

ELECTORAL SYSTEMS IN THE WESTERN BALKANS

more democracy,
more accountability?

RESEARCH PAPER



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This research paper is produced in the course of the project funded by the European Fund for the Balkans, analyzing outcomes of different electoral rules across the Western Balkans. Multinational research team examined the electoral mechanisms with regard to the specific value-oriented methodology, based on principles of democracy and accountability.

Although all analyzed societies use proportional representation model, they substantially differ in the number of constituencies, openness of the electoral lists, and also other specific rules related to the seat allocation and affirmative action for minority groups, which altogether produces different effects for political actors and citizens alike. The paper will also include a list of possible recommendations for improvements, intended for policy makers, researchers and the general public.

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INTRODUCTION: State of democracy in the Western Balkans

The quality of democracy, and the institutions which facilitate its improvement, have remained an important topic even during the height of democratic upsurge following the end of the Cold War. The context of the major upheavals of the last years provides an even greater incentive for understanding the causes of democratic deficiencies. While the populist challenge in consolidated democratic societies poses a novel issue, the threats faced by new democracies are as grave, and more immediate. The slow processes of democratization in the Western Balkans, along with the problems in crucial pillars of democracy such as the electoral system, leave them more vulnerable to devolving into authoritarian or hybrid regimes.

Western Balkans societies share many similarities in their path towards democracy. All except Albania were a part of Yugoslavia, a multi-ethnic federation ruled by a communist regime. The initial transition in the ex-Yugoslav states differed in many ways from changes in former Warsaw pact countries. The influence of the communist elite extended throughout the initial period of democratization, especially in Serbia, where authoritarian rule under Slobodan Milošević continued all the way until the year 2000. The dominance of successor parties was also evident in Montenegro, where the Democratic Party of Socialists held control over all branches of government from 1990 to 2020. During the same period, Albania emerged from a harsher form of communist rule, with more pronounced post-authoritarian context and cultural north-south divide having an effect on the party system, government policies, and overall process of democratization (Mavrikos-Adamou, 2014). Multi-ethnic composition also played an oversized role in the development of institutions in Bosnia and Herzegovina, North Macedonia, as well as Kosovo.* The protracted armed conflict in Bosnia ended with the creation of a complicated consociational arrangement, which assured not just extensive decentralization and veto powers for representatives of Bosniak, Serb and Croat population, but also political and constitutional hurdles to any major reforms. Attempts to resolve tensions with the sizeable Albanian minority in North Macedonia influenced its institutional development. The disputed

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. This remark is applicable to all further mentions of Kosovo throughout the study.

status of Kosovo and uneasy inter-ethnic relations still affect every aspect of its democratization.

These contextual peculiarities during the Third wave of democratization positioned the societies of the Western Balkans to face challenges in establishing democratic institutions, which were absent from other new democracies of the same era. Furthermore, the wars and ethnic instability in the region facilitated greater involvement of the international community in institution building.

Despite the hurdles of a post-authoritarian and post-conflict setting, many aspects of a democratic polity have become established during the 21st century in the Western Balkans. In the last two decades most of the societies witnessed incumbents losing control through free elections. However, legacies of authoritarian rules continued even where successor parties lost power relatively early in the democratization process, showcasing that “old manners can dominate new structures and partially blend into them without a change in outcome” (Komar & Živković, 2016). These patterns, combined with uneasy socioeconomic transition, resulted in molding of various versions of flawed democracies. The contemporary challenges of illiberal democracies within the EU, such as those in Hungary and Poland, find many precedents in the troubled democracies of the Western Balkans. While Viktor Orban coopted the term, it was Fareed Zakaria who first popularized “illiberal democracy”. He envisioned a situation where “democratically elected regimes, often ones that have been reelected or reaffirmed through referenda, are routinely ignoring constitutional limits on their power and depriving their citizens of basic rights and freedoms” (Zakaria, 1997).

Although free and fair elections on their own do not indicate a consolidated democracy, their absence is a clear indicator of major democratic deficiencies. Going beyond a simple right to vote, Elklit and Svensson suggest an extended “checklist” of prerequisites for an election to be free and fair (Elklit & Svensson, 1997), ranging from basic freedom of speech and assembly, to more complex requirements such as “the absence of special privileges to any political party or social groups”. Borderline cases which satisfy some of the requirements yet leave room for entrenched incumbents to create uneven playing fields are the foundation of modern hybrid regimes (Levitsky & Way, 2002).

Apart from resulting in a democratically legitimate and representative government, a successful electoral system functions as a positive reinforcement of other aspects of democratization. In new democracies, where traditions of the rule of law, independent media and civil society have yet to develop, the positive effect of free and fair elections is even more exaggerated. The long process of interplay between building vertical accountability and establishing institutions of horizontal accountability can be severed if trust

in the legitimacy of the elections is lost. Furthermore, if an electoral system creates unrepresentative results or provides negative incentives for participation, a fragile democracy cannot fall back on constitutional traditions or other protections to safeguard itself.

The Western Balkans region has recently experienced either a democratic decline or stagnation. Serbia, with almost a decade of dominance by the populist Serbian Progressive Party, is facing democratic deficiencies in many aspects of government. The 2020 parliamentary election were boycotted by the opposition parties. In its 2020 report, Freedom House rates Serbia as “Partly Free”, noting that “aspects of the electoral process are poorly regulated, and implementation of existing rules is flawed” and that the ruling party “has used various tactics to unfairly reduce the opposition’s electoral prospect” (Freedom House, 2020). The V-Dem Report for 2020 also notes that Serbia’s level of democracy is declining and rated it as an “Electoral Autocracy” (V-Dem, 2020).

In 2020 Montenegro experienced the first electoral loss for the ruling party since multi-party elections were introduced. However, the change has not come easily. It has been preceded and followed by civil unrests, disputes over the role of church in society, disagreements about the judiciary reform and other hurdles towards democratization. The former ruling party’s leader is still the president of the semi-presidential republic, and the state faces issues with corruption and the rule of law. The 2020 Freedom House report rates Montenegro as “Partly Free”. While the score slightly increased since the last report, it has stressed that “extensive patronage systems and widespread corruption” exist, and that the new government is a “de facto minority government”. The V-Dem also classifies Montenegro as an “Electoral Autocracy” with remarks that the country may belong to a higher category.

The complicated consociational arrangement of Bosnia and Herzegovina has continued to be at the forefront of political discussions, with ethnic leaders voicing different conceptions on the very future of the country. BiH is also classified as “Partly Free” by the Freedom House. North Macedonia achieved similar scores, with noted improvements in comparison with previous years, owned to the fact that 2020 elections were evaluated as competitive by OSCE (OSCE, 2020). The progress is also noted by V-Dem, which classifies North Macedonia as “Electoral Democracy”. Same categorization is applied for Kosovo in 2020 V-Dem report. Due to its disputed status, Kosovo remains without data in yearly Freedom House reports.

The state of democratic consolidation in Albania has also faced major challenges in the past years, including an effort to reform its electoral framework. While opposition parties boycotted the 2019 local elections, the party system consists of a considerable opposition block led by the Democratic Party which opposes the ruling Socialist Party. Freedom House considers

Albania to be “Partly Free”. The report notes multiple issues with the electoral process, including “vote-buying” and “voter intimidation allegations”. Despite these deficiencies, the V-Dem marks a shift of Albania from an “Electoral Autocracy” to an “Electoral Democracy”, while noting that it remains a borderline case.

It is within this context of post-authoritarian patterns, ethnic divides, lack of vertical and horizontal accountability, diminished rule of law and partly free media that the electoral systems of the Western Balkans must function. Beyond the basic role of transposing votes into representatives, they must provide incentives for participation and guarantees of fairness. In the same wane, faults within the systems are more readily exploited by authoritarian forces within a state of diminished rule of law.

METHODOLOGICAL FRAMEWORK

Over the last three decades of multi-party system, various electoral models emerged in the Western Balkans. Their impact on specific political and social outcomes will be explored in this study.

At least some of the issues characterizing the flawed democratic processes in the region, including low trust and engagement of the citizens, lack of responsibility from the elected officials, faltering systems of checks and balances, and the domination of the executive branch of government, can be attributed to the electoral system. While all of the Western Balkans implements proportional representation (PR list) system, different variations of this mechanism are in practical use. Both Serbia and Montenegro apply rather rigid closed-list system with a single nationwide constituency. Single constituency but with an open-list voting is applied in Kosovo elections. Albania and North Macedonia have opted for multiple multi-member electoral districts. Similar solution is applied in BiH, but in a rather small parliament of just 42 deputies elected along entity lines. Models also differ regarding mechanisms of seat allocation, threshold, system of nominations, minority and gender representation, which altogether produce various effects.

The study is based on a specifically conceived value-oriented methodology, based on the principles of democracy and accountability, which are further operationalized within eight specific indicators: turnout, gender equality, minority representation, proportionality, effects on the party system, territorial representation, legislative powers and the oversight role of the parliament.

Voter turnout is often highlighted as a basic mechanism of providing the legitimacy to a political system. The turnout analysis in the selected six cases, contrasted with declining population of the region, is one of the basic criteria for assessing the state of democracy. As with all other indicators, this

will also include the qualitative analysis of the specific conditions that have contributed to the fluctuations in electoral participation over the last three decades.

Gender equality indicator is operationalized through the analysis of legal framework and data on gender representation in the parliaments. The PR list has a favorable effect on women's representation in comparison with other models (Norris, 2004), because undemanding introduction of affirmative action mechanisms. Last decade has seen a great stride in the institutional encouragement for the representation of women in the region, with most polities adopting the quota system.

Representation of ethnic minorities is rather important in the region in which almost all six societies can be described as multi-ethnic or even ethnically fragmented. In some of them, consociation models are in place in order to ensure power-sharing between ethnic communities, while others include specific rules facilitating the minority representation, with the notable exception of Albania.

This section also requires several methodological remarks. It should be emphasized that the analysis will include only those deputies elected to represent the ethnic minority parties elected on their own individual party lists, and it will not concern with every MP who privately might be of minority background, elected on the list of majority or non-ethnic parties. It is questionable to what degree those deputies could be considered as political representatives of minority groups. Also, there is a question of proper identification – it is virtually impossible to obtain the data about the ethnic origin of elected representatives, apart from their membership in minority parties. Furthermore, even though Albania omits any prerogatives for ethnic based parties, the political organizations representing minority Greek interest have been running the electoral race and sometimes winning the seats. Therefore, these parties will be included in the analysis. Finally, the Bosnia and Herzegovina is treated as a special case: the system recognizes ethnic right of representation to three constituent nations: Bosniaks, Serbs and Croats. Legal provisions reserving the election to the Presidency and the upper house of parliament for representatives of these three nations provoked the ECHR judgement in the well-known Sejdić and Finci case, whose delay in implementation is still a major hurdle to the Bosnian EU bid. This fact, combined with the elections being held virtually as a parallel process in two entities, called for the specific treatment of minority representation issue in BiH for the purpose of this study. Namely, all representatives from Bosniak or Croat ethnic parties elected in the entity of Republika Srpska, and vice versa, all Serbian representatives elected in Federation of BiH entity, will be treated as minority deputies. This solution is not in accordance with national legislation or constitutional framework of Bosnia and Herzegovina (which consider all

three nations as constitutive on the entire territory), but will serve as a practical methodological tool in this analysis.

Disproportionality of the electoral system will be assessed using the Gallagher index, a statistical tool that measures the relative proportionality between votes received and seats allocated in a legislature. Higher values of this index, especially in PR list, indicate restrictive electoral rules that prevent representation of certain, most notably smaller political options and thus distort the voters will, so we consider it a major indicator of democracy. High disproportionality which favored dominant parties was one of the key reasons why Serbia, Albania, and North Macedonia abandoned the majority voting system, which was in effect after the fall of socialism.

Territorial representation is one of the indicators whether the electoral system has the ability to achieve a composition of parliament that faithfully portrays one society, not only in terms of replication of political preferences and social divisions, but also when comes to proper representation of geographical subdivisions. PR list systems often neglect the geographical aspect, offering little incentives for parties to consider local candidate representation (Carey & Shugart, 1995). Territorial representation can be an important indicator of accountability, related to personalization of deputies elected from the specific region, city or municipality and their more substantive relation with the electorate in a limited geographical area. It could certainly pose a problem for the Western Balkans, where PR list is combined with long tradition of high centralization around single political and economic center, usually the capital city. However, some legislators have tried to alleviate the centralization of representation through introduction of multiple constituencies based on geographical subdivisions. The issue will be approached with two connected means of analysis: the level of metropolization (overrepresentation of capital cities in relation to their share in total population) and the index of territorial representation (which summarily measures differences between share of MPs and population share of all municipalities within an electoral system). Due to the lack of data regarding the elected deputies' places of residence, this indicator will be analyzed over the last three electoral cycles, with the exception of Montenegro, where data is available only for the 2016 and 2020 elections.

The impact of electoral system on the **party system** is measured with the assessment of the effective number of parliamentary parties, indicator directly related to disproportionality and operationalized through the Laakso-Taagepera index. It is essentially a measure of the fractionalization of a party system, calculating the relative strength of votes and seats received by the party. Electoral systems resulting in a small number of parties (close to 1) indicate the existence of a predominant actor, underrepresentation of opposition and generally endangered democracy, while systems with sig-

nificant level of fractionalization can suggest dysfunctional parliaments. The high number of parliamentary parties in PR list system can also indicate the widespread practice of forming pre-electoral crypto-coalitions, in which the smaller parties bandwagon behind large ones, managing to avoid effects of the electoral thresholds and win parliamentary seats. These parties rarely or never go to the polls by themselves, and ensure their presence in parliament exclusively through alliances with dominant actors, thus exempting themselves from any accountability to the voters.

Last two indicators deal with the **legislative power** and the **oversight role** of the parliament, assessing the position and behavior of the elected deputies in relation to the electoral system. Legislative power is demonstrated with the analysis of legislative initiative, calculating the share of laws initiated by the MPs, while the oversight role concerns with the number and quality of questions directed to the government. The latter will compare number of questions submitted by the government and the opposition deputies, expecting that opposition parties to perform a more active oversight in a functional democracy. Methodological differences in definitions of MPs questions and initiatives between parliaments, complemented with the lack of data occurred in some cases, caused these analyses to be executed mostly in qualitative manner.

As mentioned before, the study will include elections for the (lower chambers of) parliaments of Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Serbia and Montenegro. The data for all indicators were obtained through the work of local researchers, based on their analysis of available databases and communication with their respective parliaments and electoral bodies.

“TRYING IT ALL”: Institutional electoral memory in the Western Balkans

In the last thirty years, the Western Balkans experimented with various types of electoral models. Despite the fact that the initial position of all societies was almost identical, the historical track of electoral rule development headed in differing directions, from majority voting to various models of mixed-member system, only for it to end at a similar point – today they all use the proportional representation (PR list) system.

A variety of district magnitudes were used in this period, from single-member in the majoritarian elections and the majoritarian component of

mixed models, to small (20 small districts of an average size of 4.35 during the 1990 Montenegro elections, eight districts of an average size of 3.75 in Bosnia and Herzegovina); medium (Serbian 1997 elections with 29 electoral districts of an average size of 8.62); combining small, medium and large (elections in Albania since the introduction of PR list – in the most recent elections the size of electoral districts ranged from 3 to 34); large (the elections in Serbia in 1992 and 1993 with nine districts, and in Macedonia with six 20 member districts); to at-large nationwide districts (Serbia, Montenegro and Kosovo today). The case of Bosnia and Herzegovina is also specific, with seats allocated on two levels: 8 districts and remaining 12 compensatory mandates.

There was also experimentation with various seat allocation formulas: Hare and the largest remainder method, D'Hondt formula, Sainte-Laguë formula and combinations of the D'Hondt and Sainte-Laguë. Furthermore, various thresholds were tested: 1%, 2%, 2.5%, 3%, 4%, 5%, with differentiated electoral thresholds for coalitions and lowered thresholds for parties of ethnic minorities. North Macedonia removed the threshold altogether, since its role was subsumed by the size of the electoral district. In all cases, the implementation of PR list started with closed party lists, but in 2021 only Serbia, Montenegro and North Macedonia retained such list types. BiH and Albania implemented flexible lists, with varying quotas of direct/preferential votes that candidate has to achieve (firstly 5%, and now 20% of the list votes in BiH; and 10 thousand votes in Albania), while Kosovo implemented open party lists.

The institutional framework relating to the representation of ethnic minorities also experienced frequent and dynamic changes. The most restrictive case is that of Albania, in which political parties of minorities were until recently banned by law. Despite that, the parties representing Greek minority interest still sometimes managed to win seats. In North Macedonia there are no specific institutional solutions relating to minorities, but the division of the country into six electoral districts creates a model which is permissive for small parties of the geographically concentrated Albanian minority. The model which utilizes a distinct electoral district for Albanians was used by Montenegro but was abandoned in favor of establishing lower electoral threshold for political parties of minorities: 0.7% for most parties, 0.35% for Croatian parties. In Serbia, minority parties are exempt from electoral thresholds since 2004 (the natural threshold applying). Furthermore, since 2020, the number of votes achieved by those parties is automatically increased by 35% for the purpose of seat allocation. Kosovo applies the system of ethnic quotas. Until 2007, there were 20 guaranteed seats for minorities, with their parties also participating in the allocation of

the remaining 100. Since the most recent reforms, minorities attain regular seats only if the share of minority votes is high enough to secure more than the number of guaranteed 20 seats. Finally, in Bosnia and Herzegovina the quotas are applied to candidates, but only in the case of upper house elections and the legislatures of the two entities, with a similar model being utilized for the election of the tripartite presidency. As mentioned before, this solution is not aimed at facilitating representation of ethnic minorities, but exclusively at securing the power-sharing arrangements between three constitutive nations of BiH.

Lastly, for a long time the electoral legislation of the Western Balkans was not open for affirmative action related to the less represented gender. Only since the first decade of the 21st century have such measures been gradually introduced. All six electoral systems now apply affirmative measures, having legally binding quotas for women on the list. These range from 30% in Montenegro, Albania and Kosovo, to 40% in Serbia, North Macedonia and BiH.

Serbia

Following the 1990 constitutive elections held with a two-round single-member majoritarian system, round-table discussions between the government and the opposition reached an agreement about implementing PR list. In the 1992 and 1993 elections Serbia was divided into 9 electoral districts, with this number being changed to 29 for the elections of 1997. Four days after the democratic changes of 2000 the PR list was adopted (single nationwide electoral district through which all 250 seats are allocated with the D'Hondt formula, along with a 5% threshold), a system in effect today, although with minor calibrations. These changes include the removal of threshold for parties and coalitions representing the ethnic minority interest (2005), closing of the party lists (2011 – before that, the party leaderships could distribute seats according to their will, irrespective to the order of candidates on the list), and the gradual strengthening of affirmative measures for the less represented gender.

Most recent changes in Serbian electoral legislative framework occurred in a period immediately preceding the 2020 election, which was boycotted by most of the opposition. These included a lowering of the threshold from 5% to 3%, increase of quotients (as used by the D'Hondt formula) of minority parties by 35% (in practice, an artificial increase of votes won by ethnic parties by 35%), and an increase of the share of women on electoral lists to 40% (for every five positions on the list there must be two representatives of the less represented gender). A combination of the gender quota on and the closing of the lists to post-election party interference ensures that parliament in practice does contain approximately 40% of women, resulting in a double quota.

Overview of electoral rules

SERBIA	
Type of electoral system	proportional
Number of electoral districts	1 (250 seats)
Electoral threshold	3%
List type	closed
Seat allocation formula	D'Hondt
Rules for minorities	exempt from threshold (natural threshold) + increase of quotients by 35%
Rules for gender representation	40% (two for every five positions) – double quota

Montenegro

In contrast to Serbia, Montenegro organized all its elections for National Assembly representatives utilizing a proportional system. However, many changes did occur, including the number of seats, the number of districts (20 in the elections of 1990, one district for the 1992 elections, and 14 in 1996), the height of the threshold (4% until 1998), rules relating to political parties of minorities and gender representation. Currently Montenegro, alongside Serbia, uses a sub-variant of the PR list rarely seen in comparative European practice, combining a single district and closed party lists. Until the 2012 elections, party leaderships could alter the order of candidates in the second half of the list. The electoral threshold is 3%, with party lists of those minorities numbering less than 15% of the population being exempt from it, which in practice results in exclusion of Serb ethnic parties from the rule. For other minorities, the lowered threshold of 0.7% applies, with individual parties having the option of merging votes within a three seat limit. Also, for Croat minority the bar is further lowered to 0.35%.

The 2011 reforms introduced gender quotas into the Montenegrin electoral legal framework for the first time. The quotas were further enhanced in 2014, through specifying that alongside the requirement of 30% of the party list, every fourth position in the list order must be filled by a member of the less represented gender. Furthermore, the law establishes that if a seat is vacated prematurely by a member of the less represented gender,

it will be filled by the first subsequent member of the same gender on the party list (triple quota).

Overview of electoral rules

MONTENEGRO	
Type of electoral system	proportional
Number of electoral districts	1 (81 seats)
Electoral threshold	3%
List type	closed
Seat allocation formula	D'Hondt
Rules for minorities	electoral threshold 0.7% (Croat minority 0.35%) + vote merging up to three seats – all applicable to minorities under 15% of population
Rules for gender representation	30% of the list (one every four positions – 25%) – triple quota

North Macedonia

The last “Yugoslav” elections in Macedonia were held in 1990, using a two round majority system. Albanian parties regarded the model as discriminatory towards their population, since the malapportionment in practice led to the need of Albanian representatives to receive 8 thousand votes in order to be elected, in comparison to only 4 thousand votes for Macedonian representatives. A consensus on the change was not reached until 1998, when the new combined model received a broad support in the parliament. The concern of Macedonian public about the overrepresentation of minority ethnic influence was still expressed in the numerical domination of single-member district seats (85) over the party list seats (35). The latter was utilized through a single nationwide district, alongside D'Hondt formula and 5% threshold. The parallel model did not lead to the reduction of ethnic tensions. Following the short conflict and the Ohrid Agreement signed in 2001, a PR list system was introduced as part of the agreed power-sharing mechanisms.

Macedonia was divided into six electoral districts which elect 20 representatives each, along with three additional places for Macedonian diaspo-

ra. However, since the law requires that diaspora candidates win at least the same number of votes as the weakest party in the allocation, these seats mostly remain vacant. The D'Hondt formula for seat allocations is used, and the threshold is not prescribed by law. However, owing to the electoral district magnitude, the effective threshold is around 4%. While no special specific rules for ethnic minorities are in effect, the representation of the Albanian minority is achieved by the drawing of district boundaries – Albanians are concentrated in electoral district 6, while they also win a certain number of seats in districts 1, 2 and 4. Gender quotas (30% of the candidate lists) have been introduced in 2002 for the first time, but only through 2006 amendments to the law was it specified that for every three positions on the list, one must be given to the less represented gender. The triple gender quota (a female representative which resigns must be replaced by a woman) was introduced in 2014, and the share of women on party lists was increased to 40% in 2015 (one woman for every three positions and an at least one further slot for every 10 positions).

Overview of electoral rules

NORTH MACEDONIA	
Type of electoral system	proportional
Number of electoral districts	6 (20 seats each) + 1 (three seats for the Macedonian diaspora)
Electoral threshold	Non-existent (effective threshold of around 4%)
List type	closed
Seat allocation formula	D'Hondt
Rules for minorities	non-existent (electoral districts with Albanian majorities)
Rules for gender representation	40% of the list (one every three positions, four for every 10 positions – 40%) – triple quota

Bosnia and Herzegovina

Following the 1990 elections (absolute majority system for the Council of Municipalities, proportional system for the Chamber of Citizens), the civil

war and the signing of the Dayton Agreement, the electoral system of Bosnia and Herzegovina went through two phases. In the first phase elections were held using rules established by the Temporary Electoral Commission, while the second phase began with the adoption of the Electoral law in the September 2001. Most of the electoral institutions utilized today have their foundation in the temporary phase. This is not only the result of the fact that electoral system is founded on Annex 3 (Agreement on elections) and Annex 4 (Constitution) of the Dayton Peace Accords, but also as a consequence of female quotas being already implemented for the 1997 elections and flexible lists being introduced in the last elections under the supervision of the international community, which were held in 2000.

Bosnia and Herzegovina has a bicameral federal parliament in which the institutional position of the upper (House of the Peoples) and the lower houses (House of Representatives) are symmetrical. The representatives in the upper house are selected indirectly, by the entity parliaments. The House of Representatives consists of 42 MPs, of which 28 are elected in the Federation of BiH and 14 in Republika Srpska. In the Federation, 21 of the 28 are elected in five multiple member districts (two 3 member districts, one 4 member district, one 5 member district and one 6 member district), while 7 seats are allocated through party compensatory lists. In Republika Srpska, 9 of the 14 members are elected in three 3 member districts, and the remaining 5 are elected through compensatory lists. The threshold for parties in districts is 3% and the seats are allocated using the Sainte-Laguë formula. The method for the allocation of compensatory seats is identical. Every voter can award as many preferential votes as there are eligible seats in the district. Concerning the flexible list mechanism, the seats are initially allocated among the candidates who won at least 20% of the list votes (before the 2016 reform, a candidate required only 5% – these latest changes reduced the influence of voters). If further unallocated seats remain, other candidates are chosen according to the list order. Compensatory lists are closed and blocked, allocated on the basis of order determined by the parties.

The constitutional framework of Bosnia in Herzegovina awards a higher level of collective national rights to the constituent nations (Bosniaks, Serbs and Croats) than to the ethnic minorities, since the former are guaranteed representation in state institutions. This comes to the forefront in the elections for the Presidency of Bosnia and Herzegovina and during the constitution of the House of the Peoples which prohibit non-constituent minorities from even fielding a candidate. The legal issue raised by such a framework is considered in the European Court of Human Rights case *Sejdić and Finci v. Bosnia and Herzegovina*. The 30% gender quota for party lists (for each ten positions on a list, three female candidates are required) has been applied

since the election of 1998. However, the effect of these gender quotas has weakened since electoral party lists have been open to voter preference (flexible lists) in 2000. Rules have been changed by reforms of electoral legislation in 2001, through which it was further specified that one member of the less represented gender must be present among the first two candidates on a party list, two among the first five and three among the first eight. Finally, in 2013 the minimal number of woman on list was prescribed to 40%.

Overview of electoral rules

BOSNIA AND HERZEGOVINA	
Type of electoral system	proportional
Number of electoral districts	two – 30 seats on level 1 + 12 seats on level 2 (entities)
Number of electoral districts – level 1	8 (3 seats – 5; 4 seats – 1; 5 seats – 1; 6 seats – 1)
Number of electoral districts – level 2	2 (Federation of Bosnia and Herzegovina – 7 seats; Republika Srpska – 5 seats)
Electoral threshold	3% on both levels
List type	flexible on level 1 (intraparty threshold of 20%), closed on level 2
Number of preferential votes	equal to the number of seats allotted in the electoral district
Seat allocation formula	Sainte-Laguë
Rules for minorities	non-existent (representation of three constituent nations guaranteed)
Rules for gender representation	40% of the list (one in the first two positions, two in the first five, three in the first eight – 50%, 40%, 37.5%) – double quota combined with flexible lists

Albania

The electoral system of Albania experienced the high frequency of changes during the last 30 years. Constant disputes among key political actors and

a lack of consensus about electoral rules led to frequent and ill-considered changes of electoral laws in the prelude of almost all parliamentary elections. Constitutive elections were held in 1991 through an absolute majority system. However, already in the following year a majoritarian system with a compensatory list was introduced (mixed single vote system). In the 1996 and 1997 elections a mixed electoral system, which utilized differing shares of nominal and list seats, was used (in 1996, 115 and 25 seats; in 1997, 115 and 40 seats). This was again changed in 2001 to a mixed-member proportional system (100 and 40 seats), which was further changed from an absolute majority system for the nominal seats to a relative majority. During this entire period, electoral manipulation was evident, especially after the introduction of a mixed proportional system. A strategy of formally independent candidates running in the single-member elections in 2001 and the collective vote sharing in 2005 rendered the compensatory mechanism pointless, and in 2008 the system was replaced with a proportional one.

Following three cycles (2009, 2013 and 2017) saw the use of a closed PR list system with 12 districts and a threshold of 3% on the district level for individual parties and 5% for coalitions. The model went through a further reform in 2020, with abandonment of closed party lists in favor of flexible. The candidate is elected directly if he or she receives a higher number of preferential votes than the quotient between number of votes and number of seats the party received in the district. However, since a voter has only one preferential vote which can be awarded, the scope of a voters influence on the direct election of candidates in practice is very limited. Also, since 2021, the lists which achieve 1% of the vote on the national level can also participate in seat allocation.

The Albanian legal framework not only lacks any affirmative measures towards ethnic communities, but for a long time it did not allow the formation of ethnic minority parties at all. As for women representation, between 2009 and 2013, it was enough for parties to fulfill one of two conditions: 30% of women on the party list or reserving one of every three positions on the list. Since 2013, both requirements must be fulfilled, but some parties still avoided fulfilling the criteria. Finally, with the reforms of 2020, a 30% gender quota was ensured, through a reserved seat in every three positions on the list and a requirement for the Electoral commission to invalidate the list which fails to comply. Furthermore, the law prohibits a candidate elected directly through preferential votes from “overtaking” a candidate of the less represented gender and requires that in the case of vacated seats in parliament, following the termination of a female representative’s term, her seat must be awarded to a woman – triple gender quota.

Overview of electoral rules

ALBANIA	
Type of electoral system	proportional
Number of electoral districts	12 (3, 4, 5, 7, 7, 11, 11, 12, 14, 14, 16 and 36 seats)
Electoral threshold	1% on the national level
List type	flexible (intraparty threshold – at most 10 000 votes)
Number of preferential votes	one
Seat allocation formula	D'Hondt
Rules for minorities	non-existent
Rules for gender representation	30% of the list (one every three positions – 33.3%) – triple quota

Kosovo*

Citizens of Kosovo elect 120 parliament representatives through a PR open list with 5% threshold, with the seats being allocated through the Sainte-Laguë method. Twenty of those seats are reserved for minorities: 10 allotted to the parties, groups or candidates representing Serb community, 3 to the Bosniaks, 2 to Turks, and 1 to Gorani, Roma, Ashkali, and Egyptians. One last seat is reserved for the Roma, Ashkali or Egyptian list which receives the highest number of votes. Initially, the rules required that every seat won through an election be added to the seats reserved for the ethnic communities, so these lists in the 2010 election won further five MPs above the 20 guaranteed. Already in 2014, the reserved seats for minorities (20) were converted into guaranteed seats.

Before the 2010 amendments, every voter had a single preferential vote which could be awarded to a single candidate of a party list. A vote given to the list alone, without indicating a preferred candidate, was considered a vote for the first candidate on the list. Following the 2010 reforms, voters

* As stated before, this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. This remark is applicable to all mentions of Kosovo throughout this study.

were allowed to vote for up to five candidates from a party list. The party list is open since, in line with the number of votes received by each candidate. All lists must include at least 30% women, or men, with one candidate of each gender for every three positions on the list. The share of women is ensured through a provision according to which the last elected candidate of the majority gender is replaced by the next candidate of the opposite gender until the share reaches 30%. In case of a seat becoming vacated, it will be replaced by the next qualified candidate of the same gender.

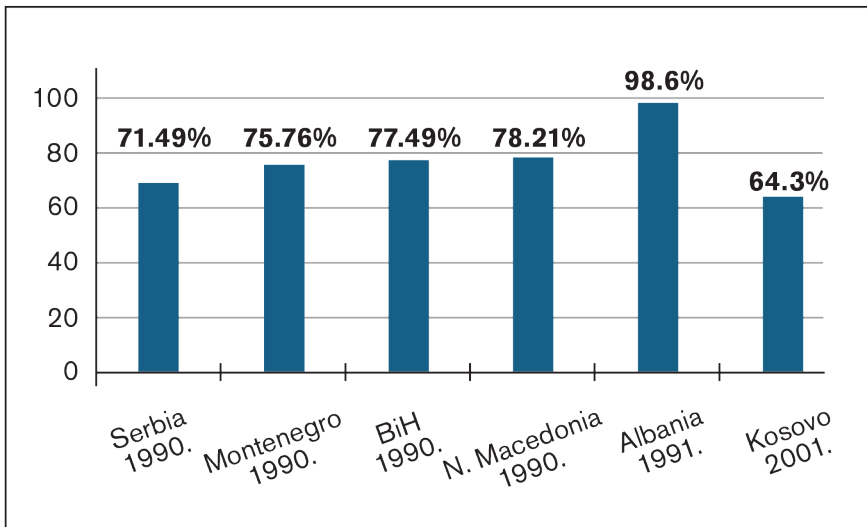
Overview of electoral rules

KOSOVO	
Type of electoral system	proportional
Number of electoral districts	one
Electoral threshold	5%
List type	open
Number of preferential votes	up to five
Seat allocation formula	Sainte-Laguë
Rules for minorities	20 guaranteed seats (Serbs 10, Bosniaks 3, Turks 2, Gorani, Roma, Egyptians, Ashkali 1 each + 1 for Roma, Egyptians or Ashkali list with the most votes)
Rules for gender representation	30% of the list (one for each three positions – 33.3%) – triple quota

VOTER TURNOUT

Electoral participation is lifeblood of democracy, and it can be used as a basic indicator in assessing the overall health of a democracy (Franklin, 2002). However, the turnout is declining across the modern democracies, as is the case with the Western Balkans. In all six analyzed cases, the participation in the very first multi-party elections was high, often the highest across the whole 30-year sample, which is understandable given the fact that these societies have come out of decades of single-party authoritarianism, with widespread excitement over the newly found freedoms and choices evident in the first polling. A notable positive outlier is Albania, where over 98% of registered voters went to the polls in the first free elections of 1991.

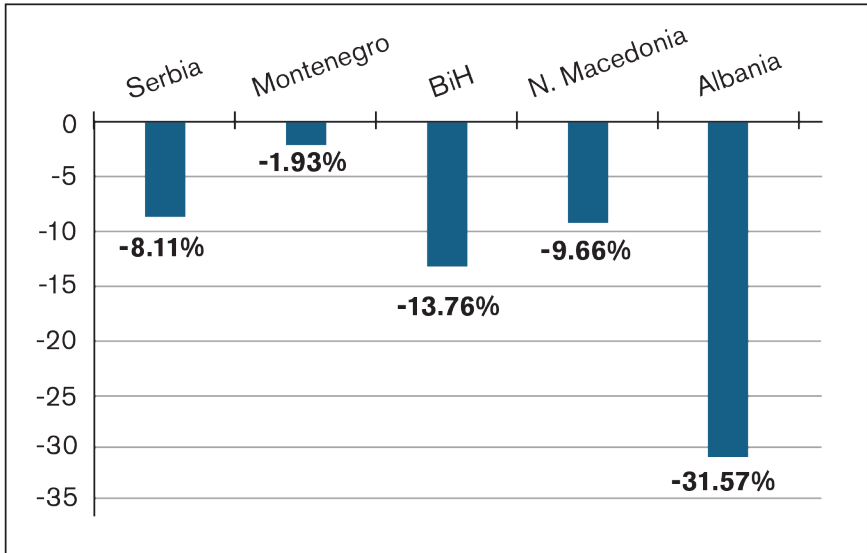
Turnout in the first multi-party election



Over time, these numbers declined, sometimes severely, which can be attributed to the subsequent disappointment of voters in their party choices, as well as in democracy as a whole. Graph demonstrates the difference between average turnouts over the first five parliamentary electoral cycles after the renewal of multi-party system and the most recent five elections, showing the magnitude of voter's abstinence. The drop is most significant in Albania, while Montenegro demonstrates steady levels of participation, which can be considered as highest in the region. The decline is also vis-

ible in Kosovo, where in the first elections organized by United Nations Interim Administration Mission 64.3% of voters participated, followed by the steep drop to below 50% in the next election. This trend caught on, with the lowest voter involvement recorded in 2007: only 40.1%, the lowest in the whole sample.

Difference in turnout between first 5 and last 5 cycles



Certain political and societal turning points incentivize voters to participate. We observe that kind of voter mobilization in Serbia in 2007 and 2008, with heightened social conflict over the future direction of the country (“EU or Kosovo” dilemma), and moreover in Albania 2013, when Socialist Party of Edi Rama came to power after the economic crisis. Same happened in Montenegro in 2020, after the massive opposition protests and subsequent voter mobilization caused the defeat of the long lasting Democratic Party of Socialists’ government. The event at the same time constituted the first electoral change of government in the country’s history. In North Macedonia, the turnout was on the rise in 2016 election, which eventually resulted in ousting of Gruevski regime, followed by the significant drop in the next election. The loss of additional 14%, or almost 250 thousand voters, seemed to be caused by the disappointed with performance of new majority and the party offer in general. Before that, Macedonians have also demonstrated high levels of

participation in 2011, when early election was called after the opposition protest. Crisis can indeed serve as an important catalyst of voter involvement, if they are properly mobilized by political actors.

Turnout levels (%) across the Western Balkans, 1990-2021.

SRB 2020	48.88	ALB 2021	46.29	MNE 2020	76.64	MKD 2020	52.02	BIH 2018	54.03	KOS 2021	48.84
SRB 2016	56.07	ALB 2017	46.75	MNE 2016	73.33	MKD 2016	66.79	BIH 2014	54.54	KOS 2019	44.59
SRB 2014	53.09	ALB 2013	53.46	MNE 2012	70.56	MKD 2014	62.96	BIH 2010	56.53	KOS 2017	41.16
SRB 2012	57.77	ALB 2009	50.77	MNE 2009	66.2	MKD 2011	63.48	BIH 2006	55.36	KOS 2014	42.62
SRB 2008	61.33	ALB 2005	49.07	MNE 2006	71.4	MKD 2008	57.06	BIH 2002	55.46	KOS 2010	44.89
SRB 2007	60.64	ALB 2001	53.62	MNE 2002	74.61	MKD 2006	55.88	BIH 2000	64.4	KOS 2007	40.1
SRB 2003	58.73	ALB 1997	72.56	MNE 2001	81.79	MKD 2002	73.47	BIH 1998	67.99	KOS 2004	49.52
SRB 2000	57.72	ALB 1996	89.08	MNE 1998	76.04	MKD 1998	72.88	BIH 1996	79.4	KOS 2001	64.3
SRB 1997	57.4	ALB 1992	90.35	MNE 1996	66.9	MKD 1994	70.15	BIH 1990	77.49		
SRB 1993	61.34	ALB 1991	98.6	MNE 1992	67.31	MKD 1990	78.21				
SRB 1992	69.72			MNE 1990	75.76						
SRB 1990	71.49										

Lower levels of turnout in Bosnia and Herzegovina can be explained by the complex system of separation of powers in the country, in which formation of national governments lasts for a long time and often ends with the unexpected and fragile majorities constantly infighting. Furthermore, elections in the entities seem to be of more importance to the average voter. Since 2000, there is no significant fluctuation in votes cast in Bosnian elections. Kosovo on the other hand demonstrates a constant decline in turnout, a trend somewhat stopped with the emergence of Self-determi-

nation Movement as a major political power and their subsequent electoral victory in 2021, which caused higher participation, especially in younger age groups. Earlier analyses find that abstainers in general are more frequently found among younger population, indicating the importance of socialization for creating the habit of participation (Todosijević, 2020).

The systematic impact of electoral rules on participation could not be identified. Serbia and Montenegro use almost identical PR list system, with turnout in the former constantly declining, while the latter demonstrates highest values in the sample, rarely falling below 70%. By all expectations, closed list single constituency system should be discouraging the participation because of the high level of depersonalization. Moreover, Albania and North Macedonia use multi-member system, but Macedonians turn out to the polls in substantially higher percentage, despite closed lists.

One of the main social factors influencing the voter turnout is the migration. Namely, Western Balkans is a region with significant outflow of population. Because of that, number of voters actually present often does not match the numbers in voter registers. Citizens who emigrate frequently remain listed as voters, due to the pitfalls in regulations or simply administrative negligence. For example, Serbian election of 2020 saw 6.584 million voters in the register, which is 600 thousand of adults more than there was in the last population census of 2011. The voter register of North Macedonia has 1.814 million voters, while the census of 2021 demonstrated that the whole population, including minors, amounts to 1.833 million. Similar is found in Kosovo (1.852 million voters, total population of 1.782 million), BiH (3.355 million voters, total population of 3.531 million) and in the most extreme case, in Albania (3.589 million voters, total population of 2.832 million). The only exception is Montenegro, which seemingly has lower migratory movements in comparison with the rest. In the last election, Montenegrin register comprised of 520 thousand voters, compared to 620 thousand people counted in the 2011 census.

Voter registers usually contain a large number of diaspora members who enjoy the right to vote in their home country. Voting in diaspora is organized, but costly and impractical for most of the voters, while the mechanisms of remote voting remain underdeveloped. Additional issue is the practice of granting the dual citizenship to compatriots across the region, sometimes causing inscriptions in voter lists in multiple places. One of the most famous cases happened in 2018, when the Serb member of the Presidency of Bosnia and Herzegovina Milorad Dodik orderly voted in the Belgrade local election, owing to his dual citizenship and dual residence.

The consequence of disparities between registered and actual number of voters creates distrust among citizens, even widespread suspicions

about electoral frauds. Low trust, combined with shrinking voter base due to emigration (“voting with feet”), does not speak well about the state of democracy in the region. In general, electoral rules have low impact on turnout, with other factors being in action – most likely the party system dynamics, in combination with periodical political and social upheavals.

GENDER EQUALITY

Proportional representation systems are more susceptible to women representation. Firstly, majority voting often incentivize political parties to nominate candidates most likely to win in the single-member districts: in most societies, especially in more traditional ones, this is usually a male member of dominant ethnic group and of heterosexual orientation. On the other hand, in proportional systems voters usually cast their votes for the party or the party leader. Furthermore, PR list system facilitates implementation of different mechanisms aimed at improving the gender balance. Western Balkans lawmakers predominantly decided in the favor of quota system, guaranteeing the seats for women through the party lists.

Albania is following the quota principle, guaranteeing 30% of the underrepresented gender in the parliament, while in the basic units of local self-government 1 in every 2 candidates should be from the same gender, which is underpinned with the amendments to the Electoral Code from July 2020. This secures minimum representation of the underrepresented gender, and it is mirrored in the rules for distribution of mandates. A triple gender quota also ensures that every female MP who resigns their post in the parliament be replaced with another woman. Gender quotas are also in place for the electoral administration, responsible for administering the various types of elections, which contributes to the equal gender representation in the overall process.

Before 2013, party lists could fulfill only one criteria of gender representation: having 30% of women on the list or reserving one of every three positions on the list for them. This notably led to the lower levels of representation. After the 2013 fulfilment of both criteria is demanded, and this was immediately reflected in the share of female representatives: 29.29% in 2013, 25.71% in 2017, and finally 34.29% in 2021. Latest 2020 reforms improved the quota system, but also authorized the Electoral commission to invalidate party lists that do not comply with the gender regulations. Before that, parties only received fines, and now they are faced with election bans, which seemingly improved the figures.

Share of women (%) in parliaments of the Western Balkans, 1990-2021.

SRB 2020	38.8	ALB 2021	34.29	MNE 2020	27.16	MKD 2020	39.17	BIH 2018	26.19	KOS 2021	35.83
SRB 2016	34	ALB 2017	25.71	MNE 2016	23.46	MKD 2016	38.33	BIH 2014	21.43	KOS 2019	32.5
SRB 2014	33.2	ALB 2013	29.29	MNE 2012	14.81	MKD 2014	34.15	BIH 2010	19.05	KOS 2017	31.67
SRB 2012	32.4	ALB 2009	16.43	MNE 2009	8.64	MKD 2011	34.15	BIH 2006	21.43	KOS 2014	32.5
SRB 2008	21.6	ALB 2005	7.14	MNE 2006	8.64	MKD 2008	35	BIH 2002	26.19	KOS 2010	33.33
SRB 2007	20.4	ALB 2001	6.43	MNE 2002	6.67	MKD 2006	30	BIH 2000	9.52		
SRB 2003	12.4	ALB 1997	7.1	MNE 2001	10.39	MKD 2002	20	BIH 1998	26.19		
SRB 2000	10.8	ALB 1996	15	MNE 1998	5.13	MKD 1998	7.5	BIH 1996	0.62		
		ALB 1992	6.43	MNE 1996	8.45	MKD 1994	5				
		ALB 1991	3.6	MNE 1992	7.06	MKD 1990	4.17				

In recent decades, Bosnia and Herzegovina has seen much fluctuation in female representation. Opening of party lists to voter preference in 2000, in conjunction with small electoral districts, led to a sudden fall in the share of female MPs: from 26.19% in 1998, to just 9.52% in 2000. So the gender representation rules have been changed in 2001, prescribing that one member of the less represented gender must be present among the first two candidates on a party list, two among the first five, and three among the first eight on a parties list of candidates. The same version of the quota system is applied to the compensatory mandates.

Finally, with the electoral reform of 2013, it has become law that the minimal number of women on party lists equal 40%, and the change of the intraparty preferential threshold for direct seats from 5% to 20% was justified through the need of ensuring greater participation of women in the representative institutions of Bosnia and Herzegovina.

However, transforming the institutional rules into practice, amid the relatively high gender quota set at 40%, the percentage of female MPs in BiH is among the lowest in the region, although one can note a steady increase in the last three general elections. In 2010, this percentage was below 20% (19.05%), seeing a small increase in the following elections held in 2014 (21.43%), while one can note a more significant increase of female MPs in the last general elections held in 2018 – 26.10%. In practice, the existence of a double quota can be brought into question. Guaranteeing certain position on party lists for women does not necessarily lead to desired results, since it is combined with flexible lists. In theory, it is possible for all candidates to be selected directly, through preferential votes and for all of them to be men.

Kosovo is among the frontrunners in the Western Balkans when gender balance in parliament is at stake. Law on General Elections recognizes the gender quota requirements as one of its fundamental principles. In line with the quota system, each political entity running in elections needs to have at least 30% of the underrepresented gender on the list, with one candidate from each gender included at least once in each group of three candidates. The 30%-rule is also recognized regarding distribution of seats. If after the allocation of seats, the candidates of the minority gender within a political entity have not been allocated at least 30% of the total seats, the last elected candidate of the overrepresented gender will be replaced by the next candidate of the opposite gender on the reordered candidate list until the number reaches 30%. These rules contribute to continuously securing a minimum of 30% in the parliament. Looking at the results from the last general elections, the percentage of female MPs is over 30%, and it is continuously growing from one electoral cycle to the next, with the last year seeing a significant increase of elected female MPs to 35.83%.

Unlike Kosovo, Montenegro together with BiH is on the other side of the spectrum when gender representation in parliament is discussed. This holds both regarding operationalization of the electoral rules, as well as elected MPs in practice. Intriguingly, the word “gender” is mentioned only once in the Montenegrin Law on the Election of Councilors and Members of Parliament. Montenegro also recognizes the quota system, and the bar is set at 30%. However, it is easy to conclude that by abiding just to the minimally prescribed rules, the 30% representation will never be reached. The Law reads that among each four candidates in the list order, there shall be at least one who is a member of the underrepresented gender.

Looking at the last three general elections, there is a large discrepancy in terms of representation. In 2012, the percentage of female MPs was only 14.81%. In 2016, after the quota amendments have been introduced, this figure increased to 23.46%, while the last general elections held in 2020 saw a

further increase of women MPs to 27.16%. Although female representation is lower than in many of the Western Balkans, the trend in Montenegro is taking a positive turn.

North Macedonia is leading the Western Balkans pack when gender representation is under consideration. Continuous improvements of the Electoral Code see the gender quota currently being set at 40%. The current law reads that at least one out of every three places shall be reserved for the underrepresented gender, with at least one additional place out of every 10 places. In practice, this contributes to securing continuous female representation in parliament far beyond 30%.

Looking at the previous electoral cycles, there are visible improvements after the introduction of quota system, with rise in female representation from 7.5% to 20% in 2002, and again to 30% in 2006. The trend continued ever since: in 2016, this figure grew to 38.33%, while during the general elections held last year, female MP representation increased to 39.17%. This figure is by far the highest in the entire WB in the last three decades.

Serbia is closely trailing to North Macedonia. Regarding the normative element, Serbia's Law on the Election of Members of Parliament requires that 40% of the candidates on the electoral lists shall be representatives of the less represented gender. Among every five candidates on the list according to their order, there must be at least two of the less represented gender. Serbia introduced first affirmative measures in 2004, and they instantly gave result, almost doubling female representation. Since 2011, the additional guarantees for women are in place: the lists are closed and seats allocated according to predefined order, while "one in every three candidates" rule is introduced. Since then, the number of women constantly exceeds 30%, and it is incrementally growing throughout the years. Latest amendments before the 2020 election saw the share of female MPs increased to 38.8%.

First period of history of multi-party elections in the Western Balkans saw very low levels of gender inclusion, with only a handful of woman winning seats in parliaments. Since then, these societies have come a long way. The system of quotas, steadily introduced and enhanced over the last decade or two, produced proven results and normalized the presence of women in political life.

ETHNIC MINORITIES

Albania does not recognize ethnic minority parties. In the past, a legal prohibition on the formation of these parties was in place, later being removed. However, one still cannot detect ethnic minority parties whose registration names point to a certain ethnic group. Amid this practice, it is widely recognized that the Unity for Human Rights is dominantly comprised of ethnic Greeks, and ethnic Greeks largely vote for this party. Lacking the framework for minority representation, and having in mind the institutional and legislative background, it is not a surprise that Albania is ranked the lowest in terms of elected MPs coming from minority groups. In 2013, only 0.71% of the MPs belonged to an ethnic minority, which was in line with the share of Greek population, usually assessed to around 1%. Subsequently, in 2017 and 2021 there are no MPs elected on individual minority party lists, since the Unity for Human Rights decided to file their candidates on the joint opposition list with the Democratic Party.

The Electoral Code of Bosnia and Herzegovina distinguishes between the three constituent nations (Bosniaks, Serbs and Croats). Apart from the elaborated mechanism ensuring the representation of these three in entity parliaments, where group of “other nations” is recognized in upper houses of entity legislatures, the specific rules which concern the representation of “others” do not exist. In that sense, the minority representation in the House of Representatives of Bosnia and Herzegovina amount to none. However, in terms of our analysis, we are treating all representatives of Bosniak and Croat ethnic parties elected in Republika Srpska, and vice versa, deputies of Serb parties elected in Federation of BiH, as minority deputies. Using this definition, the most recent minority representation is 7.14%, owing to the fact that at least one deputy from the (predominantly Bosniak) Party of Democratic Action is usually elected in Republika Srpska. According to the 2013 population census, 12.69% of Bosniaks and 2.27% of Croats live in Republika Srpska entity. On the other hand, almost 2.55% of Serbs in the Federation of BiH never managed to gain representation among 28 parliament members elected in this entity.

Minority representation in Kosovo is an issue which has been approached with diligence by the lawmakers, primarily due to the post-conflict context, as well as the specific stringed ethnic relationship between Albanians and Serbs. Due to the guaranteed 20 seats for minority parties, coalitions, citizen’s initiatives and independent candidates, the share of minority representation in the parliament of Kosovo is a constant 16.67%, ever since the 2014 reforms. Because of this specific system guaranteeing seats not just for the largest Serb minority (10 MPs), but also for other ethnic groups

Share of deputies (%) elected on individual lists of ethnic minority parties in the parliaments of the Western Balkans, 1990-2021.

SRB 2020	7.6	ALB 2021	0	MNE 2020	6.17	MKD 2020	23.33	BIH 2018	7.14	KOS 2021	16.67
SRB 2016	4	ALB 2017	0	MNE 2016	4.94	MKD 2016	16.67	BIH 2014	7.14	KOS 2019	16.67
SRB 2014	4.4	ALB 2013	0.71	MNE 2012	7.41	MKD 2014	21.95	BIH 2010	0	KOS 2017	16.67
SRB 2012	4	ALB 2009	0.71	MNE 2009	4.94	MKD 2011	20.33	BIH 2006	14.29	KOS 2014	16.67
SRB 2008	2.8	ALB 2005	1.43	MNE 2006	4.94	MKD 2008	25	BIH 2002	14.29	KOS 2010	20.83
SRB 2007	3.2	ALB 2001	2.14	MNE 2002	2.57	MKD 2006	23.33	BIH 2000	14.29		
SRB 2003	0	ALB 1997	2.58	MNE 2001	2.6	MKD 2002	22.5	BIH 1998	21.43		
SRB 2000	0	ALB 1996	2.14	MNE 1998	2.56	MKD 1998	21.67	BIH 1996	21.43		
SRB 1997	3.2	ALB 1992	1.43	MNE 1996	9.86	MKD 1994	13.33				
SRB 1993	2.8	ALB 1991	2	MNE 1992	0	MKD 1990	5.83				
SRB 1992	4			MNE 1990	9.6						
SRB 1990	5.6										

present with even negligible numbers in the society, the Kosovo parliament is a rare example of overrepresentation of minorities, which comprise around 10% of population.

Montenegro has taken a different approach, in comparison to the rest of the Western Balkans. The electoral threshold in Montenegro is set at 3%, but 0.7% applies for minorities, with additional 0.35% bar for Croat minority. These rules result with variation in minority representation in the last three elections. In 2012, 7.41% of the elected MPs in the Montenegrin parliament came from the minorities, while this figure dropped to 4.94% in 2016, most

notably because splitting of votes between several Albanian lists. However, during the last elections in 2020, the figure again increased to 6.17%, even though Croat minority lost their deputy for the first time in years, again because of splitting of ethnic votes between two parties. It is very interesting to note that in the past, especially in the early 1990s when Montenegrin legislation was less aligned with international electoral standards, the percentage of MPs belonging to minority groups reached almost 10%. Given the fact that almost a quarter of Montenegrin population belongs to smaller ethnic minorities (most notably Bosniaks, Muslims by nationality and Albanians), apart from Montenegrins and Serbs (who are not privileged by the electoral rules because of their large numbers), the current representation in the parliament does not match minority share in society. However, it should be noted that some parties, especially the Democratic Party of Socialists, regularly draw support from Bosniak and Muslim population, nominating a number of candidates with minority ethnic background on the party list.

North Macedonia is a peculiar case of a country whose electoral framework does not contain specific rules for minority representation, and yet it has by far the highest percentage of ethnic minority MPs in parliament. This is the result of two main factors: the ethnic Albanian community which constitutes around 25% of the entire population and division of the territory in 6 electoral districts which enables concentration of votes and provides bigger ethnic parties additional advantage by applying the D'Hondt formula for seat distribution. Furthermore, the 6th electoral district is largely inhabited by ethnic Albanians, which additionally strengthens the position of the political parties representing this community. The abandonment of majority voting model over the last decade of the 20th century also caused the sharp increase in share of Albanian deputies. Over the last eight electoral cycles, the figure stands between 20-25%, with notable exception of 2016 election, when it dropped to 16.67%, only to rise again to 23.33% in 2020. The possible explanation for the sudden decrease is the political context of 2016 election in the eve of the expected regime change, with increased levels of voter mobilization among general population which caused a drop of seats allocated to Albanian parties in districts where they do not constitute a majority. It is worth mentioning that representatives of other smaller ethnic communities coalesce with the two big blocks led by the largest political parties SDSM and VMRO-DPMNE, so in practice the figure of non-ethnic Macedonian MPs often exceeds 30% and adequately reflects the multi-ethnic character of the Macedonian society.

Serbia protects the interests of ethnic minorities by providing special provisions in the electoral legislation that increase the probability of certain minority parties to be elected in the parliament. Although the threshold for all political party lists is set at 3%, parties and coalitions of national minorities

shall participate in the distribution of mandates even if they have won less than 3% of the total number of votes cast, so that when the highest quotients system is applied to the distribution of the mandates, the quotients of all electoral lists of national minority political parties or coalitions shall increase by 35%. The last provision, which in practice means that result of any minority party is effectively multiplied with 1.35, boosted the minority representation after the 2020 election, reaching record share of 7.6%.

Although roughly 15% of population of Serbia belongs to different minority groups, none of them is dominant, so before the introduction of natural threshold following the 2003 election, none of them could reach the parliament individually, due to the 5% bar. As a rule, seats are mostly won by the more numerous and politically organized minorities: Hungarians, Bosniaks, and Albanians, while others rarely achieve true representation. However, the possibility of easier entry into the parliament encouraged many political opportunists to amend their party documents with a few legally required lines about minority rights protection, which would grant them a status of minority party. Some of them succeeded: in 2012, the “None of the answers above” party posed as a Vlach minority list, avoided the threshold and won 1 seat. Similar happened in 2016 with Green Party posing as a Slovak minority list. Lower threshold and simple registration procedures caused the proliferation of ethnic parties in Serbia: out of 115 currently registered in the country, 69 are designated as minority parties.

It should be noted that, in many societies, indicator of ethnic representation can lead to ambiguous conclusions. Although the absence of minority deputies could indicate weaknesses in legal mechanisms for protection of diversity, in some cases it may be an indication of integration and bridging of ethnic divisions, with citizens of ethnic minority origin standing for elections and voting within major non-ethnic parties. It seems that in the Western Balkans, these cases are limited to minority groups which were excluded from mutual conflicts during the 1990s.

This section demonstrated that implementation of different electoral rules has substantial impact on minority representation. Macedonian solution of multiple electoral districts, without any concrete minority provisions, proves to be sustainable for countries with large and geographically concentrated ethnic groups. In societies with more scattered groups, Serbian and Montenegrin solution of lowered threshold provided minorities with steadily increasing number of seats. On the other hand, Kosovo is guaranteeing 20 out of 120 seats, which results in overrepresentation, and this solution is probably more suitable for societies with entrenched ethnic divisions. Kosovo case is also specific because of the attention given to the representation of very small ethnic groups, such as Gorani, Roma, Ashkali and Egyptians,

who together comprise around 2.5% of population and most likely would never reach representation in other systems. In Kosovo, they receive 5 seats altogether. Consociational solutions have also proven successful in BiH, but only to some degree – because the system grants ethnic representation to three constituent nations, with very limited concern for other minorities.

DISPROPORTIONALITY

Proportionality of electoral results, the relationship between the share of votes won and the share of seats allotted, is more extensively ensured through PR list than through majoritarian systems. But how proportional is PR list in its different variants? And what are the factors which influence the degree of proportionality?

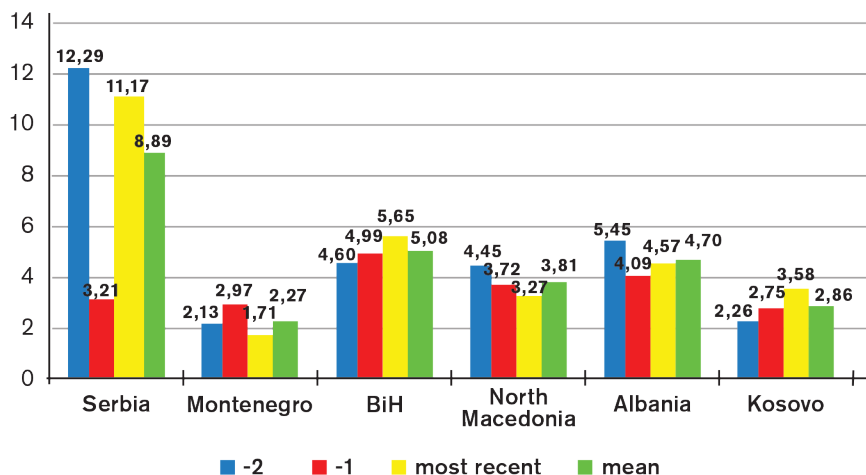
There are several problems related to attempts of determining the degree of proportionality achieved by various electoral systems. Firstly, disproportionality of electoral rules does not exclusively depend on their mechanical effect. In some political systems, such as that of the USA, highly disproportional electoral rules, created by a relative majority system, have proportional results. Such outcomes are the consequence of psychological factors which lead to party elites and voters “deserting” candidates who have slim chances, and thus removing any large distortions between the share of votes and seats won by Democrats and Republicans. Secondly, numerous electoral institutional factors, to varying degrees, influence the proportionality. Thirdly, there is a question of which index to use to measure the degree of proportionality, with our analysis utilizing the Gallagher’s “least squares” index (Gallagher, 1991).

Studies have shown that the magnitude of electoral districts and the size of parliament are in a positive correlation with the proportionality of results, while the height of the threshold is in a negative correlation (Farrell, 2011). Electoral thresholds, established by law, present an artificially created obstacle which parties must overcome to win seats which increases the number of wasted votes, thus increasing disproportionality. Electoral thresholds and the magnitude of electoral districts present two sides of the same coin in this regard. An explicit barrier presented to parties by a threshold serves the same function as an implicit barrier created by the magnitude of a district. Thus, even if there is no bar defined by law, a district can adopt the role of an effective electoral threshold.

Taking this into account, the magnitude of electoral districts, size of parliament and the threshold (where prescribed by law) should have the greatest impact on proportionality. A certain amount of influence can be ascribed

to seats guaranteed to minorities, especially if the guaranteed share is larger than the percentage of the ethnic minority in question within the population as a whole. As Serbia, Montenegro and Kosovo are constituted as a single electoral district, electoral districts in North Macedonia and Albania can be classified as large (North Macedonia – 20; Albania – average size 11.67). Since Bosnia and Herzegovina has relatively small (average size 3.75) districts on first level (but corrects this disproportionality through the distribution of 12 compensatory seats on the level of the entities), we could theoretically expect a rise in the disproportionality index going from the former towards the latter. When considering the size of parliament, Serbia possesses the largest (250 seats); Albania, North Macedonia and Kosovo have medium sized parliaments (120-140 representatives), while the National Assembly of Montenegro has 81 and the lower house of BiH parliament only 42 seats. However, despite the sizes of electoral districts and parliaments, the threshold established by law in Serbia, Montenegro, and Kosovo (3-5%) has the potential of distorting the proportionality.

Disproportionality index values over the last three electoral cycles



Graph demonstrates the values of Gallagher’s disproportionality index for the last three electoral cycles and average value for all six electoral systems observed. The findings are, to a large extent, expected, except in the case of Serbia. The lowest index value was observed in Montenegro (average of 2.27) and Kosovo (average of 2.86), in both of which the entire territory is

constituted within a single electoral district. The value is somewhat higher for Kosovo, since ethnic minorities possess a higher share of seats than their vote share, owing to the 20 guaranteed seats. These two are followed by North Macedonia (average of 3.81) which has larger electoral districts than Albania (average of 4.70). Further up the scale is Bosnia and Herzegovina (average of 5.08) – with a small parliament, small electoral districts, but combined with compensatory seats on a higher level of allocation.

The average value for Serbia is more akin to electoral models with small electoral districts (2-4 seats) than at-large models. This discrepancy can best be explained as a consequence of a large number of wasted votes which remain below the electoral threshold, caused by a lack of the psychological factor and “readiness” of voters to grant their electoral support to a large number of lists which are not capable of clearing the threshold. In this regard, the situation has not improved in the most recent election, even though the threshold was lowered to 3%. The fact that the fragmentation of the party system, primarily amongst the opposition part of the spectrum, and the voter confusion it causes, is a large factor of disproportionality, and not electoral rules alone, can be seen in the results for the 2016 election. During this cycle, the disproportionality index for Serbia was only (3.21), since five opposition party lists received more than 5% (four had between 5.02% and 6.02% of the vote).

The disproportionality analysis thus simultaneously highlights the importance of mechanical (electoral rules) and psychological factors (strategic voter and party elite behavior).

PARTY SYSTEM

The effect of the electoral system on the party system is in direct connection with the degree of proportionality. Two of the three “laws” presented by Duverger attest to this (Duverger, 1964). Disproportional systems of relative majority lead to two party systems, while proportional systems lead to multi-partyism. Both are founded on the effect of two factors, one mechanical, and the other psychological. The mechanical factor is seen in the disproportion between the share of votes and seats, which leads to the underrepresentation of other parties and thus stifles their growth. The psychological factor is based on voter behavior. Voters who wish to avoid wasting their vote are encouraged to support one of the two largest parties, despite them not being the first choice. Absolute majority systems are somewhat different, since the existence of two rounds of voting allows voters to cast an honest vote in the first round, while keeping the option of voting tactically in the

runoff. From this stems the larger disproportionality of two-round elections, as well as the larger number of parties within the party system. Despite the fact that Duverger's propositions sparked a fascinating debate, the fact that higher proportionality of electoral rules leads to a larger number of parliamentary parties should not be put into question. The rule is also supported by comparative practice.

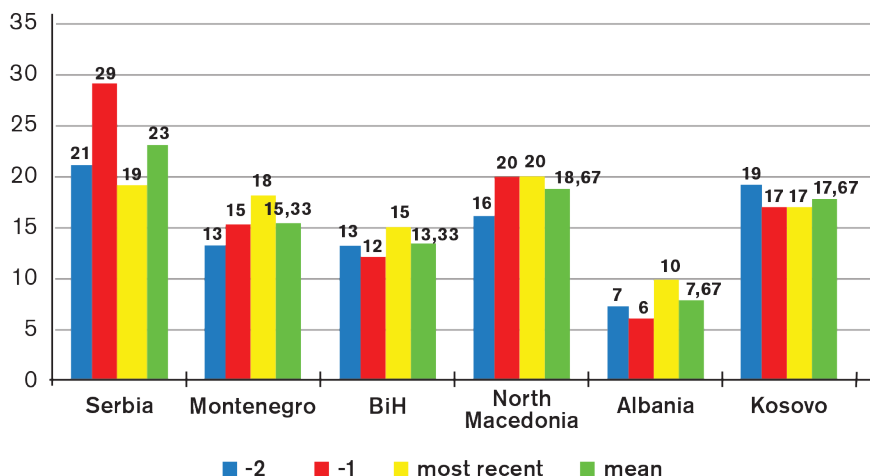
In electoral studies, the Laakso-Taagepera index of effective number of parties is showcased as a prime indicator, measuring the degree of fractionalization of the party system and counting the parties considering vote share (electoral) or seat share (parliamentary strength). This index highlights the difference in legislative fractionalization in two apparently similar situation in which the seats in the legislature are won by two parties. For example, if they hold the same number of seats (50:50), the index will have a value of 2. However, if one party dominates and has four times the number of seats compared to the other, the value of the index will be 1.47. It should be noted that disproportionality affects the degree of multi-partyism, but multi-partyism also affects the disproportionality.

Accordingly, we can expect that those elements which influence proportionality: electoral district magnitude, legal or the effective electoral threshold, size of the parliament, and the seat allocation formula – will have the greatest effect on Western Balkans party systems. Moreover, certain contextual particularities will have to be kept in mind, especially diverse ethnic composition of the region. This primarily relates to Bosnia and Herzegovina which contains three constituent nations, represented in government institutions by different political parties. Dividing lines are somewhat shallower, but still notable in Montenegro and North Macedonia, with Serbia and Kosovo also containing a notable population of non-majority groups. Only Albania (with the exception of the Unity for Human Rights party) lacks parties founded alongside the ethnic divide. Accordingly, we could expect a direct link between ethnic fractionalization and the absolute and effective number of parties.

The second particularity relates to the widespread practice of forming pre-electoral coalitions and crypto coalitions through which smaller parties often bandwagon with the larger ones. Through this practice they manage to avoid the effects of the threshold and win seats. Consequently, and in the wish to more accurately determine the fractionalization of parliament, we will utilize the index of effective number of parliamentary parties in our analysis, measuring every party as an individual unit, irrespective of whether it entered parliament independently or on a coalition list.

Similarly to disproportionality, the number of political parties could mostly be predicted, as a consequence of institutional (size of parliament, district

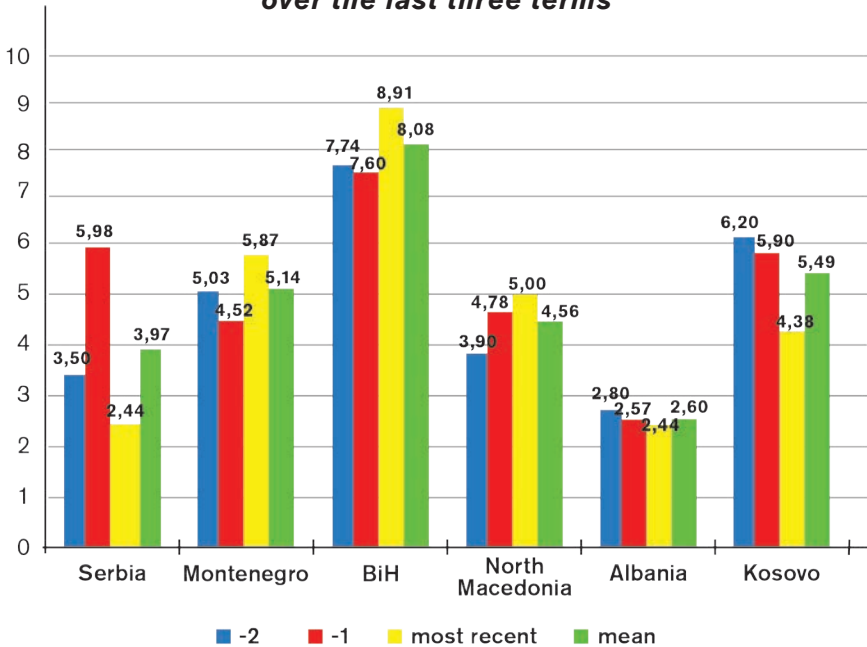
Number of parliamentary parties over the last three parliamentary terms



magnitude, threshold, guaranteed seats) and structural (ethnic fractionalization) factors. Serbia presents the only exception. The lowest number of parliamentary parties can be found in Albania, where the ethnic divide is the least stark, but the number is slightly increasing following the last elections during which the threshold was lowered to 1% and transferred to the national level. Bosnia and Herzegovina have a somewhat lower absolute number of parliamentary parties in comparison, but it could still be assessed as high, considering that the lower house has only 42 seats. The average number of parliamentary parties for the last three cycles in Montenegro, North Macedonia and Kosovo range from 15.33 to 18.67. In North Macedonia and Montenegro, a large number of parties have parliamentary status as a consequence of pre-electoral coalition building, while in Kosovo their presence in parliament is a result of the 20 guaranteed seats for the various ethnic groups. However, the highest number of parties can be found within the National Assembly of the Republic of Serbia, which is particularly remarkable, considering that Serbia had the highest disproportionality index and share of wasted votes of all the analyzed cases. The disproportionality of electoral results in Serbia does not significantly contribute towards the reduction of the number of parliamentary parties, since most small parties win representative seats through bandwagoning on a coalition list alongside the dominant Serbian Progressive Party.

The second indicator of parliamentary fractionalization, the Laakso–Taagepera index of the effective number of parties, is more telling and provides a

**Effective number of parliamentary parties
over the last three terms**



better overview of the situation within the six parliaments observed. Albania, as could be expected, has the lowest average index value (2.60), followed by Serbia (3.97) whose value would have been even lower if the four opposition parties did not enter parliament through a very slim margin in the 2016 election cycle. The low index value is caused by the large number of small parties entering the parliament through coalitions, with just several MPs. They are followed by North Macedonia (4.56), Montenegro (5.14) and Kosovo (5.49), while the highest value was observed in the lower house of the Parliamentary Assembly of BiH (8.08) which demonstrates a typical example of plural society and the application of consociational institutional mechanisms, emerging from societal cleavages and representing the social structure, in this case – ethnic diversity.

TERRITORIAL REPRESENTATION

Political proportionality is not the only value to which an electoral system should strive. Other aspects of fair representation are easier to achieve through the use of a majoritarian voting or the division into single-member

districts. One of them is ensuring complete geographical representation, in a way which would allow for every part of a country to be represented in parliament. From here arises one of the most common critiques of proportional electoral systems, especially those in which there is no division into multiple districts. The claim is that these systems, as a result of the lack of mechanisms which could ensure geographical representativeness, produce two negative effects: metropolization, in the sense of having an above average number of representatives coming from large urban centers, especially the capital cities; and simultaneous underrepresentation or lack of representation of certain sub-regions, most often less populated and economically and politically less relevant.

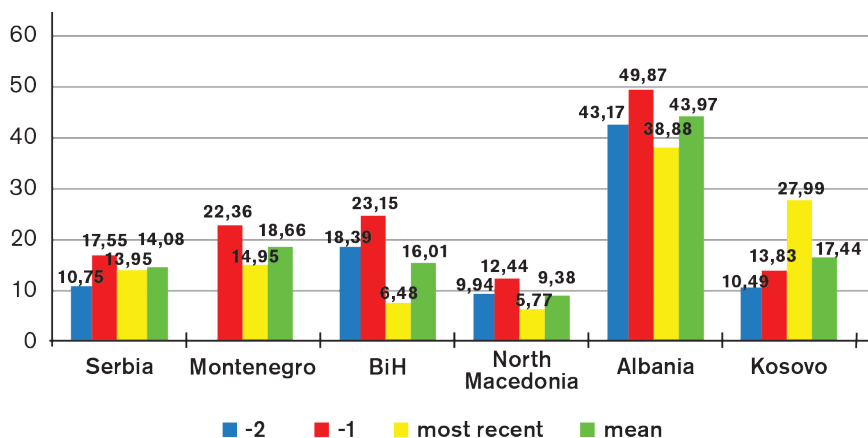
Since the Western Balkans use PR list, it can be expected that the geographical representation of parliaments will be severely diminished. This would especially apply to Serbia, Montenegro and Kosovo where all deputies are elected from a single nationwide district. Although divided in multiple districts, both Albania and North Macedonia do not require candidates to have their place of residence in the territory of their district, which allows parties to nominate candidates from the capital. Only BiH requires for candidates to be on the voter register within their electoral districts. Still, 12 of the 42 representative seats are compensatory mandates which are awarded on entity level, creating a path through which candidates from large urban centers can be overrepresented in parliament.

Territorial representation can also be affected by the size of parliament (if the total number of seats is small, the likelihood that all sub-regions will be proportionally represented shrinks), the ethnic makeup and territorial concentration of constituent nations and minorities (special rules which apply to ethnic minorities ensure their representation, and thus the representation of the regions in which they live), list type (party elites can attempt to geographically balance closed lists, while open and flexible lists can be influenced by voters attempting to ensure that the candidates which live in their cities or sub-regions receive a high number of votes), the number of lists which win seats (if a higher number of lists enter parliament, a negative impact on geographical representation can be expected since the leading positions on party lists are, as a rule, held by candidates from the party leadership which live in the capital city), inherited degree of economic and political centralization, etc.

In order to examine the territorial representation in Western Balkans parliaments, we have constructed two indicators. Firstly, metropolization is measured as overrepresentation in the share of seats allotted to the capital city, compared to the share of people which reside within it. Secondly, we are examining the overall territorial disproportionality, modifying Gallagher's

index to represent municipalities and cities instead of parties, thus measuring the difference between share in total population and share in deputies from territorial subdivisions.

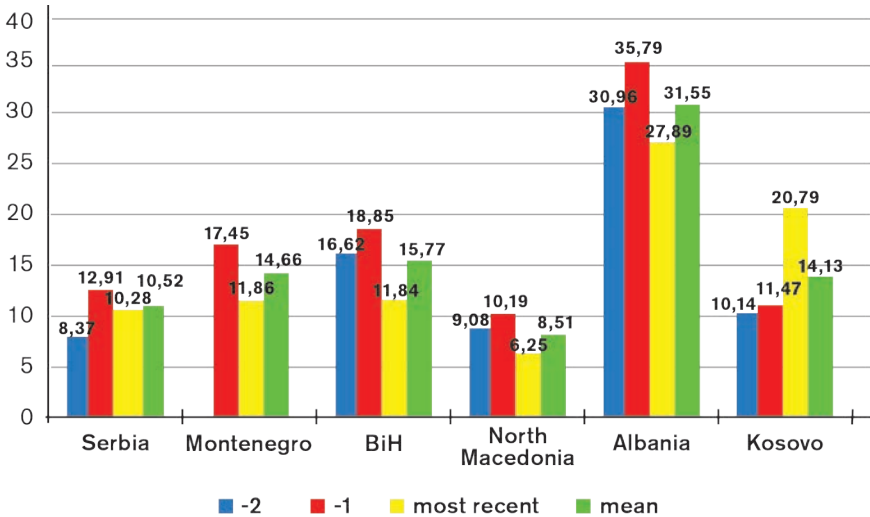
Overrepresentation of the capital city (metropolization) over the last three terms



In all six cases, Belgrade, Podgorica, Sarajevo, Skopje, Tirana and Pristina are significantly overrepresented. The capital of North Macedonia has the lowest average overrepresentation (+9.38%), with the country being divided into six electoral districts, despite the candidates not being obliged to live in their district. Three electoral systems in which there is no division into multiple districts (Serbia, Montenegro, Kosovo), alongside BiH, all have similar average values of metropolization (Belgrade +14.08%, Sarajevo +16.01%, Pristina +17.44%, Podgorica +18.66%). Finally, the largest metropolization can be seen in Albania (Tirana +43.97%) which is of particular interests, since the state is divided into 12 districts. However, a constitutional provision according to which the right to run for office does not require residency in the territory of the district leads to a situation where Tirana has 88 (2013), 96 (2017) and 82 (2021) of the 140 representatives in the parliament. This stands in stark contrast with North Macedonia, which has similar legal provisions, but the concentration of ethnic minorities along with the apparently higher degree of political and economic decentralization affects the score.

Index of territorial representation of parliaments, aside from the capital city, considers all municipalities, even those who do not have representatives in legislatures. North Macedonia once again leads, with the lowest value and the most geographically representative parliament (8.51). It is followed by

Index of territorial representation: territorial disproportionality of the parliaments over the last three terms



Serbia (10.52), Kosovo (14.13), Montenegro (14.66) and Bosnia and Herzegovina (15.77). The somewhat higher value in the Bosnia and Herzegovina compared to metropolization is a result of a small parliament and the overrepresentation of several other cities apart from the capital, with number of deputies also coming from other centers (most notably East Sarajevo and Tuzla, followed by Banja Luka, Zenica and Bijeljina). The highest value is seen in Albania (31.55), since the logical consequence of the almost unfathomable overrepresentation of Tirana is the simultaneous underrepresentation of other centers (Shkodër, Durrës, Vlorë, Elbasan). The findings point towards the conclusion that a division into multiple electoral districts, in the context of marked economic and political centralization, does not necessarily influence the geographical representativeness of parliament.

LEGISLATIVE POWER

Over the last several decades, the parliamentary systems worldwide have seen a notable trend of legislative dominance of the executive branch of power, with parliaments having diminished control of the legislative agenda. Authors in political science started comparing the legislatures according

to their policy-making powers, distinguishing between policy-influencing and policy-making assemblies, or between active or reactive parliaments (Morgenstern, 2002). While the US Congress can be considered an example of a policy-making legislature, most of the assemblies, especially those in parliamentary systems, are considered as reactive, simply following the government initiatives. PR list systems, especially those with closed lists in which selection process is in the hands of party leaders, heavily affect the reactive legislative behavior. Namely, if parliament is controlled by the executive head through the leading role in the biggest party, there is a distortion of both legislative and oversight function. The theory of delegative democracy (O'Donnell, 1994) is providing a blueprint for the anomaly, stating that these systems violate rules that secure checks on political power through party dominance.

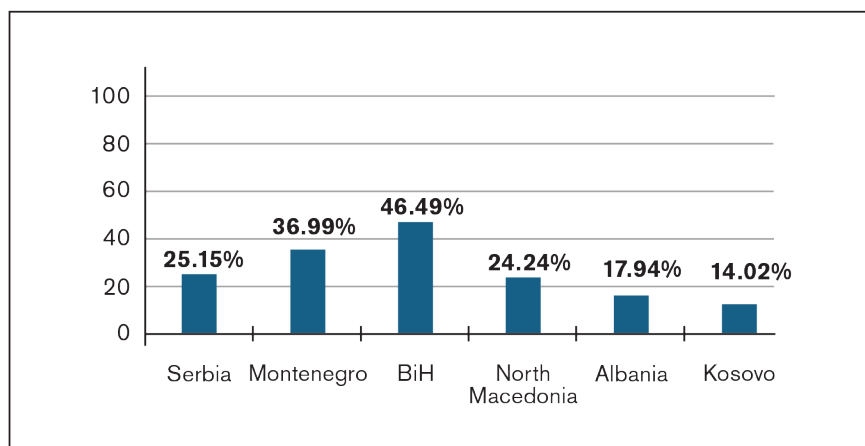
The differences in legislative initiatives can also be caused by the size of electoral districts, incentivizing the individual candidates to seek more personal profiling in contrast with their party leadership (Carey & Shugart, 1995). Same goes for nationwide constituencies, which make difficult for independent candidates to reach thresholds. Translated to the Western Balkans, where traditions of institutional checks and balances are still in the phase of uneasy development, we expect to find some levels of legislative autonomy within the MPs elected in more open list systems. This is measured through the share of legislative initiative of the parliament, in comparison with the proposals from the executive.

The legal restrictions to the right of legislative initiative can also have an effect, defining who can propose a bill. In most Western Balkans parliaments, individual MPs can propose alone, with notable exception of Kosovo, where 6 MPs are required to initiate the law.

The analysis of lawmaking activity in the region demonstrated that all parliaments are more of the reactive, policy-influencing kind. In North Macedonia, Serbia, Albania and Kosovo, despite the more open character of the lists in the latter two, annual share of laws proposed by the MPs is usually lower than 20%. In Serbia, there is a deviation only in a single year (2016), when number of laws from MPs hit 55.63%. It should be noted that it is a first year of the term of a most diverse Serbian parliament in years, with 12 different lists entering the parliament. The high legislative activity of this year was owned to the fact that most opposition members used parliament as a tool of political struggle. The final result of their initiatives gives a clearer picture: out of 88 laws adopted in 2016, only 2 were initiated in parliament. In North Macedonia, important and positive departure from usual low level of parliamentary initiative is spotted from 2017 to 2019, after the Social Democrats took over the majority and changed relation between parliament and

government. The majority of laws proposed and adopted in this term were initiated by the ruling coalition MPs. Similar is found in Montenegro after the government change in 2020. The highest level of parliamentary legislative initiative is found in Bosnia and Herzegovina, and it can be attributed to the specific power-sharing mechanisms, which led to incoherent and dysfunctional government coalitions. These are often unable to formulate and propose joint policy solutions, so the proposals mostly come from individual parliamentary groups. The trend is strengthened by the unusually long periods of government formation, so the MP share in a total number of initiatives sometimes passes the figure of 70% per year.

Share of laws initiated by the MPs over the last three terms



We expected to find more initiative from parliaments elected with more connection to the citizens through preferential voting and multiple districts, but Albania and North Macedonia disproved that. Low initiative of deputies in Kosovo could be the consequence of the limitations given in the Rules of Procedure of Kosovo parliament, prescribing the minimum of 6 MPs needed to propose the bill. On the other hand Montenegro, and to some extent Serbia, demonstrate higher amount of initiative, despite the closed-list mechanisms, which could be attributed to conflicts within the party system, where deputies use proposals without intention of formulating new legislation, but only as a mean of public promotion. High levels in BiH are the result of dysfunctional government which transfers the initiative to parliamentary groups. This could serve as an indirect confirmation of correlation between electoral mechanism and legislative power, as an unexpected consequence of ethnic and party fragmentation.

OVERSIGHT ROLE OF THE PARLIAMENT

The issue of parliament oversight and its connection to the electoral system is rarely examined. Authors mostly focus on the effects of party system, arguing that party politicians could be driven by the desire to maximize their votes in performing the oversight function (Arter, 2007). We will try to establish the correlation, operationalizing the oversight function with measuring a number of MPs questions addressed to the government, and also examining the ratio of questions posed by majority and opposition deputies. Before reviewing the data, it should be noted that parliaments both define question time and collect data on MPs question in rather different manner, with some of them keeping only a bulk statistics on the total number of questions.

In Montenegro, there is a relatively high share of questions posed by the opposition (61-74%, depending on the year), which was sharply reduced in 2018 and 2019, during the opposition boycott of the parliament. During that specific period, majority MPs sought to publicly alleviate the absence of competition and hence intensified the quasi-oversight function, resulting in a sharp increase in total number of questions, with majority MPs share in them rising to almost 70%. The similar trend is observed in Serbia, where majority MPs use question time to obstruct the opposition, praise the government, and create public perception of a successful government. The share of opposition questions in Serbian parliament is among lowest in the sample (around one third), which is additionally reduced in the current term. Namely, because of the opposition boycotting the 2020 elections, 243 out of 250 deputies in the Serbian National Assembly supports the government, making the parliamentary oversight function almost nonexistent. Opposition in Bosnia and Herzegovina is responsible for 50-60% of questions, with the abovementioned political and inter-ethnic context directing their quality.

While North Macedonia lacks the stats on individual questions, parliaments of Albania and Kosovo to some extent demonstrate the ability of effective oversight. While the Albanian parliament rarely uses the institute of the separate question day, the interpellations to the government are frequently utilized, mostly by opposition members and especially since the last election which saw the introduction of open lists. On the other hand, the questions to the government of Albania were submitted only twice, once in 2013 and once in 2017, both times at the beginning of the new parliamentary session after the election. In both cases however, all of the questions were asked by the deputies that belonged to the majority, in this case the Socialist Party, which submitted 26 questions in 2013 session and 30 in 2017 session.

In Kosovo, the institute is widely used by the opposition (77.21% of questions in 2017 and 77.52% in 2019 parliamentary terms), and to a slightly lesser extent since 2021 (65%). Most of the questions in previous two terms were posed by the Self-determination Movement's deputies, who also remain active in this effect even after their party won the power in 2021.

In conclusion, the oversight activity of (opposition) MPs can at least partly be attributed to the level of openness of the party lists, as demonstrated in Albania, Kosovo and Bosnia and Herzegovina, with the important remark that political conflicts within the party system often incentivize oversight function, which is notable in Montenegro. The effect of PR list on the activity of parliamentary members can thus be considered as indirect, with the overall party dynamics and party loyalties being the prime movers of both the legislative and the oversight role.

KEY RECOMMENDATIONS

Offering universal guidelines for institutional reform in diverse societies is never an easy task. Lack of territorial representation might be a moderate fault in an ethnically homogenous society, but within multiethnic nations and in post-conflict setting, it can be disastrous. On the other hand, single-member majority voting in consolidated democracies might create stable governments and furthermore exclude extremists, yet might lead to entrenchment of dominating parties in hybrid regimes. Nevertheless, most of the Western Balkans societies share certain similarities: transitional context, moderate to significant ethnic diversity, proportional representation system and unfortunately, flaws in democratic development. Hence, some of the recommendations are applicable and relevant throughout the region.

Personalization of representation should be improved. Abolition of closed lists and introduction of voting for individual candidates would increase the citizens' influence, while at the same time empowering MPs. More personalization, as our study demonstrated, also leads to more effective oversight role of the parliament. Although in many cases, an influx of MPs questions comes from the parliamentary majority, in form of the quasi-parliamentary control, an effective oversight exercised by the opposition can be attributed to the level of openness of the party lists, as notable in the cases of Albania, Bosnia and Herzegovina and Kosovo.

Number of electoral districts should be increased, where possible. Proportionality of representation is an important element of democracy, contributing to voters' satisfaction with the electoral system outcomes, especially when the number of wasted votes is low. High disproportionality of

votes is identified in systems with higher thresholds, while low disproportion is occurred in those with multiple districts. Striking the balance between the number and the size of electoral districts, as well as the inclusion or the omission of a threshold, contributes largely. All six Western Balkans cases opt for PR list system, which provides fertile soil for improvement of proportionality. Additionally, low (or non-existent) threshold on the national level, combined with a small pool of compensatory seats, could help parties with scattered votes to gain representation, further lowering the disproportion.

Multiple districts could also improve the geographical representativeness of the parliament. Better territorial representation is one of the factors that contribute to democratization, having in mind that a greater portion of population will be represented. In terms of accountability, having more MPs from smaller constituencies strengthens the relationship between voters and deputies. Metropolization is one of the negative characteristics which all six electoral systems share, with significant overrepresentation of the capital cities in legislative bodies, which is especially evident in Albania.

Size of constituencies should be such as to ensure proportionality when converting votes to seats; such is the case in North Macedonia. Moreover, it should be prescribed that candidates must reside in the constituency for some period of time before the election was called.

Rules for coalitions should be included in the legal frameworks. Pre-electoral crypto-coalitions with coopted small parties are found throughout the region, even in systems with open lists or multiple districts. Deputies of these parties have no connection with voters, producing a low level of accountability. Additional thresholds for coalitions could discourage such behavior.

Incentives for ethnic minority parties should be adopted, along with firm definition of conditions for gaining the status of a minority party, so to avoid machinations. Multiple districts or lower thresholds provide meaningful representation to geographically concentrated minorities; such is the case in North Macedonia, Serbia, and to some extent, Montenegro. Establishing quotas and guaranteed seats help small and scattered ethnic communities, as demonstrated in Kosovo. This could be a path for Bosnia and Herzegovina to improve the representation of other groups apart from the three constituent nations. It should be underlined that proportional ethnic representation contributes to better minority integration and bridging the ethnic gaps in post-conflict societies.

Quota system for women should be kept and further enhanced. Introduction of quotas in all six cases radically improved the women representation. The provision that women MP who resigns the seat is replaced by the MP of the same gender should be universally applied. Kosovo Election Law

provides that within the open lists, a candidate of the more represented gender is replaced by the candidate of the less represented until their share reaches 30%, regardless of the number of individual votes.

Declining participation and the falling voter turnout should be urgently addressed. This trend is more rooted in different sociological factors, and does not depend solely on rules enshrined in legislation. However, some improvements could be made, with more efficient and user-friendly voter register administration, awareness campaigns and inclusion of youth. Relevant research showcase that early socialization is the key for future participation, and there is a plethora of policies at the table, from education for democracy to lowering of voting age, which can be done in different models, for example in local elections. The idea of compulsory voting is sometimes promoted, but the introduction of this measure did not produce significant results in nearby Greece and Bulgaria. Inclusion of the large Western Balkans diasporas in the elections should also be discussed. Mechanisms of remote voting first come to mind, but they should be implemented in a way that ensures security, reliability and trust.

Right of legislative initiative should be attributed to individual MPs. This is currently not the case in Kosovo, where 6 MPs are required to propose a bill. Another common shortcoming stemming from the electoral systems in the Western Balkans are the relatively reactive parliaments. All six of them rely more on governmental proposals and at times act solely as “voting machines”, which is especially the case in closed PR lists which empowers party leaderships and not individual MPs in the legislative process. The cases of Bosnia and Herzegovina, and in recent years North Macedonia and Montenegro, are one of the brighter examples of more proactive parliaments, but these are primarily the result of competitiveness within the party system.

Electoral administrations should be professionalized, and if possible gain the legal status of independent bodies. Electoral administration, apart from its primary role of managing the voting, should be empowered to lead the electoral reform, research and public education and awareness campaigns, with the goal of strengthening the democracies of the Western Balkans.

REFERENCES

- Arter, D. 2007. Questioning the 'Mezey question': An interrogatory framework for the comparative study of legislatures. *The Journal of Legislative Studies*, 12(3-4).
- Carey, J. & Shugart, M. 1995. Incentives to Cultivate a Personal Vote: A Rank Ordering of Electoral Formulas. *Electoral Studies* 14(4).
- Duverger, M. 1964. *Political parties: their organization and activity in the modern state*. London: Methuen.
- Elklit, J. & Svensson, P. 1997. What Makes Elections Free and Fair? *Journal of Democracy*, 8(3).
- Farrell, D. 2011. *Electoral Systems: A comparative Introduction*. New York: Palgrave MacMillan.
- Franklin, M. 2002. The dynamics of electoral participation. In: *Comparing Democracies 2: Elections and Voting in Global Perspective* (ed. L. Leduc, R. Niemi & P. Norris). Thousand Oaks: Sage.
- Gallagher, M. 1991. Proportionality, Disproportionality and Electoral Systems. *Electoral Studies*, 10(1).
- Komar, O. & Živkovic, S. 2016. Montenegro: A Democracy without Alternations. *East European Politics and Societies*, 30(4).
- Levitsky, S. & Way, L. 2002. Elections without democracy: the rise of competitive authoritarianism. *Journal of Democracy*, 13(2).
- Mavrikos-Adamou, T. 2014. Rule of law and the democratization process: the case of Albania. *Democratization*, 21(6).
- Morgenstern, S. 2002. Towards a Model of Latin American Legislatures. In: *Legislative Politics in Latin America* (ed. S. Morgenstern & B. Nacif). Cambridge: Cambridge University Press.
- Norris, P. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge: Cambridge University Press.
- O'Donnell, G. 1994. Delegative Democracy. *Journal of Democracy*, 5 (1).
- Todosijević, B. 2020. Društvene i ideološke osnove izborne izlaznosti – Srbija 1990-2020. In: *Kako, koga i zašto smo birali* (ed. M. Jovanović & D. Vučićević). Belgrade: Službeni glasnik: Institut za političke studije.
- Zakaria, F. 1997. The Rise of Illiberal Democracy. *Foreign Affairs*, 76(6).

Online sources:

- National Assembly of the Republic of Serbia: <http://www.parlament.gov.rs/>
- Republic Electoral Commission of Serbia: <https://www.rik.parlament.gov.rs/>
- Parliament of Albania: <https://www.parlament.al/>
- Central Election Commission of Albania: <http://kqz.gov.al/>
- Parliamentary Assembly of Bosnia and Herzegovina: <https://www.parlament.ba/>
- Central Election Commission of Bosnia and Herzegovina: <https://www.izbori.ba/>
- Assembly of the Republic of North Macedonia: <https://www.sobranie.mk/>
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- State Election Commission of Montenegro: <https://dik.co.me/>
- Assembly of Kosovo: <https://www.kuvendikosoves.org/>
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- Freedom House: <https://freedomhouse.org/>
- V-Dem: <https://www.v-dem.net/>
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Naslov
Electoral Systems in the Western Balkans:
more democracy, more accountability?

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