

QUOTAS, PARTY LISTS AND WOMEN'S REPRESENTATION: EVIDENCE FROM BOSNIA AND HERZEGOVINA

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THE ISSUE

Despite a gender quota requiring 40% of women on party lists, just 21% of House of Representatives and 33% of cantonal assembly seats in Bosnia and Herzegovina are held by women. The representation gap is explained by the high number of parties in assemblies as well as the open list voting system, which has resulted in women being disproportionately leapfrogged.

Women are often excluded in processes of peace and political arrangements after wars. Evidence suggests that the quality of peacemaking and governance can be improved by including not only fighters but the full range of society. **Proportional representation list voting is an effective tool for representation in deeply divided societies like Bosnia and Herzegovina (BiH) but women remain underrepresented in legislatures.** How can women's representation be promoted while preserving voter choice in the context of a power-sharing system? This brief complements existing studies on gender representation in BiH, which have focused on the effects of the Dayton Agreement on women's representation over time, the weaknesses of top-down policies aimed at empowering women in aid projects, and the effectiveness of gender quotas in state and entity-level elections. It does so by comparing the performance of the gender quotas in the elections for the state-level House of Representatives from the Federation of BiH (FBiH) and the elections for ten cantonal assemblies in the FBiH. The data used in this analysis come from official results published by the Central Election Commission of Bosnia and Herzegovina.

The Electoral Law of Bosnia and Herzegovina requires that each party list in all elections have at least 40% of the "minority gender," which is almost always women. The law also requires that the ordering of the list meets requirements meant to reflect the 40% requirement throughout the list: one of the first two, two of the first five, three of the first eight candidates, and so on, on the list must be of the minority gender. Seats are allocated among the parties according to the proportion of votes received by the party. Elections for the House of Representatives of BiH make use of regional multi-member districts and compensatory mandates, while cantonal elections do not. BiH uses an open-list system, so voters may cast preferential votes for up to three specific candidates on the party list. Mandates are assigned based on the position of the list, with exception of those individuals receiving at least 20% of votes cast for the party list who "leapfrog" and receive seats in order of the total individual votes they received. Therefore, voters can affect both which party receives seats and which candidates on the party list serve in the legislature. The election law ensures a place for women and men on the party lists, but voters are then able to override the ranking through votes for individual candidates.

	House of Representatives: Women	House of Representatives: Men	Cantonal assemblies: Women	Cantonal assemblies: Men
Number of Candidates	201	306	1,653	2,170
Candidates receiving Mandates	6	22	95	194
Proportion of Candidates	40%	60%	43%	57%
Proportion of Winners	21%	79%	33%	67%

Gender Breakdown of BiH 2022 General Election Results

KEY FINDINGS

While forty percent of candidates on party lists for the seats in the House of Representatives from the FBiH were women, only 6 of 28 mandates (21%) were won by women in 2022. In the cantons, the results are better with women being 43% of candidates on lists and securing 33% of mandates. While these results are not particularly low in comparative perspective, they do raise the question of why the proportion of women winning mandates is less than the proportion on the lists.

Candidate ranking on party lists: Most of the drop-off between percentage of women on party lists and those receiving mandates stems from the strong tendency for men to be listed in the first position on the party list. Of the 168 party lists across all of the cantons, 32 or 19% of the first candidates were women. Many parties win seats in relatively small assemblies that have between 21 and 35 seats, resulting in few seats per party and many parties winning only one seat. The party list rules favoring gender representation work better when more seats are won by a party. The more seats a party gains the more likely it is that gender representation will be proportional.

Open list PR: BiH's open list proportional representation system also plays a role. Voters often use the open list system to leapfrog over women and circumvent the rules for the inclusion of women on candidate lists. Measuring the prevalence of leapfrogging is complicated by a number of instances of candidates far from the top of the list receiving enough individual votes to leapfrog over many men and women above them on the list. Across all lists in the cantons, 135 women and 138 men were passed over in favor of someone further down the list. Since 57% of candidates on the list are men, this still means that women are more likely to be leapfrogged, but it also indicates that voters use the individual votes to express other preferences about representation and leadership within their party, possibly including regional, ideological or other personal preference. Nevertheless, the candidates who were moved up the list were overwhelmingly men (27 of 31) and the men who moved up the list leapt over more candidates on average (19.3) than did the women who moved up the list (5.8).

Party fragmentation in cantonal assemblies: Women's representation is significantly higher at the cantonal level. This is because assemblies do not use electoral districts within their territory. This means that more candidates from each party list receive seats in the assembly and the gender provisions in the electoral law can function better than at the state level. On average, the cantonal assemblies are less fragmented than the state-level House of Representatives.



However, there is significant variation across the ten cantons in terms of the number of parties represented in the assembly, the practice of leapfrogging over women on the candidate lists and, therefore, women's representation in the assemblies.

In West Herzegovina Canton, six of the ten parties' lead candidate was a man. Since three parties received only one mandate, those three parties contributed one woman and two men. The parties that receive more mandates and go deeper into their lists have the potential to be more representative, depending on the impact of preference voting. One party, HDZ, dominates this assembly with 14 seats, but only three of them were won by women. Other parties show a similar pattern of preference votes being used to elect men at the expense of women. There are other factors at play, as is shown by the fact that preference votes are also used to leapfrog over men on the list. However, women are clearly at a particular disadvantage. As a result, West Herzegovina Canton has just 22% of its seats occupied by women, among the lowest of the ten cantons.

KEY FINDINGS



City of Zenica, Bosnia and Herzegovina

Zenica-Doboj Canton shows a different pattern. With 40% of seats held by women, it is among the cantons with the most balanced gender representation. Although it is still the case that eleven of the sixteen parties had a man as the lead candidate, six of the nine parties receiving mandates received at least three seats. Furthermore, voters for the parties receiving several mandates did not use their preference votes to leapfrog candidates. For the most part, the party list order, and therefore the influence of the gender representation rules, remained in place.

Evidence across cantons shows that those with fewer parties relative to their assembly size have at least the potential to achieve stronger gender representation, because they go deeper into their party lists. The cantons show significant variation, with some cantons performing worse than the House of Representatives while others perform much better. The canton with the highest party fragmentation does have the lowest level of women's representation. Cantons with the least party fragmentation sometimes have very low representation of women and sometimes very high. So, fragmentation is part of the story but not the whole story. In assemblies with high fragmentation, representation of women is suppressed primarily by not going very deep into candidate lists.

In cantons with lower fragmentation, the level of representation depends on the use of preference votes, which can either be used in a way that hurts women's representation, as we saw with West Herzegovina Canton, or in a way that allows the candidate list rules to function as intended, as we saw with Zenica-Doboj Canton. These results are consistent with broader comparative evidence from [Chile](#) and [Brazil](#).

Party size and ideology: Analysis at the party level shows both the benefits of going deeper into lists and some support for the idea that party ideology plays a role. Two patterns emerge. First, the larger parties all have proportions of women that are at or above the average for the sample as a whole (33%). This reinforces the conclusion that party fragmentation is a major part of the problem. Larger parties have more seats in each legislature, so which candidate is listed first is not as important for women's representation. Second, there has been much debate about whether the civic parties, parties that seek to portray themselves as non-ethnic parties, function differently than ethnic parties. The civic parties are among the parties with the highest average level of representation for women, suggesting one way in which the civic parties may be different, on average, than the ethnic parties.

POLICY LESSONS

There are three avenues for improving the function of party list gender rules in order to increase women's representation in BiH: changing the list rules, addressing party system fragmentation and moving to a closed list system.

Changing Party List Rules

The improvements already achieved in representation of women in BiH are due to prior changes to the electoral law including ratcheting up the percentage of women on the lists as well as requiring that the 40% be reflected throughout the list. The electoral law could be changed to require that 50% of candidates on each party list be women and that women and men would have to be alternated on the list. In their analysis, the UNDP finds that making this change alone would probably have a positive impact on the representation of women, but that the amount of the impact is uncertain. This has the advantage of setting an expectation for equal representation, but voters would still be able to use the open list system to leapfrog over women.



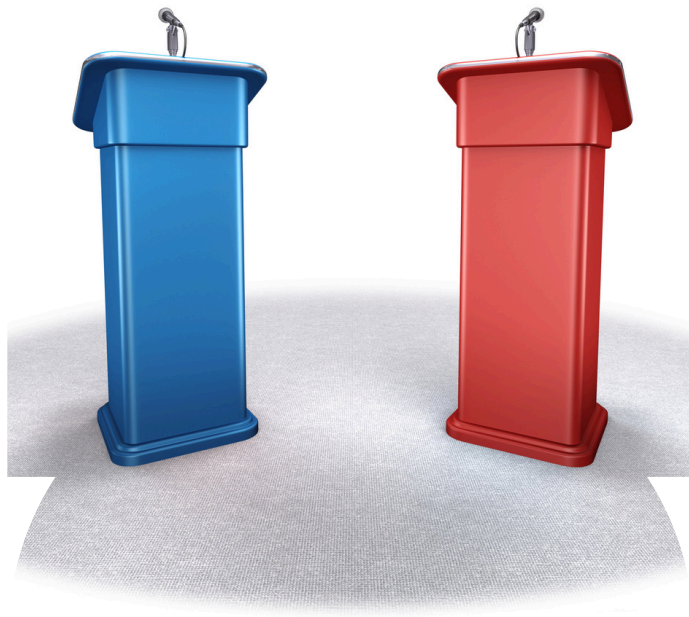
Konjic Bridge, Herzegovina-Neretva Canton

Addressing Party System Fragmentation

The results here show an additional cost to party system fragmentation, namely that it may also be suppressing representation of women. So, actions to address party system fragmentation would also help women's representation. One of the core principles of consociationalism is a focus on broad representation through proportional representation. Representation of groups and interests in the political system is the foundational necessary step upon which the other pillars of democracy and consociationalism are built. However, in cases such as Bosnia and Herzegovina, low barriers to entry for parties combined with very regionalized politics has resulted in dramatic party fragmentation. Larger parliaments, larger electoral districts and higher electoral thresholds for party representation would result in more seats per party and higher representation of women.

Moving to Closed-list PR

Combining closed lists, whereby voters would not be able to influence the list order with the same (or even increased to 50%) gender quota rules could be a way to improve women's representation. However, such a combination comes at the cost of reducing voter choice and shifting power back toward party leadership. The current arrangement probably strikes the right balance, whereby the rules ensure that women are put forward by parties in a visible way, but voters can still pursue representation in the way that is most meaningful to them.



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