the Bicameral Parliamentary Assembly of BiH notes the overall number of laws adopted and not adopted in each law sector in both Houses.

Tables 3 and 4: Party Voting on Laws Not Adopted show the number of laws, sub-divided by sector, each political party voted for, against, or abstained from in each House respectively.⁷

Tables 5 and 6: Actions to Laws in First Reading show the number of laws in each law sector in the first reading that were adopted, rejected by ethnic voting, and rejected by majority vetoing in each House, respectively.

Tables 7 and 8: Actions to Laws in Second Reading show the number of laws in each law sector in the second reading that were adopted, rejected by ethnic voting, and rejected by majority vetoing in each House, respectively.

Tables 9 and 10: Percent Voting Distribution on Laws Adopted in First Reading show the average margin of votes that laws in each sector were adopted by in the first reading of both Houses, respectively.

Tables 11 and 12: Percent Voting Distribution on Laws Adopted in Second Reading show the average margin of votes that laws in each sector were adopted by in the first second of both Houses, respectively.

⁷ See Annex I for information about political party distribution in the House of Representatives in addition to the definition of acronyms of the various political parties.

Table 1: Laws Rejected in Different Readings in the Bicameral Parliamentary Assembly of BiH⁸

June 1, 2008 – June 30, 2009

Source: OHR Parliamentary Minutes

Law Sector <i>n</i> = 64	House of Representatives (Lower House) <i>n</i> = 48				House of Peoples (Upper House) <i>n</i> = 16			
	Rejected in 1 st Reading by EV in HoR	Rejected in 1 st Reading by MV in HoR	Rejected in 2 nd Reading by EV in HoR	Rejected in 2 nd Reading by MV in HoR	Rejected in 1 st Reading by EV in HoP	Rejected in 1 st Reading by MV in HoP	Rejected in 2 nd Reading by EV in HoP	Rejected in 2 nd Reading by MV in HoP
<u>Controversial</u>	3	1	4	1			1	
Identity/ Symbology	1	1	1				1	
Territorial Issues			1					
Ethnic Representation in Government	2		2	1				
<u>Non- Controversial/ Other</u>	16	4	11	7	8	3	2	1
Unclear			1				1	
TOTAL (Shaded Rows)	19	5	15	8	8	3	3	1

Table 1 is an overview of all the laws rejected in both Houses during this time frame of analysis. Contrary to my hypothesis, most of the laws rejected by entity vetoing were in non-controversial sectors, rather than controversial sectors. 14.9% of the total rejected laws in the House of Representatives were rejected due to entity vetoing in controversial sectors, compared to 6.7% of the total rejected laws in the House of Peoples. Regarding laws rejected by entity vetoing in non-controversial sectors, 57.4% of the total laws were rejected in the House of Representatives compared to 66.7% of the total laws rejected in the House of Peoples. Even though more non-controversial laws were blocked by entity vetoing, this does not necessarily mean ethnic interests and controversy were not

⁸ Abbreviations used in tables from here on out: HoR – House of Representatives; HoP – House of Peoples; EV – Entity vetoing; and MV – Majority vetoing.

in play. My coding merely encompassed whether a law belonged to one of my controversial sectors. However, a law that deals with a theoretically non-controversial sector can still be subjected to *ethnic controversy* in practice. My results suggest that all sectors – non-controversial and controversial – can become contentious for ethnic groups. Laws, such as the Proposed Law on the Control of Foreign Trade Traffic of Good and Services of Strategic Importance for Safety of BiH, despite not dealing with a controversial topic, can still invoke some sort of infringement on a community's interest, e.g. allowing one group to profit more than the rest, such that an entity veto is used.⁹ Access to the laws in their entirety and complete parliamentary assembly discussions would be necessary for this type of in-depth qualitative analysis. Nevertheless, through the use of my more quantitative approach -- looking at the overall pattern regarding the use of entity and majority vetoing in different sectors – in conjunction with the acknowledgement of the aforementioned point, there is still much information to be learned about the parliamentary assembly process.

It is clear the issue of ethnic representation in government evoked the most instances of entity vetoing, particularly in the House of Representatives, such that these laws did not have the opportunity to make it to the House of Peoples to be considered for adoption. This does not come as too much of a surprise since such laws aimed to change the fragilely kept status quo of ethnic representation in government. For example, the Proposed Law on Amendments to the Law on

⁹ This draft law was rejected by a RS entity vote in the second reading in the House of Representatives. See Item 8, 55th session, OHR Parliamentary Minutes.

Ministries and Other Bodies of Administration of BiH was overwhelmingly rejected in the second reading in the House of Representatives – only one vote was in favor, whereas 26 votes were against it (6 abstained) (Item 8, Session 33, OHR Parliamentary Minutes). Though this is an example of majority vetoing, it nonetheless highlights how sensitive a topic re-analyzing governmental structure can be.¹⁰

Table 2: Laws Adopted and Laws Not Adopted in the Bicameral Parliamentary Assembly of BiH

June 1, 2008 – June 30, 2009

Sources: *Official Gazette and OHR Parliamentary Minutes*

Law Sector <i>n</i> = 116	Laws Adopted <i>n</i> = 52	% of Laws Adopted	Laws Not Adopted <i>n</i> = 64			
			<i>Due to MV</i>	<i>% Not Adopted, MV</i>	<i>Due to EV</i>	<i>% Not Adopted, EV</i>
<u>Controversial</u>	8	17.0%	2	11.8%	8	17.8%
Education	3		0		0	
Identity/Symbology	1		1		3	
Territorial Issues	1		0		1	
Ethnic Representation in Government	3		1		4	
<u>Non-Controversial/Other</u>	39	83.0%	15	88.2%	37	82.2%
Unclear	5		0		2	
TOTAL (Shaded Rows)	47	100%	17	100%	45	100%

¹⁰ An example of entity vetoing is the Proposed Law on Ensuring of Proportional Ethnic Representation in Bodies of Administration and Local Self-Governance in BiH, which was rejected in its first reading by a RS entity vote in the 52nd session of the House of Representatives.

Combining all the laws subject to rejection in both Houses, 72.3% of the laws rejected were due to entity vetoing – by and large, entity vetoing is the most prominent way of rejecting a law. However, to look at the bigger picture, more than half, 56.9%, of all laws proposed were rejected (by either entity or majority vetoing). This percentage is not of laws rejected in their final state (e.g. in the second reading), but rather of all laws that are rejected at any review stage. Though a law may be listed “twice,” for example if it was rejected in both the first and second reading (only possible if it was harmonized after the first reading), I treat them as unique due to the fact that rarely is a law in identical form if it was subject to multiple rejections – amendments must be added in order to alleviate the conflict that aroused the law’s rejection. However, the same approach was not applied to laws passed. The laws adopted in the table above are the final versions of laws, as published in the Official Gazette of BiH. The reason I use the finalized number of laws adopted is that it is *possible* to double-count laws adopted. A law that passes in the first and second reading in both of the Houses with no rejections and therefore with no amendments, would be identical in text in all four voting instances and thus would be wrongly counted as four separate laws, when in fact it is the same law. Keeping this discussion of methodology in mind, only 40.5% of laws proposed were adopted in this 13 month period.

Table 3: Party Voting on Laws Not Adopted in the House of Representatives of BiH¹¹

June 1, 2008 – June 30, 2009

Sources: OHR Parliamentary Minutes

Political Party	Number of Laws Against N = 32	Number of Laws Abstained From N = 12
SDP	6	7
HDZ	7	1
HDZ-1990	5	3
BPS	2	4
NSRzB	3	
DNZ	2	2
SNSD	33	3
SDS	23	5
PDP	21	2
DNS	10	4
SDA	7	
SBiH	6	

Of the rejected laws in the House of Representatives, 60% had reported “votes against” by specific parties, and only 22% had reported “votes abstained.” Thus, even though it is not possible to make a generalizable statement about party voting based upon this limited data, the trend seen in this selected sample nonetheless matches up with the overall trend seen in the House of Representatives. The four dominant parties that voted against laws were, in

¹¹ *n* = 54 rejected with reported voting, not all include party voting, see relevant *n*'s.

decreasing: SNSD, SDS, PDP, and DNS.¹² These four parties are the Republika Srpska-specific parties and are thus involved in the majority of the entity veto invocations in the House of Representatives. Of the 19 times the entity veto was invoked in the first reading of the House of Representatives, 17 of those vetoes were invoked by the Entity of the Republika Srpska. In addition, *all* 16 of the entity vetoes in the second reading were invoked by the Republika Srpska. Thus, the reported information on party voting is not sufficient to make a claim on parties and their voting habits, the combination of the available data on voting and the complete information on entity vetoing, provides sufficient evidence to ascertain that the four political parties of the Republika Srpska are the most involved in voting against laws. As will be discussed in depth in my conclusions chapter, the Republika Srpska has incentives to use entity vetoing (and vital interest vetoes in the House of Peoples), to help achieve its goal of strengthening its entity at the expense of weakening the national government.

Nonetheless, it is important to make a point that is otherwise not realized through the data. As Kunrath points out, since the Federation has 28 members in the House of Representatives, compared to only 14 members from the Republika Srpska, entity vetoing in the Federation could be overshadowed by the fact that it would also register as majority vetoing (e.g. failure of enough members voting for a law from the Federation such that a majority in the House as whole could not be reached) (Kunrath, 10). Thus, in both Kunrath's study and mine, Federation entity vetoes were only counted as such if there were explicitly mentioned.

¹² See Annex I for the full names of political parties.

However, for the most part, from the discussions in the OHR parliamentary minute records, it seems that when laws were rejected due to a majority vote, they were rejected due to a lack of consensus in general rather than just within the Federation. Nonetheless, such observations cannot be made into casual claims without sufficient evidence and therefore it is important to note where the data may deviate from the reality.

Table 4: Party Voting on Laws Not Adopted in the House of Peoples of BiH¹³

June 1, 2008 – June 30, 2009

Sources: OHR Parliamentary Minutes

Political Party	Number of Laws Against N = 6	Number of Laws Abstained From N = 5
SDP		1
HDZ-1990		1
SNSD	7	
SDS	3	2
PDP	3	4
SDA	1	
SBiH		1

Of the rejected laws in the House of Peoples, 38% had reported “votes against” by specific parties, and only 31% had reported “votes abstained.” Similar to what we saw in the House of Representatives, three of the four Republika Srpska parties (SNSD, SDS, PDP) were the parties with the largest

¹³ n = 16 rejected with reported voting, not all include party voting, see relevant n’s

reporting of “votes against.” Nonetheless, there was much less party voting reported in the House of Representatives, particularly in terms of “votes against.” However, taking a similar look at the invocation of entity vetoes, of the 8 entity vetoes in the first reading in the House of Peoples, all were issued by the Republika Srpska. Similarly, the Republika Srpska invoked all 4 entity vetoes in the second reading.

Table 5: Actions to Laws in First Reading in House of Representatives

Source: OHR Parliamentary Minutes

Law Sector <i>n</i> = 75	Number of Laws Adopted in 1 st Reading	% Laws Adopted	Laws Rejected			
			Number of Laws Rejected in 1 st Reading due to MV	% Laws Rejected, due to MV	Number of Laws Rejected in 1 st Reading due to EV	% Laws Rejected, due to EV
<u>Controversial</u>	4	10.5%	2	11.8%	3	15.8%
<i>Education</i>	1		0		0	
<i>Identity/Symbology</i>	0		1		1	
<i>Territorial Issues</i>	1		0		0	
<i>Ethnic Representation in Government</i>	2		1		2	
<u>Non-Controversial/Other</u>	34	89.5%	15	88.2%	16	84.2%
Unclear	1		0		0	
TOTAL (Shaded Rows)	38	100%	17	100%	19	100%

Of the 75 laws reviewed in the first reading of the House of Representatives, 36 were rejected and 38 were adopted. A little more than half (52%) of the laws rejected were due to entity vetoing. Again, we see more non-controversial laws being both adopted and passed. Nonetheless, out of the 9 controversial laws, 5 were rejected, 3 of which were due to entity vetoing.

Table 6: Actions to Laws in First Reading in House of Peoples

Source: OHR Parliamentary Minutes

Law Sector <i>n = 51</i>	Number of Laws Adopted in 1 st Reading	% Laws Adopted	Laws Rejected			
			Number of Laws Rejected in 1 st Reading due to MV	% Laws Rejected, due to MV	Number of Laws Rejected in 1 st Reading due to EV	% Laws Rejected due to EV
<u>Controversial</u>	11	28.2%	0	0%	0	0%
Education	2		0		0	
Identity/Symbology	3		0		0	
Ethnic Representation in Government	6		0		0	
<u>Non-Controversial/Other</u>	28	71.8%	3	100%	8	100%
Unclear	1		0		0	
TOTAL (Shaded Rows)	39	100%	3	100%	8	100%

On the other hand, there were no controversial laws rejected in the first reading of the House of Peoples. Overwhelmingly, most of the laws were adopted: 76% of the total laws in the first reading were adopted. Contrary to my expectations, there was a significant proportion of non-controversial laws rejected. 11 laws out of 50 proposed laws (8 due to entity vetoing) were rejected in the first reading of the House of Peoples. Comparing to the 23% of non-controversial laws rejected in the first reading of the House of Representatives, 21% percent of the non-controversial laws were rejected in the House of Peoples. Even being theoretically non-controversial in nature, and passing through two readings in the House of Representatives (if not more, e.g. harmonisation), a

significant number of laws still managed to be rejected in the first reading of the House of Peoples.

Table 7: Actions to Laws in Second Reading in House of Representatives

Source: OHR Parliamentary Minutes

Law Sector <i>n</i> = 60	Number of Laws Adopted in 2 nd Reading	% Laws Adopted	Laws Rejected			
			Number of Laws Rejected in 2 nd Reading due to MV	% Laws Rejected, due to MV	Number of Laws Rejected in 2 nd Reading due to EV	% Laws Rejected, due to EV
Controversial	6	16.7%	1	12.5%	4	26.7%
Education	2		0		0	
Identity/Symbology	2		0		1	
Territorial Issues	1		0		1	
Ethnic Representation in Government	1		1		2	
Non-Controversial/Other	30	83.3%	7	87.5%	11	73.3%
Unclear	0		0		1	
TOTAL (Shaded Rows)	36	100%	8	100%	15	100%

The second reading in the House of Representatives saw a significant decrease in the percentage of laws rejected, from the total proposed, in comparison to the first reading: from 52% to 38%. Contrary to my expectation, there was an increase in the number of controversial laws passed, from 4 to 6 between the two readings. In similar terms, using the percentage from the total laws in each reading, there was an increase from 10.5% to 16.7%. However, the use of the entity veto still remains the predominant method of rejecting a law for

both controversial and non-controversial sectors. Even between the first and second reading, 15 out of 60 total laws were blocked due to an entity veto.

Table 8: Actions to Laws in Second Reading in House of Peoples

Source: OHR Parliamentary Minutes

Law Sector <i>n = 63</i>	Number of Laws Adopted in 2 nd Reading	% Laws Adopted	Laws Rejected			
			Number of Laws Rejected in 2 nd Reading due to MV	% Rejected, due to MV	Number of Laws Rejected in 2 nd Reading due to EV	% Rejected, due to EV
<u>Controversial</u>	11		0	0%	1	33.3%
Education	4		0		0	
Identity/Symbology	3		0		1	
Ethnic Representation in Government	4		0		0	
<u>Non-Controversial/Other</u>	45		1	100%	2	66.7%
Unclear	2		0		1	
TOTAL (Shaded Rows)	56		1	100%	3	100%

This is the final graph in showing the succession of a law's passage through both Houses. Overwhelming, all the laws that reach this stage are adopted. Similarly to Kunrath's findings, it is peculiar to see one controversial and two non-controversial laws rejected by entity vetoing at this stage – it begs the question why, after passing through 3 readings (with the possibility of more if harmonisation occurred), laws can still be rejected via an entity veto. Nonetheless, it is also important to note the increase in the number of controversial laws passed – particularly in the realms of identity/symbology and ethnic representation in government.

Table 9: Percent Voting Distribution on Laws Adopted in First Reading in House of Representatives

Source: OHR Parliamentary Minutes

Law Sector <i>n = 50</i>	Number of Laws Adopted in 1st Reading	Average % of Votes in Favor (Votes in Favor/Total Votes)	Average % of Votes Against (Votes Against/Total Votes)	Average % of Abstained Votes (Votes Abstained/Total Votes)
<u>Controversial</u>	11			
<i>Education</i>	1	91.67%	5.56%	9.43%
<i>Ethnic Representation in Government</i>	3	89.93%	0.85%	9.22%
<u>Non-Controversial/Other</u>	38	88.00%	5.76%	9.43%
Unclear	1	64.10%	2.56%	33.33%
TOTAL (Shaded Rows)	49			

It is important to note the percent margins of the votes in favor, against, and abstained for an adopted law in order to relay how *popular* an adopted law was. In particular, by looking at the average of votes in favor (averaging all the votes in favor divided by total votes for each law) for each sector, it sheds lights on the support for the laws in each controversial sector. Many laws were passed unanimously, and thus were recorded as 100% votes in favor. Therefore, even if there were laws that were passed with smaller percentiles overall, if there were more unanimously adopted laws in that sector, the variations would be smoothed out. As will be seen in the coming cross-tabulations, more laws were passed in the House of Peoples unanimously, when compared to the House of Representatives. More in-depth discussions follows, but a difference in the number of members and voting structure in both Houses plays a role in accounting for this voting

percentage difference. Nevertheless, in the first reading of the House of Representatives, laws regarding ethnic representation in government were passed with a smaller percentage approval than those of education, though not by much.

Table 10: Percent Voting Distribution on Laws Adopted in Second Reading in House of Representatives

Source: OHR Parliamentary Minutes

Law Sector <i>n = 37</i>	Number of Laws Adopted in 2nd Reading	Average % of Votes in Favor (Votes in Favor/Total Votes)	Average % of Votes Against (Votes Against/Total Votes)	Average % of Abstained Votes (Votes Abstained/Total Votes)
Controversial	10			
<i>Education</i>	3	87.71%	6.25%	6.04%
<i>Identity/Symbology</i>	4	94.59%	0.68%	4.73%
<i>Refugee/Asylum Seekers</i>	1	97.50%	0%	7.69%
<i>Ethnic Representation in Government</i>	2	92.31%	1.28%	6.41%
Non-Controversial/Other	26	76.92%	23.08%	2.50%
Unclear	1	64.10%	2.56%	33.33%
TOTAL (Shaded Rows)	36			

We see the opposite happen in the second reading of the House of Representatives, where education-related laws see a decrease in their votes-in-favor percent margin when compared to ethnic representation in government laws, which actually increase in support. This could be due to two reasons. The ethnic representation in government law sector may have seen more laws adopted under urgent procedure (which are coded as laws in their second

reading). Many, if not most, of the laws adopted under urgent procedure are done so unanimously. Thus, more laws adopted unanimously would inflate the percentage of votes-in-favor. Additionally, education may have seen more laws that were adopted after harmonisation, meaning these were previously laws that were rejected and had a significant amount of discontent. Even if they are adopted in their harmonisation process, the percentage margins in favor of the law would not, for the most part, be unanimous and thus would not be subjected to inflation.

Table 11: Percent Voting Distribution on Laws Adopted in First Reading in House of Peoples

Source: OHR Parliamentary Minutes

Law Sector <i>n = 42</i>	Number of Laws Adopted in 2nd Reading	Average % of Votes in Favor (Votes in Favor/Total Votes)	Average % of Votes Against (Votes Against/Total Votes)	Average % of Abstained Votes (Votes Abstained/Total Votes)
<u>Controversial</u>	8			
Education	2	90.91%	9.09%	0%
Identity/Symbology	3	100.0%	0%	0%
Ethnic Representation in Government	3	100.0%	0%	0%
<u>Non-Controversial/Other</u>	33	94.91%	15.27%	3.38%
Unclear	1	100.0%	0%	0%
TOTAL (Shaded Rows)	41			

Laws adopted in the House of Peoples are for the most part unanimously adopted. The same argument can be used here to explain this rise of unanimity:

laws have already been through two readings, two screenings in a sense, in the House of Representatives. Additionally, with fewer members in the House of Peoples (15 compared to 84), there is more of an emphasis either to work together or against each other. The quorum consisting of 9 people, 3 from each community, makes it difficult enough to ensure adequate representation for parliamentary meetings, let alone a majority in favor of a law. If the quorum was never met, laws would never be passed through the House of Peoples (i.e. an ethnic group simply failing to show up for a parliamentary session). Nonetheless, when these difficulties are put aside and the different groups aim to work together, I believe the smaller nature of the House of Peoples, in addition to the filtering of laws from the House of Representatives, helps explain the more unanimous passage of laws in the upper House.

Table 12: Percent Voting Distribution on Laws Adopted in Second Reading in House of Peoples

Source: OHR Parliamentary Minutes

Law Sector <i>n = 63</i>	Number of Laws Adopted in 2nd Reading	Average % of Votes in Favor (Votes in Favor/Total Votes)	Average % of Votes Against (Votes Against/Total Votes)	Average % of Abstained Votes (Votes Abstained/Total Votes)
Controversial	14			
<i>Education</i>	4	96.43%	0%	0%
<i>Identity/Symbology</i>	4	100%	0%	0%
<i>Refugee/Asylum Seekers</i>	1	100%	0%	0%
<i>Ethnic Representation in Government</i>	5	98.67%	0.00%	6.67%
Non-Controversial/Other	48	94.79%	7.83%	4.09%
Unclear	1	61.54%	23.08%	15.38%
TOTAL (Shaded Rows)	62			

The second reading of the House of Peoples also had most of the controversial laws passed with near unanimity. The increase in the percentage for education laws and the decrease in the percentage for ethnic representation in government are another example of the same argument discussed about the shift in percentages seen in the second reading of the House of Representatives.

Conclusions for Chapter

My analysis of Bosnia-Herzegovina’s parliamentary process between June 2008 and June 2009 sheds some light on shared governance in its national parliament. First, contrary to my expectations, the fact that there were more bills

rejected in non-controversial law sectors than in controversial law sectors suggests that **all** sectors are subjected to ethnic controversy. The nature of the bill is not enough to predict whether or not it will be controversial. Rather, controversy more often arises due to the implications ethnic groups believe will result from contested bills, particularly if they believe their group will somehow be marginalized, or if there is a discrepancy in the allocation of power and administration between the different groups in the implementation of a proposed law. My second conclusion is that the lengthy process of several readings in Bosnia-Herzegovina's Parliamentary Assembly allows for multiple and ample opportunities for the ethnic groups to use their entity, or vital interest, veto to block a law. Thus, the difficulty for a law to pass through at least 4 readings, without any sort of ethnic group contestation, can help explain why we do not see more laws being passed by the Parliamentary Assembly. Finally, the fact that the House of Peoples is smaller than the House of Representatives, in addition to the fact that laws have already passed through at least 2 readings before entering the House of Peoples, can offer some explanation as to why we see more laws being passed proportionally in the House of Peoples.

Chapter 4 **Discourse on, and Qualitative Analysis of, the Lebanese Chamber of** **Deputies**

This chapter focuses on the evolution of Lebanon's current governmental process. Additionally, it describes the legislative process of the Lebanese parliament and compares it to that of Bosnia-Herzegovina's. As mentioned before, data limitations about the Lebanese parliamentary proceedings inhibited me from conducting a quantitative analysis, similar to that which I had conducted for Bosnia-Herzegovina's Parliamentary Assembly, on the impact of ethnic voting on shared governance. The lack of available data on laws not passed, in addition to the lack of detailed parliamentary proceedings, left me able to analyze only the laws passed.¹⁴ Nonetheless, there was sufficient information about laws passed in Lebanon to conduct a similar analysis as I had done for Bosnia-Herzegovina's adopted laws. I constructed a comparable time frame of analysis, a 13-month period, from September 1, 2008 to September, 30, 2009, and analyzed all the laws passed within this given time, using information from the Lebanese Parliament's website. My analysis of the laws adopted during this time period, in addition to my analysis of the literature written about the Lebanon parliamentary process (particularly in more recent years), provided me with sufficient evidence to draw conclusions about shared governance in the Lebanese Parliament.

¹⁴ The Lebanese Parliament Website provides information only on the laws adopted since 2000. Nonetheless, there is no information provided on the website about the parliamentary minutes or about the laws rejected. Such information is available, though it is only accessible in hardcopy in the National Law Library, in Beirut, Lebanon.

As will be discussed in the parliamentary structure section of this chapter, the way the Lebanese Parliament is set up allows for a different method of determining when a minority veto is invoked. Since Lebanon has no prescribed and formally allocated veto mechanisms, other than that given to the President to use if he wishes to force a reconsideration of a law, the equal, 50-50, division of seats between the Christians and Muslims in Parliament act as the only way to voice ethnoreligious discontent with a proposed law (Chapter III, Section 1, Article 57, Lebanese Constitution).¹⁵ Since a simple majority is required to pass a law in the Lebanese Parliament, neither the Christian nor the Muslim community can pass a law alone—there must be some ethnoreligious agreement in order for a law to be passed (Chapter II, Article 34, Lebanese Constitution). Thus, an analysis of the laws passed by the Lebanese Parliament will highlight any cross-ethnoreligious majorities and show which sectors these laws were passed in.

Discussion of the Development of Current Lebanese Parliamentary Structure

The long and complex history of consociationalism in Lebanon, encompassing more than 60 years, requires a brief overview of the implications of Lebanon's most recent governmental changes. As discussed in my introduction and literature review chapter, the Lebanese government experienced

¹⁵ Article 57, in its entirety: The President of the Republic, after consultation with the Council of Ministers, has the right to request the reconsideration of a law once during the period prescribed for its promulgation. This request may not be refused. When the President exercises this right, he is not required to promulgate this law until it has been reconsidered and approved by an absolute majority of all the members legally composing the Chamber. If the time limits pass without the law being issued or returned, the law is considered legally operative and must be promulgated.

consociational reform after the end of the 1980s civil war. My analysis focuses on the Lebanese governmental structure in place today, and the changes stipulated in the 1989 Ta'if Accords. After the end of the Lebanese civil war, the Ta'if Accords aimed to alleviate the divisions caused by confessionalism while also addressing the much-needed reanalysis of: a) the redistribution of ethnoreligious representation in government (due to the increasing emigration of Lebanese Christians and the population increase of the Lebanese Muslim community during the civil war era) and b) the power allocation among the different leaders of the troika and the overall branches of government.¹⁶ Article 95, a new article added to the Lebanese Constitution during the Ta'if Accords, called for the creation of a National Committee to “take the appropriate measures to realize the abolition of political confessionalism according to a transitional plan” (Part F, Article 95, Lebanese Constitution). Although Article 95 also stipulated that confessional representation in civil service and governmental jobs should be cancelled, top-level jobs during the first phase of transitioning away from confessionalism were still subject to being “shared equally by Christians and Muslims” (Part F, Article 95, Lebanese Constitution). As Schmid notes, the Ta'if Accords' ambiguity about when this transitional “deconfessionalizing phase” was to be both implemented and completed marginalized the authority of these political institutions and provided few incentives for political leaders to move away from confessional representation (Schmid, 32).

¹⁶ The troika is the term for the ethno religiously based selection of the President, Prime Minister, and Speaker of the House in Lebanon. See the following footnote for more information.

This ambiguity is not the only reason for confessionalism's continuing presence in current-day Lebanon. The Ta'if Accords formally incorporated the informal, confessionally-based National Pact of 1943 despite its explicit aim to "de-confessionalize" Lebanon (Norton, 461).¹⁷ Norton explains that the Ta'if Accords "implicitly ratifie[d] the National Pact with its emphasis upon confessional compromise and intercommunal cooperation," and therefore still allowed confessional boundaries to exist within the Lebanese government after 1989 (461). The three major changes to the Lebanese Parliament perpetuated confessionalism in the legislative branch, the only differences being an attempt to diversify the power allocation (granting more power to Parliament, and less to the President) and the redefinition of the proportional representation ratio (reducing the representation of Christians, due to their large emigration in the 30 years preceding Ta'if). The first change in the Parliament was the enlargement of Parliament from 99 seats to 108, and the redistribution of seats from the previous 6:5 ratio of Christians to Muslims, to an equal level of representation (50%-50%). The Speaker of the House's (the Shi'a representative in the executive troika) term increased from one to four years, giving him a more important role in government than previously held before.¹⁸ Finally, the Parliament no longer had to share

¹⁷ As mentioned in the introduction, the National Pact of 1943 was an informal agreement that stipulated the President of Lebanon should always be a Maronite Christian, that the Prime Minister should always be a Sunni Muslim, the President of the National Assembly to be a Shi'a Muslim, and the Deputy Speaker of the Parliament to be a Greek Orthodox Christian. Finally, the National Pact also called for Parliament to be divided between Christians and Muslims, via a 6:5 ratio derived from the 1932 population census.

¹⁸ The Speaker of the House holds considerable power in Lebanon's post-Ta'if government. He can delay presenting to the Parliament proposed laws drafted by the executive branch. Thus, in a

power with the President (the Christian representative in the executive troika): Parliament was given the sole right to independently cast votes of no-confidence and to dismiss ministers (462).¹⁹

The Ta'if Accords made the Lebanese government more parliamentary in nature, equalizing the president and prime minister's role, whereas previously the president wielded the greatest power in government (Ljiphart, 10). In this way, the executive power of the Christians was reduced and equalized to that of the Sunnis. The Sunnis gained by far the most from the Ta'if Accords, as the Christians also lost seats in Parliament. This is understandable, however, in light of their decreasing population over the years due to emigration. Nevertheless, the Shi'as also suffered losses from the Ta'if Accords. They are by far the fastest-growing population in Lebanon, but, even with the reallocation of parliamentary seats, they were only able to match the number of seats allocated to the Sunnis—22 parliamentary seats were reserved for each Muslim sect. Norton points out that due to the high levels of Syrian intervention in Lebanon during the drafting of the Ta'if Accords, the Alawis (a predominantly Syrian-based sect of Islam, and the dominant religion in the Syrian government) received 2 of the 9 “appointive

worst case scenario, the Prime Minister and the Council of Ministers are “forced to bargain with the speaker to ensure that draft laws are placed, within a reasonable amount of time, on the agenda of the relevant parliamentary commissions” (Lebanon APS, 7).

¹⁹ Additionally, the Prime Minister is appointed by the President, but with the consultation of Parliament. Members of Parliament can also suggest candidates for the position (Lebanon APS, 5).

seats,” which he describes as “an obvious concession to the influence of the Alawi-dominated government in Damascus” (464).²⁰ Thus, even with the goal of providing a more accurate ethnoreligious representation in the Lebanese government and especially in the Parliament, the Ta’if Accords fell prey to ethnoreligiously-based interests, and still continued to marginalize the ever-growing Shi’a presence in Lebanon. The lack of an updated population census (the last one was conducted in 1932) also solidified the decade-old governmental representation privileges for the different confessional sects.

In sum, like the Dayton Peace Accords in Bosnia-Herzegovina, the Ta’if Accord played more than its intended role as a post-conflict peace agreement. Both Dayton and Ta’if were agreements made to end *wars* and to help initially stabilize the political systems in these war-torn countries. The intention of these peace agreements was not to become permanent measures that would dictate a governmental status quo for years to come—both agreements were drafted with the intention that they would be subject to revision and reform as time passed (Schmid, 31). However, the political leaders that discussed and drafted Dayton and Ta’if were also those in power during the conflicts that created the need for those peace agreements. These political elites brought to the bargaining table their preconceived notions of what they wanted their countries to be, and thus were less likely to leave behind their revisionist mentality and work toward shared governance. The point of this discourse is to highlight that current-day Lebanon’s

²⁰ See Annex II for detailed seat allocation distribution.

political system's structure was not inevitable and reflects powerful ethnoreligious political elite interests. If implemented as intended, the Ta'if Accords could have worked to remove confessionalism from Lebanon's government, but due to its legal ambiguity and the political manipulation by incentivized elites, Lebanon has remained confessional.

Structure and Process of the Lebanese Parliament

Before delving into the analysis of the laws adopted during the 2008-2009, I will give an overview of the Lebanese Parliamentary structure and process, as I did for Bosnia-Herzegovina. In comparison to Bosnia-Herzegovina's bicameral parliamentary assembly, Lebanon's legislative body, termed the House of Deputies in its Constitution, is unicameral. As mentioned in the previous section, the 128 parliamentary seats are equally divided between the Christian and Muslim communities in Lebanon and each parliamentary member is elected for a four-year term of office by regular election procedures. In addition to parliamentary seats being proportionally divided between Christians and Muslims, they are also proportionally divided among the "confessional groups within each religious community" and among regions (*muhafazats*) (Chapter II, Article 24, Lebanese Constitution). This concept of geographic proportional representation is similar to that present in Bosnia-Herzegovina, where the parliamentary seat distribution is split between the two territorial entities, the Federation and the Republika Srpska. However, in the case of Lebanon there are six *muhafazats* (versus two entities in Bosnia-Herzegovina) and each *muhafaza* has an allocated number of

representatives from different confessional groups.²¹ Thus, confessionalism is not only present in the political parties and administration structure, but also in the electoral process. Nonetheless, in contrast to Bosnia-Herzegovina, the quorum in the Lebanese Parliament is not based upon a cross-confessional presence: a simple majority of parliamentary members present constitutes a quorum (Chapter II, Article 34, Lebanese Constitution). Additionally, a majority vote is all that is required for laws and decisions to be passed. However, as discussed before, the fact that a majority cannot be constituted by one ethnoreligious community implies that a cross-confessional agreement is necessary in order for decisions to be passed.

In terms of the legislative process, the Lebanese Parliament is similar to Bosnia-Herzegovina's Parliamentary Assembly, in which both the Parliament and Council of Ministers are able to introduce draft laws in the House of Deputies (Part B, Chapter 1, Article 18, Lebanese Constitution). Draft laws can be introduced in two ways. First, the Council of Ministers can vote on whether to propose a draft law to the President, who is entitled by the Constitution to introduce all laws proposed by the Council of Ministers to the plenary (Chapter III, Section I, Article 53, Lebanese Constitution). If the Council of Ministers has a two-thirds majority vote in favor of proposing the law, then the President

²¹ For example, in the 2005 parliamentary elections, the South Lebanon district was required to have 11 candidates: five Shi'a, two Maronites, one Sunni, one Druze, one Greek Orthodox, and one Greek Catholic. See Ryan, Benjamin. NOW You Know: Voting in Lebanon. 18 January, 2008.

<http://www.nowlebanon.com/NewsArchiveDetails.aspx?ID=27140>

receives the proposed law.²² Second, the parliamentary members (a maximum of ten) can submit to the plenary a proposed law (IFES, 5).

After the introduction of a law, the Parliamentary Bureau Board, consisting of the Speaker of the House (Sh'ia Muslim), the Deputy Speaker, two secretaries, and three commissioners, send draft laws to the relevant specialized committee, allowing one month for review in closed sessions (UNDP Report on Lebanon's Parliament).²³ After the process of committee review, the draft is sent to the plenary for a vote. The Parliament has the reserved capability to return a draft law back to its original review committee, another committee, or a joint committee, before the vote takes place, if it deems a reconsideration of the law necessary (UNDP Report on Lebanon's Parliament). A law passed by a majority vote in the Chamber of Deputies is then passed to the Council of Ministers for consideration. If the draft law is approved by the Council of Ministers, the Prime Minister and relevant ministers are required to sign the law, and then pass it along to the President, who has the final say on the draft law. If the President ratifies the law, it is adopted, and published in the Official Gazette. If not, he may either reject the law or pass it back to the Chamber of Deputies for reconsideration, in which case a majority vote in the plenary is necessary for the reconsidered draft law to become adopted (Chapter III, Section I, Article 57, Lebanese Constitution).

²² The Council of Ministers is appointed by the Prime Minister, in consultation with the President and Parliament. Seats in the Council are allocated on a confessional basis, based upon the proportional representation of each sect (Lebanon APS, 5).

²³ All committee reviews are conducted in secret, unless otherwise noted. Currently, there are 15 standing parliamentary committees.

Overall, the Parliament acts as intermediary reviewer of draft laws, sharing its legislative power with the Prime Minister and the President.

Analysis of Laws Adopted by the Lebanese Government, September, 2008 to September, 2009

Table 13: Laws Adopted and Laws Not Adopted in the Chamber of Deputies of Lebanon
September 1, 2008 – September 30, 2009
Sources: Lebanese Parliamentary Website

Law Sector <i>n = 49</i>		Laws Adopted	% Laws Adopted
Controversial		9	18.8%
	<i>Education</i>	3	
	<i>Religion</i>	1	
	<i>Identity/ Symbology</i>	2	
	<i>Territorial Issues</i>	3	
Non-Controversial/ Other		39	81.2%
Unclear		1	
TOTAL (Shaded Rows)		48	100%

During the analyzed time period, 19% of the laws passed were in controversial sectors. Education and territorial-related issues were the two largest controversial sub-sectors with laws passed, each comprising a third of the controversial laws passed and 6% of the overall laws passed. Each of the three educational laws dealt with the appointment of officials in the education system (primary and secondary schooling). One was in fact an amendment to a previous educational law, Education Law 442. The amendments were made to compensate

primary and secondary school governmentally-contracted teachers who lost salaries between 2004 and 2006. However, none of these three laws addressed the content of the educational curriculum, even though the National Parliament does have some competencies in that area. Despite Article 10 of the Constitution dictating that religious communities can have their own schools as long as they follow public regulations and do not interfere with “the dignity of any of the religions or creeds,” there still has not been much governmental regulation of religiously-based educational institutions (Chapter 2, Article 10, Lebanese Constitution). Much criticism has been given to the Lebanese government for its lax approach in creating a unified educational system and critics claim that the lack of universal educational materials is “largely responsible for the lack of political unity and cultural integrity” (Salem, 238). Regarding other controversial sectors, laws that dealt with territorial issues included one which separated a village into two separate villages, though it was unclear if this was done along confessional lines.

Comparison to Bosnia-Herzegovina’s Parliamentary Assembly and Conclusions

After analyzing the laws passed in Lebanon in this given time period, a comparison to Bosnia-Herzegovina’s Parliament can provide explanations as to why differences exist between these two legislative branches. The unicameral structure of the Lebanese Parliament differs from the bicameral structure of Bosnia-Herzegovina’s Parliamentary Assembly. Thus, in comparison with the legislative process in Bosnia-Herzegovina, the Lebanese parliamentary process

has essentially one reading prescribed for each draft law.²⁴ However, if the President calls for a reconsideration of a law, the draft law goes through a second reading. The difference in the number of readings plays an important role in how ethnoreligious cooperation occurs in both countries' legislative assemblies. As I have argued in the section on my analysis of Bosnia-Herzegovina's laws, the laws that consistently pass through each reading are the ones that are more likely to be adopted. Thus, as we saw in the laws adopted in the second reading of the House of Peoples in Bosnia-Herzegovina, *most* of the laws that made it to that stage were passed. Through the use of this "filtering" mechanism, Bosnia-Herzegovina's legislative process provides ample opportunity for ethnoreligious groups to come to an agreement on contested laws, if desired, but also provides more opportunities for laws to be blocked.

The Lebanese Parliament takes a different approach to emphasizing shared governance; one which I argue is more direct in nature. One reading, the presidential power to veto any law, in addition to only having two convened parliamentary sessions each year, the members in the Lebanese Parliament have fewer opportunities to consistently block laws. Though both countries have a minority veto, formalized in the case of Bosnia-Herzegovina and informally implemented in the case of Lebanon, the ease of minority vetoing in the Lebanese

²⁴Theoretically, the Lebanese Parliament was supposed to be amended to become bicameral. The Ta'if Accord called for the creation of an Upper House, once the first parliament was "elected on a national, non-confessional basis." The Upper House was intended to be the representative assembly for the different confessions, while the Lower House (Chamber of Deputies) would become a non-sectarian representative assembly. See *Arab Political Systems: Baseline Information and Reforms – Lebanon*.

Parliament is surprising: since no single confession constitutes a majority in the Parliament, the negative, or absent, voting by one confession is enough to reject laws. Nonetheless, as the literature suggests, we do not see a debilitating abuse of the “informal” minority vetoing in Lebanon—rather, as will be described below, a fair number of proposed laws actually end up being passed (based upon statistics evident in the literature).

Even though there is essentially only “one reading” of a draft law once it is introduced to the Parliament, there is still ample opportunity for a draft law to be rejected, as seen by the many consideration levels a draft level must undergo. Nonetheless, as much of the research done on the Lebanese parliamentary process shows, the Lebanese Parliament has evolved into an “instrument for blind approval of governmental projects and proposals”—very rarely do governmental projects and proposals get rejected by the Lebanese Parliament (Haddad, 213). The fact that many of the parliamentarians and ministers are either related to members in the executive branch or have served in previous parliaments creates an “elitist club” of politicians in the Lebanese government that is intertwined with personal interests. Rarely does the Lebanese Parliament work as a counter-balance, or oppositional force, to the executive branch. Therefore, in comparison to the Parliamentary Assembly in Bosnia-Herzegovina, the Council of Ministers and the President play a more active role in the legislative process in Lebanon, sometimes to the extent of dominating it.

Important Implications about Conclusions

The increased enumeration of rights to the Lebanese Parliament after the Ta'if Accords restored some faith in the legislative branch, which was previously seen as incapable of accomplishing anything without the consent of the President, since the Speaker of the House played a minimal role at best before 1989 (204). As mentioned before, the Speaker of the House plays a more visible and powerful role in the post-Ta'if government. For example, Nabih Berri (the Speaker of the House) shut down Parliament in 2008, in order to postpone sessions as a way to obstruct the anti-Syrian March 14 coalition from electing a President (Wählisch, 3). Nonetheless, even with the increased power allocated to the Parliament after 1989, we do not see much change in the placidity of the Lebanese Parliament. Haddad makes an important point about the Lebanese Parliament, stating that its “main function is not to legislate (a function reserved for the cabinet [Council of Ministers]), but to represent a community, constituency and interests” (213). The perpetuated presence of the troika after Ta'if created a “hegemonic institution based on clientelist constituencies and needs” that marginalized the powers enumerated to the other branches of governments, including the legislative branch and therefore the Parliament (213). Thus, even though many, if not most, of the laws proposed in the Lebanese Parliament were passed in recent years, an indication of parliamentary efficiency, it also highlights the fact that the Parliament is not a political institution that is able to independently function without the dominating oversight and pressure from the troika.

Chapter 5
Conclusions and Societal and Comparative Implications

Consociational agreements are becoming an increasingly popular method of stabilizing post-conflict heterogeneous societies, with the most recent example being the drafting of a consociational agreement for current-day Iraq. Nonetheless, despite evidence demonstrating that the implementation of a consociational agreement can provide successful results with regards to *ending* a sectarian conflict, the process of granting equal political and societal representation to the different warring factions does not always result in shared governance. In fact, consociationalism can further exasperate ethnic cleavages within a society and cause problematic interactions between its different societal cleavages. This is particularly present in the political realm, due to the ingraining of ethnoreligious identification in political representation. Thus, a study of the post-implementation period of consociational agreements is crucial in understanding their long-term effects on deeply divided societies.

My hypothesis is that the more a minority veto is formally institutionalized in a post-war deeply divided society's legislature, the more difficult it will be for ethnoreligious parties to cooperate within the country's parliament. Using Bosnia-Herzegovina as an example of a country with a formalized minority veto, and Lebanon as a country with an informal, implicit, minority veto, I analyzed the set of laws passed in both countries' national parliamentary assemblies, in addition to the laws not passed in Bosnia-Herzegovina, during a 13-month period (2008-2009). I conceptualized

cooperation within the country's parliament as shared governance, which involves laws passed by more than one communal group. Additionally, I looked at whether there were more instances of minority vetoes, and thus rejection of laws, in ethnoreligiously controversial sectors, versus non-controversial sectors. Due to limited data, I was unable to conduct the same quantitative analysis as I had done for Bosnia-Herzegovina, regarding laws rejected in Lebanon. Nonetheless, an analysis of laws adopted, in addition to an in-depth analysis of the literature, provided me with adequate evidence to make the observations discussed in the Findings section below. In brief, my findings show that formalized minority vetoes do indeed hinder the parliamentary process. Compared to the majority laws of being passed in Lebanon's Parliament as suggested in the literature, little over half of the laws proposed in Bosnia-Herzegovina's Parliament were passed between June 2008 and June 2009. Thus, Lebanon, an informal minority veto system, has a higher percentage of overall laws compared to Bosnia-Herzegovina, a formalized minority veto system. It was evident though that there was not an overwhelming use of minority vetoes in controversial sectors in the laws rejected in Bosnia-Herzegovina – the majority of minority veto invocations were for non-controversial laws. Additionally, there was a reasonable amount of laws passed in controversial sectors in both Bosnia-Herzegovina and Lebanon – not all laws passed were solely in non-controversial sectors. Thus, knowing whether a law falls into a controversial or non-controversial sector is far from sufficient in determining whether a law will be rejected or adopted – in a formalized minority veto system every law is subjected to controversy.

Findings: Bosnia – Herzegovina

As discussed in my previous chapters, there are several differences within and between the parliamentary assemblies in both Bosnia-Herzegovina and Lebanon that accounts for the aforementioned findings. Bosnia-Herzegovina's bicameral legislature, with each house having two readings of each draft law (unless reviewed under urgent procedure), incorporates a filtering effect for proposed laws. The progression of laws from the first reading in the House of Representatives to the second reading in the House of Peoples appears to lead to a decrease in the overall number of laws not passed in each reading. Nonetheless, despite more laws (as a percentage of the total laws in each reading) being passed with each consequent review, we still see the use of entity vetoing in each reading, up to and including the second reading of the House of Peoples (the last reading level possible for a law under most circumstances). Furthermore, the fact that most of the laws that invoked an entity veto were non-controversial in nature suggests that *any* sector can be ethnically controversial, a point which I will discuss below.

Proposed laws that were submitted with the intention of addressing issues that aimed to improve the state of Bosnia-Herzegovina, using a unilateral approach, aroused ethnic controversy. The Proposed Law on Border Control, with the Report by the Joint Committee for Defence and Safety, sparked debate on the competencies of the country as a whole. The following excerpt from the

parliamentary minutes shows some of the dialogue that occurred during the discussion of this law:

Another fierce exchange [occurred] between SNSD and SDA with SDA calling upon the High Representative to impose the Law and doubting the functioning of BiH with passive conduct by the IC [international community], and SNSD responding that calls for dictatorship and protectorate would not ensure the democracy and consensus in the country (OHR 33rd Parliamentary Session Minutes, Item 11).

A more interesting heated discussion was provoked by the non-controversial law, the Proposed Law on MOVCON (Movement Control), which was rejected in the first reading due to the negative opinion of the Joint Defense and Security Committee in the 36th parliamentary session. As shown in the following excerpt from the parliamentary minutes, the ethnically-sparked debate had *nothing to do* with the content itself, but rather the discussion of the law provided a means to express other grievances:

Several hours of very tense and unconstructive debate, around state vs entity, who answers to whom and which body, transfer of competency or no, (non)involvement of the High Representative. Discussion also revealed lack of basic understanding of provisions of this law, and vast part of the discussion did not concern the substance of the law in the first place (OHR 36th Parliamentary Session Minutes, Item 3).

Thus, it is apparent that the law sector was not the only factor in determining whether a law was controversial or not. Questions about the competencies of the entities, regarding the implementation and enforcement of laws, were one of the largest factors that stimulated debate, and were the basis of several of the entity vetoes invoked by the Republika Srpska.

Nonetheless, within Bosnia-Herzegovina's Parliamentary Assembly, we see a variation in the amount of laws passed between the two houses. There is a significant decrease in the number of laws rejected in the House of Peoples when compared to the House of Representatives in Bosnia-Herzegovina's Parliamentary Assembly during 2008-2009. Two reasons can be attributed to this. First, there are fewer members in the House of Peoples than there are in the House of Representatives. With only 15 members in the House of Peoples, it is much easier to reach a unanimous consensus, as we see happen quite often during this time period. Additionally, the fact the three ethnoreligious groups are combined into caucuses in the House of Peoples further reduces the voting complexity that comes along with multiple individuals, and thus multiple opinions, as we see present in the House of Representatives. Nonetheless, with the same ease that laws can be passed in the House of Peoples, they can be rejected. Though a smaller upper House can provide incentives for cooperation, it can also easily be turned into a non-functioning forum. The failure of one community to show up to a parliamentary session, in addition to if there are less than 3 members *from each* group present, can be reasons as to why a quorum was not reached. Thus, the following reason may account more for explaining why more laws are passed in the House of Peoples.

As discussed before, the increased adoption of laws in the House of Peoples can be due to the filtering of laws in the first two readings in the House of Representatives – once a law reaches the House of Peoples, it has a higher probability of being passed, if it has already been reviewed twice before.

Nonetheless, we do see some invocations of the entity veto in the House of Peoples, which is surprising to see, particularly when invoked in the second reading – even after passing through three reviews, a law can still be deemed “controversial” to an ethnoreligious groups’ interest. Nonetheless, this should not be viewed as a reflection of the efficiency of the parliamentary process in Bosnia-Herzegovina. Milorad Dodik, the current prime minister of the Republika Srpska (RS) and president of the RS-Party of Independent Social Democrats (SNSD), in power since 2006, has been pushing for a radical restructuring of Bosnia-Herzegovina into three separate, “self-determined”, ethnoreligiously-based entities.²⁵ Mujkić argues that Dodik’s increasingly debilitating resistance movement in Bosnia-Herzegovina is due to his theory of ideological differentiation, in which he “distance[s] himself clearly from so-called Sarajevo politicians...politicians who are ethnically Bosniac” (Mujkić, 164). Thus, the use of the RS entity veto in recent years is not only used to reject laws that “threaten” the interests of the Republika Srpska, but also to act as a means of destabilizing the legitimacy of the Bosnia-Herzegovinian state, and provide support for the RS nationalist and secessionist movement (171-172).

Findings: Lebanon

By analyzing Lebanon’s legislative process, I was able to shed light on the differences between Lebanon and Bosnia-Herzegovina’s parliamentary assemblies. As discussed in detail in Chapter 4, Lebanon’s informal minority

²⁵ He was also in power from 1998-2001, also as prime minister of the Republika Srpska.

veto was operationalized through the fact that laws are passed in the Lebanese Parliament via a simple majority vote. The fact that the Lebanese parliamentary seats are divided equally between the Christians and Muslims (after the implementation of the Ta'if Accords) ensures that one religious community is incapable of passing legislature on its own. Despite not having access to the laws not passed in Lebanon during my time period of analysis (2008-2009), the literature indicates that we do not see an overwhelming rejection of laws in the Lebanese Parliament.²⁶ Several factors can describe why this trend exists. First, in comparison to Bosnia-Herzegovina, the lack of a formalized minority veto does not provide the opportunity for the Lebanese confessions to specifically “protect” their interests – the only confessional assurance is the fact that no one group can dominate the parliamentary process due to the aforementioned majority voting. Thus, there is more of an implicit emphasis on cooperation within the Lebanese Parliament – if there is no cooperation between the different sects, no laws will be passed. Since the Federation in Bosnia-Herzegovina holds a majority in the House of Representatives, draft laws can theoretically be passed in the House of Representatives with just votes from the Federation, granted there is no entity veto invoked by the Republika Srpska. This caveat is not present in the Lebanese Parliament, where a unicameral house with a majority vote mechanism provides the only opportunity for laws to be adopted.

²⁶ See Haddad.

However, it is important to stress that the Lebanese Parliament's legislative power is closely intertwined with that of the executive branch. The large role the President and Prime Minister play in both the proposal and ratification of laws largely undermines the Lebanese Parliament's capability and independence in creating legislation. Nevertheless, even with the rights enumerated to the Lebanese Parliament, we do not see it acting as an oppositional, or checks-and-balances, force to the executive troika. If anything, the Parliament acts as a perpetuator of the decisions made by the troika. This is primarily due to the fact that the political elite sphere in Lebanon is a continual regurgitation of previous political generations and ideologies. Nearly a third of parliamentary members at any time, since the adoption of the Ta'if Accords, have been elected to earlier parliaments or are closely related to ministers or former deputies (Hudson, 29). This "elitist club" of politics in Lebanon, where elections and parliamentary membership are dominated by familial ties and pre-stacked coalitions, has nonetheless evolved over time, allowing newer faces and oppositional movements to enter the political sphere.²⁷ However, it is important to keep this in mind when discussing Lebanese politics, particularly in terms of governmental efficiency – is the fact that more laws are passed in the Lebanese Parliament due to greater efficiency or a more closely-knit, incentivized circle of elites? Thus, when analyzing whether laws are being passed, it is not so much a

²⁷ This may be the case for Bosnia-Herzegovina too, but it is not as widely mentioned in the literature as being the one of the *main* criticisms against the political system in place.

matter of the content of the laws that is important, but rather who is in power at the time and the coalitions they have forged.

Societal Implications of Consociational Arrangements

During Summer 2009, I traveled to Bosnia-Herzegovina to conduct interviews with local non-governmental organizations, international non-governmental organizations, political parties, and international organizations based in the country, to understand the political perceptions of each different group in Bosnia-Herzegovina.²⁸ Additionally, I traveled to Vienna, Austria to talk with individuals at the headquarters of the predominant international organizations present in Bosnia-Herzegovina, to see if there is a difference in perception between international workers “in the field” and those back in the headquarters.²⁹ Specifically, my interviews aimed at understanding the different perceptions regarding the implementation of the Dayton Peace Accords and how such a consociational agreement has affected Bosnia-Herzegovina’s political and

²⁸ I selected the people with whom I conducted interviews based upon my research about both the domestic and international non-governmental organization (NGO) scene in Bosnia-Herzegovina. Most importantly, I chose to interview NGOs in their various forms due to the fact that I wanted to get as close to a public opinion survey, without actually being able to conduct my own survey analysis. I read about each group’s mission statements and works before choosing them, in order to assure that I got a wide range of views. I also chose to interview (or ask at the very least) the most prominent political parties and international institutions involved in the governmental process (i.e. Office of the High Representative) in order to gain a clearer understanding of the actual governmental process.

²⁹ See Annex III for a list of all the organizations I interviewed. All of the interviews were conducted in English and most were conducted in Sarajevo, though a few were conducted via Skype and phone calls with branch offices in Tuzla and Mostar.

societal development to this day.³⁰ It is absolutely necessary to address the subjective implications of consociational agreements. Consociationalism is not only a means of structuring a government; its influence penetrates into every aspect of society. Division of territory reduces ethnoreligious diversification (e.g. Republika Srpska being predominantly Bosnian Serb, Southern Lebanon being predominantly Shi'a Muslim). The perpetuation of ethnoreligious and nationalistic political parties causes voters and individual members of society to constantly be reminded of the necessity of religious and ethnic identification. Education is rifted by religious and ethnic narratives in many consociational societies. Thus, a study of consociationalism should not only involve an analysis of the governmental processes that are associated with this system of plural democracy, but of also the societal breadth it entails.

For the purposes of confidentiality, I cannot specifically list each representative's views. Additionally, the views of these individuals are primarily personal views, and do not reflect the views of their employers and organizations, though rarely did any individual speak out against their employer/organization's mission statement or goals. Overall, despite the varying opinions of my interviewees, each representative was clear to state that the current governmental structure in Bosnia-Herzegovina is **dysfunctional**. The common consensus was also that Dayton served its role to end the Bosnian war, but that it was not *meant* to be the basis of a long-term, unrevised, governmental structure. The

³⁰ Annex IV is the list of interview questions I used during my interviews in Bosnia-Herzegovina.

discrepancies between the different organizations thus arose between whether or not reform should take place now in current-day Bosnia-Herzegovina, and if reform should be an option, how it should be undertaken and in which sectors.

Local non-governmental organizations (NGOs) based in the Federation, specifically Sarajevo, generally want to see immediate reform of the current governmental structure in Bosnia-Herzegovina.³¹ Most local non-governmental organizations said they wanted “a single government,” one that was not based on ethnic divisions. Thus, they wish to see the creation of a unitary Bosnian state, one that is comprised of *Bosnian* citizens. In my interviews, I never asked of the ethnic origin of any of my interviewees – something which all of my interviewees found surprising. Notably, the president of a non-partisan community development NGO said that it was surprising that as a foreigner and a researcher on Bosnia-Herzegovina, I was not inquiring about the ethnic origin of my interviewees. She said that was an inspiring notion for her to see, since she felt that most international researchers on Bosnia-Herzegovina, in addition to many domestic researchers, usually frame their research around ethnic divisions, i.e. what do Bosnian Serbs, Croats, and Bosniaks want? The reason for such her surprise is touched upon by the following quote from an analyst from Transparency International, who sheds light on why the perpetuation of ethnic identity still exists in Bosnia-Herzegovina:

³¹ I was unable to meet with any organizations based in the Republika Srpska due to most of them being closed for the summer holidays. Most of the Sarajevo offices also have offices in the Republika Srpska, but I was unable to ascertain that there was not a difference of opinion between the different branch offices.

During the war, people were forced to pick sides. This just created a sort of status quo that is hard to break. Bosnian people are not so revolutionary. They would rather keep a “bad system” in place rather than being revolutionary, for fear of things getting out of hand. Even if people say they are open for voting for multiethnic parties, once they get behind the ballot box, it is evident through the continual re-election of nationalistic parties that their words differ from their actions.

Thus, the main goal of most locally-run NGOs based in the Federation is to help to de-construct the ethnoreligious, nationalistically-based mentality present in the country after Dayton, through helping to create a viable and functioning, unified Bosnia-Herzegovina. Furthermore, the reforms they advocate for the most part, besides constitutional and governmental reforms, is increased transparency in, and the de-ethnification of, the media, particularly in rural areas.

Internationally-run NGOs share many of the same beliefs as their domestic counterparts. Nonetheless, there are a few differences present, particularly between whether it was the views expressed by an ex-patriot or an employed local working for an internationally-run NGO. Following the same points of discussion as locally-run NGOs, a local working as a reporter for the Balkan Investigative Reporting Network (BIRN) further discusses the repercussions of putting off reform of Bosnia-Herzegovina’s governmental structure, particularly in terms of its effect on society:

As an individual, I would say the power-sharing agreements were not appropriate. I remember being furious when I heard that Dayton was being implemented. These power-sharing agreements are **based on nationalism**. The people who negotiated them **were nationalists**. I am a Bosnian – not a Serb, not a Croat, and not a Bosniac – because I am a citizen of this country. There is definitely a movement among the younger generation to push to create this “Bosnian” identity but it is quiet [small]. What BiH needs is a loud and independent media, one that can

help break people away from always hearing divisive news run by the nationalists.

Thus, as mentioned in the goals of locally-run NGOs, the emphasis on re-creating the notion of identity in Bosnia-Herzegovina, as one that is citizen, versus ethnic-based, is seen as a crucial step towards sustainable reform.

The difference though between locally-run NGOs based in the Federation and locals working in internationally-run NGOs is not their views as to how to reform the country, but rather the approach they take to fulfill their goal. Generally, locally-run NGOs work on a more locally-orientated, micro-scale, implementing individual projects. On the other hand, locals working in internationally-run NGOs attempt to address the issues of reform via a top-down approach. The contribution of locals in internationally-run NGOs in the areas of mass media and international reporting provides these reformists and activists a larger audience to gear their efforts towards.

Nonetheless, internationals in these internationally-run NGOs took a different approach in discussing the reform process for Bosnia-Herzegovina. For the most part, these individuals focused more on discussing how working towards preparing the country for accession to the European Union can be beneficial for both reforming the governmental structure and creating a sustainable and viable Bosnian state. Individuals in both the International Crisis Group and the International Republican Institute explicitly mentioned this as the only possible option for reform for Bosnia-Herzegovina at this time, as explained in depth in the following quote from my interview with the latter organization:

The best reform path that BiH can take, in terms of gaining enough consensuses behind it, would be to follow the EU integration process recommendations. Besides Belgium, BiH is the only European nation that does not have a Ministry of Agriculture and we are primarily a rural country. These reforms are just **realistic** – there is a gross amount of agencies and bureaucracy present in this country but nothing gets done, while simultaneously, crucial parts of government are missing. No one can deny that the EU reforms, at minimum, are necessary, but still they [nationalistic political parties] refuse to partake in them.

Thus, for the lack of more comprehensive reform plans, internationally-run NGOs see the EU accession reforms as a good starting point to improving the situation in Bosnia-Herzegovina, despite knowing they do not address all the problems in the governmental structure.

My interviews with political parties were much more limited compared to my interviews with the other types of organizations in Bosnia-Herzegovina. I had aimed to interview both nationalistic and non-nationalistic parties, in order to gain a comprehensive view of the varying opinions between the different types of political parties. Unfortunately, due to language barriers (the main three nationalistic parties (SDA, HDZ, and SNSD) had no public representative that spoke English) and unwillingness of all three public relation offices to answer a brief questionnaire in B/H/S, I was unable to conduct interviews with nationalistic parties in Bosnia-Herzegovina. Nonetheless, I did have the opportunity to meet with a non-partisan, non-nationalistic party, Naša Stranka, which was recently created in 2008.³² One of this party's founders was the Academy Award-

³² See Annex I for listing of BiH political party. B/H/S stands for the trinational languages of Bosnia-Herzegovina, Bosnian, Croatian (H comes from Hrvatski, the name of the language in Croatian), and Serbian.

acclaimed Bosnian director, Danis Tanović. The representative I met with in Naša Stranka provided insights into the problems a “citizen-based” political party faces in a predominantly monoethnic nationalist-based political area. Their underlying platform is that the power-sharing arrangements in the country need to be reviewed. Nonetheless, their more realistic, immediate goals are to increase: a) the emphasis on local self-governance and b) the awareness of the necessity of “dealing with the past.” Thus, the more individual, local emphasis these non-nationalistic parties take, in addition to their fairly new and different ideology when compared to their political party counterparts, keeps them operating at the cantonal, municipal, and local government level, versus the national political arena.

I was most surprised with my interviews with international organizations based in the country due to their level of self-criticism. The individual from the Office of the High Representative whom I interviewed mentioned that Dayton Peace Accords as a whole was “not bad” – it was just Annex IV that was “deeply problematic.”³³ Annex VII followed International Human Rights Provisions and theoretically would have helped create social and economic conditions suitable for sustainable return.³⁴ Nonetheless, as mentioned before, problems arose mostly

³³ Annex IV of the Dayton Peace Accords is the Constitution of Bosnia-Herzegovina, used to this day. Annex IV is the foundational outline of the power-sharing agreements in the country, particularly at the national level.

³⁴ Annex VII of the Dayton Peace Accords is the Agreement on Refugees and Displaced Persons. Annex VII called for creating suitable conditions for post-war returnees, creating a national refugee return commission, and enumerating rights for refugees and displaced persons.

from the implementation, or the lack of implementation (i.e. how Annex VII was never realized), of these internationally-crafted agreements. The official was keen to mention that Dayton Peace Accords were prematurely adopted, mostly to help quickly end the war. The “big push” to have elections, re-enforced and accepted the political parties that were involved in the war. Thus, the fact that Dayton was implemented with an executive mandate in a country with new and fragile democratic institutions, helped provide the opportunity for abuse of the post-war political system by nationalistic parties.

Finally, I was able to conduct interviews at officials from the Organisation for Security and Co-Operation in Europe (OSCE)’s Mission Office in Bosnia-Herzegovina and at the OSCE Headquarters in Vienna, Austria. I will not be able to list specific examples of answers to questions from my interviews at both locations due to confidentiality protocol – the interviews are specifically representative of the individual themselves and should not be affiliated by any means with their overarching organization. Nonetheless, to make a generalized observation, there is a disjoint between headquarters and the mission office as to understanding the ramifications of the ethnoreligious power-sharing agreements on Bosnia-Herzegovina’s society. At headquarters, there was a feeling that there was not enough recognition in the country that Bosnia-Herzegovina has always been a “divided” society, and will continue to be such – thus, the emphasis is that Bosnia-Herzegovina’s fate is in its own hand. The EU accession process, though not as specific as it could be, is all the international community can offer at this point. Nonetheless, both headquarters and the mission office agreed that no

imposed solution will work now in Bosnia-Herzegovina. This realization, in addition to my research on civil society mobilization in the country, show that a fundamental shift in Bosnia-Herzegovina's political mentality and an increased activism from its civil society is **necessary** to move the country forward. The prolonged presence of international institutions in Bosnia-Herzegovina, seeing limited success when compared to their ambitions, has caused an increasing sense of unknowingness as to what role they can play in the country. The international community no longer carries enough leverage to influence decisions and reforms in Bosnia-Herzegovina, and therefore the need for the country to move towards self-sustainability is becoming more apparent.

Due to time and funding limitations, I was unable to go to Lebanon to conduct a similar rigorous interview schedule with various organizations in the country. Nonetheless, similar low public opinion is present in Lebanon, with regards to the efficiency and functioning of its government structure. Notable scholars on Lebanon, such as Eli Salem and Simon Haddad, have incorporated much public opinion data and research into their work. Without making broad generalizations, there does seem to be an overall discontent with the Lebanese governmental structure within the country's populace. Salem argues that the following characteristics of the Lebanese government mar both its efficiency and public image:

1. Absence of self-government given Syria's entrenched role in the Lebanese political arena;
2. The lack of accountability. Former militia leaders and communal leaders for the most part wield power through pressure, influence and money;

3. Ambiguous distinctions between the public and private sectors. Top governmental officials often have personal interests attached to “private” sectors such as real estate;
4. Long history of corruption throughout all levels of government, with “no serious program to combat it” (Salem, 668).

Additionally, Haddad notes that these aforementioned problems are present within all the confessional groups in Lebanon. However, since each confessional group’s elites benefit from this easily-manipulated governmental system, cooperation does take place in the sense that all the *political elites* agree to keep the system the way it is. Thus, for both my case studies, it can be concluded that the different ethnoreligious groups *do cooperate* when it comes to ensuring that the nationalistic/confessional parties continue to benefit from the fragmented political system in place. Cooperation for the sake of corruption is apparent in both Bosnia-Herzegovina and Lebanon and is mainly the reason why the public in both consociational societies is disillusioned with the efficiency and capacity of their political institutions and political parties. Thus, even though a broad generalization about the effects of the level of formality of a consociational regime is not possible from using just two case studies, the following conclusion does at least hold true for the cases of Bosnia-Herzegovina and Lebanon. It is apparent that though consociationalism does provide a means for the different ethnoreligious groups to be represented and active within both countries’ governments, the level of shared governance in both countries’ Parliaments was not contingent on the structure of the system (e.g. formality of veto rights), but rather the willingness of the different political elites to work together.

Future Research

For future research, it would be ideal to gather more parliamentary data about Lebanon, in addition to the conduct interviews with Lebanese organizations, institutions, and parties. The only possible way to have access to complete parliamentary archives is to travel to Lebanon, where all parliamentary minutes and proceedings are maintained in the National Law Library, located in Beirut. Having access to the complete parliamentary proceedings would allow for a more comparable quantitative analysis, as I had conducted for Bosnia-Herzegovina, since there would be more information available on laws rejected and parliamentary voting. There is also room to improve my quantitative analysis of Bosnia-Herzegovina. Access to the laws in their entirety, versus just the titles, would allow for a more thorough and deeper analysis of the content of the law, helping to highlight particularly reasons as to why laws were or were not controversial. More investigation of the House of Peoples, in terms of how the smaller number of members affects cooperation, can also be useful in further emphasizing my assertion. Additionally, more complete parliamentary minutes, in addition to consistent report of parliamentary voting, would help to increase the strength of the claims made by my observations and analysis of the OHR parliamentary minutes.

Comparative Implications

In terms of the application of my theory, it would be valuable to do a broader analysis of consociational governments, to see if my results also apply to

other consociational societies. Thus, increasing the number of countries of focus can be useful for both further investigation and combining the implications of my theory. In particular, Iraq would be a good country to incorporate, since it is currently undergoing a multi-faceted transition process. From authoritarianism, to civil strife and disarray, to now consociationalism, Iraq's governmental and societal situation is similar to that of Bosnia-Herzegovina's during the early to mid-1990s. As we have seen with Bosnia-Herzegovina and Lebanon, consociationalism has allocated equal rights to the major ethnoreligious groups in each country, but has simultaneously also ensured that ethnoreligious identity remains at the forefront of the government and political system. Experiencing just its second parliamentary elections since the fall of the Saddam regime in 2003 this past March, 2010, Iraq is facing the same inherent questions that arise from consociationalism's overemphasis on representation rather than integration. What does ensuring such the representation of each different ethnoreligious group in Iraq in government mean for Iraq's future, in terms of stability and sustainability? With such a newly-fledged consociational democracy in the making, it is imperative to analyze the implications of such an agreement early on, rather than decades later, in order to make any necessary reforms before the process and ideologies become too entrenched within both the government and society. Minority vetoes are a useful mechanism in ensuring that no minority group can be marginalized by the ethnic group that compromises the largest constituency (i.e. the Bosniaks in Bosnia-Herzegovina, the Shi'as in Lebanon and Iraq), particularly in the volatile years after the end of conflict. Nevertheless, the presence of

minority vetoes, particularly the more formalized they are, can be problematic in the long-run and subjected to abuse by incentivized political elites. Thus, perhaps an implicit or more narrowly defined minority veto can provide the “best of both worlds:” ensuring that no ethnic group is marginalized, while also providing the flexibility that comes with not having a formally institutionalized minority veto. Regardless, the emphasis should not only be on the structure of the system when it comes to deciding how to incorporate minority rights. The history of interaction between a consociational society’s political elites can also offer some guidance as to whether a more formal minority veto system should be implemented. The most important realization should be that though formal minority vetoes can be useful in ensuring proper allocation of rights, they should not be deemed as long-term solutions. A reformist and dynamic political mentality is necessary to ensure the sustainability and long-term efficiency of a consociational democracy.

In conclusion, as evident by my quantitative findings and qualitative analysis of the laws passed and rejected in 2008-2009 in Bosnia-Herzegovina’s Parliamentary Assembly, the sector of a law played a small role in shaping the debate on whether a law should or should not be adopted. It was not so much a question of whether a law was controversial in nature that shaped its legal ramifications, but rather whether a law, regardless of its sector, clearly addressed the needs of the different ethnoreligious groups. The formalized minority veto mechanism in Bosnia-Herzegovina was particularly subject to abuse, since no formal, legal definition exists of what constitutes an infringement on an

ethnoreligious community's interests. In the case of Lebanon, the informal minority veto, present via the equal division of the number of seats in the Parliament, amplifies the emphasis on inter-ethnoreligious cooperation. Since a majority vote is all that is necessary to pass a law, no one religious sect can pass a law with the cooperation of another. However, due to the lack of data on laws rejected, an in-depth of laws not passed was not possible. Nevertheless, as the literature suggests, overall the Lebanese Parliament is not plagued with consistent law blockage, as is the case with Bosnia-Herzegovina, due to the increased, arguably over-bearing role, the executive branch plays in the Lebanese legislative process. Overall, it is apparent between these case studies that the formalization of consociational arrangements and procedures further entrenches political elites into an ethnoreligious-dominated mindset. The most important conclusion nonetheless is that even though a consociational arrangement plays a large role in dictating the functioning of a political system, the political elites involved play the largest role in ensuring whether or not a political system efficiently functions or not.

Annex I – Explanation of Political Party Distribution in the House of Representatives

Political Parties in BiH's Parliamentary House of Representatives

Source: CoE Report, Annex I

In the Federation

1. Social Democratic Party of Bosnia and Herzegovina (**SDP**): 15.40% FBiH – 5 seats
2. Croatian Democratic Union of Bosnia and Herzegovina (**HDZ**): 7.99% FBiH – 3 seats
3. Croats Together (**HDZ 1990**): 6.10% FBiH – 2 seats
4. Bosnian-Herzegovinian Patriotic Party-Sefer Halilović (**BPS**): 4.41% FBiH – 1 seat
5. People's Party Work for Betterment (**NSRzB**): 3.22% FBiH – 1 seat
6. Democratic People's Community (**DNZ**): 1.90% FBiH – 1 seat

In RS

1. Party of Independent Social Democrats (**SNSD**): 46.93% RS – 7 seats
2. Serbian Democratic Party (**SDS**): 19.44% RS – 3 seats
3. RS Party of Democratic Progress (**PDP**): 5.08% RS – 1 seat
4. Democratic People's Alliance (**DNS**): 3.56% RS – 1 seat

In Both the Federation and RS

1. Party of Democratic Action (**SDA**): 25.54% FBiH / 3.67% RS – 9 seats
2. Party for Bosnia and Herzegovina (**SBiH**): 22.99% FBiH / 4.16% RS – 8 seats

Ethnic Structure of the House of Representatives

8 Croats (all in FBiH entity)
12 Serbs (all in RS entity)
22 Bosniaks (2 in RS, 20 in FBiH entity)

**Annex II – Seat Allocation between Different Confessional Sects in the
Lebanese Parliament, Post-Ta’if Accords**

Source: “Lebanon after Ta’if: Is the Civil War Over?” 1991

Confession	Seats Allocated in Ta’if Accords
Christians	
<i>Maronite</i>	30
<i>Orthodox</i>	11
<i>Catholic</i>	6
<i>Armenian Orthodox</i>	4
<i>Armenian Catholic</i>	1
<i>Protestant</i>	1
<i>Other</i>	1
SUBTOTAL	54
Muslims	
<i>Sunni</i>	22
<i>Shi’a</i>	22
<i>Druze</i>	8
<i>Alawi</i>	2
SUBTOTAL	54
TOTAL	108

Annex III – Interview Questions, 2009

Political atmosphere and power-sharing agreements

1. Please describe to me the level of inter-ethnoreligious party cooperation and interaction today.
 - a. *Depending on response:*
 - b. What are the biggest factors that obstruct inter-ethnoreligious party cooperation?
 - c. What factors facilitate inter-ethnoreligious party cooperation?
2. What are, in your opinion, the most important aspects of governmental reform that you believe BiH must currently focus on and why?
 - a. What factors have caused these governmental problems?
 - b. Do you think these are due to reasons that are structural (e.g. laws) or subjective (e.g. influential individuals) reasons, or a combination of both?
3. How have the Dayton Peace Accords shaped the process of ethnoreligious reconciliation in BiH?
4. In your opinion, was the rigidity of the post-war power-sharing agreements, in terms of how precise the power was to be shared (i.e. creation of the RS and the Federation, parliamentary keys, tri-ethnic presidency, etc) appropriate?
 - a. *Depending on response:*
 - b. If not, describe why you believe the level of rigidity of the power-sharing agreements was not properly allocated.
 - c. Was it possible for BiH, at the end of the war, to have a less formalized and institutionalized power-sharing structure?
5. Do you think it is necessary for BiH to **now** reform its power-sharing agreements? Why or why not?
 - a. What do you believe would be the consequences of trying to soften/maintain the rigidity of the ethnoreligiously constructed power-sharing arrangements in BiH?

Ethnoreligious reconciliation

6. Do you believe the ethnoreligiously-based power-sharing agreements in BiH have affected the process of ethnoreligious reconciliation in post-war BiH? If so, how?
 - a. Should political power-sharing arrangements in BiH strive to promote reconciliation?
7. Do you believe there is a disparity between individuals' reconciling their ethnic differences and those reflected in the political arena?
 - a. *If yes:*
 - b. Why do you believe that exists?
 - c. Do you believe this is an important, or even a feasible, factor to take into account?

8. Why do you believe that there is such a disparity between different cities *within* BiH in terms of dealing with ethnoreligious differences, i.e. two notable examples being Brcko & Mostar?
 - a. *If mention governmental structure:*
 - b. Do you think Brcko's "informal" power-sharing could be used as a model for promoting reconciliation in other ethnoreligiously-divided cities in BiH?

Annex IV – Organizations and Individuals Interviewed, 2009

Bosnia-Herzegovina

1. Mozaik Foundation, locally-run NGO, Sarajevo
2. ACIPS, locally-run NGO, Sarajevo
3. Human Rights Center, locally-run NGO, Sarajevo
4. TERCA, locally-run NGO, Sarajevo
5. Nansen Dialogue Center, locally-run NGO, Mostar
6. Populari, locally-run NGO, Sarajevo
7. Forum for Tuzla Citizens, locally-run NGO, Tuzla
8. International Crisis Group, internationally-run organization, Mostar
9. Balkan Investigative Reporting Network (BIRN), internationally-run organization, Sarajevo
10. Transparency International BiH, internationally-run organization, Sarajevo
11. International Republican Institute, internationally-run organization, Sarajevo
12. Naša Stranka, non-ethnoreligious political party, Sarajevo
13. Organisation for Security and Co-operation in Europe (OSCE) Mission in BiH, international institution, Sarajevo
14. Office of the High Representative (OHR), international institution, Sarajevo

Vienna, Austria

15. Organisation for Security and Co-operation in Europe, international institution
16. Ludwig Boltzmann Institute of Human Rights , international institution
17. Christian Ferdinand Wehrschütz, journalist on the Balkans

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