

Constitutional, legal and political science algorithm of IDPI's electoral law reform proposals

Who are Members of the Presidency of BiH and delegates to the House of Peoples of BiH and the House of Peoples of the FBiH?

The current election law of BiH interprets Article V of the BiH Constitution *“The Presidency of Bosnia and Herzegovina shall consist of three Members: **one Bosniak and one Croat**, each directly **elected** from the territory of the Federation, and **one Serb** directly elected from the territory of the Republika Srpska”* in a way that “one Bosniak Member, one Croat Member and one Serb Member” are **members** of constituent peoples rather than their **representatives**. Following that interpretation, Articles 8.1, 8.2 and 4.19 of the election law were created.

We believe that the interpretation of the constitutional principles and certain articles of BiH constitution, which were the basis for creating **Articles 4.19, 8.1 and 8.2** of the election law of BiH, is **insufficiently harmonized** with the principles of the Dayton Agreement and the Constitution of BiH, as well as the rulings of the Constitutional Court of BiH **U 5/98 (“Decision on the constituent status of the peoples”)** and **U-23/14 (“Ljubić case”)**.

Moreover, we want to point out to the Article I.2. of the BiH Constitution *“Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections.”* The basic principle of democracy is that the power belongs to the people and it comes from the people, which, according to the Article I.2 of the BiH Constitution means that BiH is representative democracy, rather than “membership” democracy in which only the ethnicity of people in office matters and not who elected them.

Therefore, in accordance with:

- the analysis of legal, political and political science context within the framework in which the Dayton Accords were signed and BiH Constitution was created as its integral part (Annex 4),
- logical analysis of its content and internal logics of Dayton Agreement and BiH Constitution,
- rulings of the BiH Constitutional Court **U 5/98 (“Decision on the constituent status of the peoples”)** and **U-23/14 (“Ljubić case”)**, or in other words, the core and overarching principles of BiH Constitution, which is the constituent status of constituent peoples and the equality between the three constituent peoples,
- the fact that BiH is by its own constitution defined as representative rather than “membership” democracy

IDPI's expert team interprets Article V of BiH's constitution in a way that “one Bosniak,” “one Croat,” and “one Serb” are **primarily** Bosniak, Croat and Serb **representatives** in the three Member Presidency, but **not** necessary **members** (ethnically or nationally) of said peoples.

That means that it is **not necessary** for a candidate for “one Bosniak Member of the Presidency” to **declare himself personally** as a Bosniak, but rather, a legitimate candidate for “one Bosniak Member of the Presidency of BiH” can be **any citizen of BiH** with a right to vote, regardless whether they declare themselves as a Bosniak, a Croat, a Serb, a Roma, a Jew, or any other member from the Others group (national minorities and citizens who do not self-identify as a member of any ethnic group or nation). This interpretation is not only valid for the Members of BiH Presidency, but also for representatives in other governmental bodies whose purpose is collective representation of constituent peoples (the House of Peoples of BiH, the House of Peoples of FBiH, the Council of Peoples of Republika Srpska).

By utilizing this interpretation of certain constitutional principles and norms (without any Constitutional amendments) every citizen of BiH with a right to vote would be allowed to run for the function of a member of BiH Presidency, or in other words, for “one Bosniak,” “one Croat,” and “one Serb” member of the three Members

Presidency of BiH. In practice, this means that Mr. Dervo **Sejdić** could become a Bosniak Member of the Presidency (or any other), Mr. Jakob **Finci** could become a Croat Member of the Presidency (or any other), and Ms. Azra **Zornić** (or any other) could become a Serb member of the Presidency next election. In addition to the fact that all of the (and everyone else) would be able to become a **candidate** for all three members of the Presidency of BiH, Dervo **Sejdić**, Jakob **Finci** and Azra **Zornić**, according to the ECHR ruling, should also be allowed to **elect** any member of BiH Presidency. This leads us to the question **who has the right to elect each of the three members of the Presidency of BiH?**

Who should elect Members of the Presidency of BiH and delegates to the House of Peoples of BiH and the House of Peoples of the FBiH?

In order to correctly answer previous questions, it is necessary to remind ourselves of the basic principles of representative democracy.

Article I.2. of the BiH Constitution states that *“Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections.”*

The basic principle of democracy is that **the power to govern comes from the people and belongs to the people**. In accordance with Article I.2. of BiH Constitution *Bosnia and Herzegovina is a democratic country*, or in other words, a country in which **the power to govern comes from the people and belongs to the people**. The people, as a bearer of power to govern, through process of free and democratic elections elects their political representatives and authorizes them to represent them and rule in their name. This form of democracy, defined by the Article I.2. of BiH Constitution, constitutional, legal and political science theorist call **“representative democracy.”**

From the preamble of BiH Constitution it is clear that the writer of constitution appointed Bosniaks, Croats and Serbs as **constituent peoples**. By doing so, the Constitution of BiH gave each of the constituent peoples a status of **“demos,”** or in other words, **“the people from which democratic and legitimate power to govern comes from.”** Therefore, **each constituent peoples makes separate electoral unit or separate demos**, from which all political representatives of that constituent people are elected to at all levels of government meant for collective representation (the Presidency of BiH, the House of Peoples of BiH, the House of Peoples of FBiH, the Council of Peoples of Republika Srpska).

Legality and legitimacy of democratic power to govern is earned **through elections** on which “the people from which the democratic and legal power to govern comes from” elects its own political representatives. **“The specific people from which in representative democracy democratic and legitimate power to govern comes from”** we marked with the term **“specific demos.”**

The Presidency of BiH

Given that the Presidency of BiH **has three members** and that those members are elected at elections, this unambiguously indicates that each of the **three specific demos** elects their democratic and legitimate representative in the Presidency of BiH. It is clear which three specific demos, from which the democratic and legitimate members of the **tripartite** Presidency of BiH come from, from the constitutional norm that “one Bosniak,” “one Croat,” and “one Serb” are elected, or in our interpretation, “one Bosniak member,” “one Croat member” and “one Serb member.”

If we connect the above-mentioned constitutional norm with the Preamble of the BiH Constitution which says that **Bosniaks, Croats and Serbs have the status of constituent peoples**, or in other words, specific people (demos) from which the democratic and legitimate power to govern comes from, then we undoubtedly and undeniably can conclude that there is a **relation between electing and representing**, for example, “Croats as constituent people” and “one Croat” as a member of the Presidency of BiH. Thereat, democratic legitimacy of “one Croat” does not come from the fact whether he **self-identified ethnically as a Croat** or not, but from the

fact that he was **elected by the members of the specific Croat demos**, and by doing so, gave him the legitimacy to represent them and their political interests.

In order for “one Croat” to be democratically legitimate member of the Presidency of BiH it is necessary for that legitimacy to come from the **majority electoral political will of specific Croat demos**, and in this process, as we already stated, “one Croat” **can** be self-identified as Croat, but that fact does not and **should not** be the requirement for his legitimacy. It is still possible for that “one Croat” to be ethnically Croat, but that is not needed and it is definitely **not necessary** requirement for “one Croat” to be a member of the tripartite Presidency of BiH. Therefore, a candidate for the function of “one Croat” in the tripartite Presidency of BiH can be any citizen of the FBiH **no matter** whether he self-declare himself as a member of one of the three constituent peoples, or as a member of Others (whether as a national minority or someone who refuses to self-identify altogether) or simply as a “citizen of BiH.” Therefore, a candidate for “one Croat” can be Dervo **Sejdić** and Jakob **Finci** and Azra **Zornić**.

The same principle is valid for Bosniaks and Serbs, or in other words, for “one Bosniak” and “one Serb.” We used the example of “one Croat” because Croats are less numerous than Serbs, and especially less numerous than Bosniaks with whom they share an entity from which “one Bosniak” and “one Croat” are elected. The fact that Bosniaks make up **70.40% of population** of the FBiH, and Croats only **22.44%** allows Bosniaks to, in accordance with certain provisions of the election law which are challenged but still valid, to elect from FBiH entity both “one Bosniak” and “one Croat.” Even in the situation when **all Croats** in the FBiH would vote for Candidate A for “one Croat,” he would not be elected if Bosniaks decide to vote for Candidate B for “one Croat.” In this process, the Croats cannot influence the election of “one Bosniak” at all, and it is enough that 32% of Bosniaks vote for one candidate for “one Croat” to elect him, and the candidates for “one Bosniak: can receive the other 68% of Bosniak vote. Therefore, without anyone else able to influence the election significantly, Bosniaks can elect **two out of three** members of the Presidency of BiH, and Croats do not have an assured possibility to elect **any member**.

This actually already happened **twice**, in 2006 elections and 2010 elections. During 2006-2010 mandate and 2010-2014 mandate, Bosniaks had two representatives in the tripartite Presidency of BiH, Serbs had one and Croats were without a representative. This is a harsh violation of the **overarching principle** of the Constitution of BiH, the **principle of the constituent status of the peoples**, because constituent status of one people is measured by the fact that that people can **freely and independently** elect their legitimate political representatives. In other words, the principle of **equality** between the three constituent peoples has been harshly violated because Bosniaks, as appointed constituent peoples according to the BiH Constitution can elect, in practice, two members of the Presidency out of the three members of BiH Presidency, while Croats, as appointed constituent peoples according to the BiH Constitution, can not elect any member of the Presidency.

In addition to the fact that he is supposed to represent the **majority electoral political will** of Croats as constituent peoples, “one Croat” as a member of the tripartite Presidency of BiH **is not only representing Croats** in FBiH, but he is also representing the **Serbs and Others** from the territory of FBiH. Given that in FBiH Bosniaks are exercising their constituent position through electing “one Bosniak” to the Presidency of BiH, and Croats through the election of “one Croat,” the Serbs and Others (national minorities and other citizens) from FBiH do not have their **specific representative** in BiH Presidency, but they **can choose for which** candidate for the Presidency of BiH they want to vote and which candidate will represent them and their interest. Therefore, Serbs and Others in FBiH can vote for either “one Bosniak” or “one Croat” in the Presidency of BiH.

Therefore, **“specific demos”** for the election of the **Bosniak Member of the tripartite Presidency of BiH** consists of:

- **All citizens of FBiH** which freely and independently declared themselves as **Bosniak** on the census (70.40% of all citizens in FBiH)
- A part of the Others and Serbs in FBiH which decided to vote for the Bosniak Member of the Presidency (between 0% and 7.16% of all citizens in FBiH)

- All Bosniaks in District Brčko (DB) and a part of Others in DB which decided to vote for the Bosniak Member of the Presidency

Likewise, **“specific demos”** for the election of the **Croat Member of the tripartite Presidency of BiH** consists of:

- **All citizens of FBiH** which freely and independently declared themselves as **Croat** on the census (22.44% of all citizens in FBiH)
- A part of the Others and Serbs in FBiH which decided to vote for the Croat Member of the Presidency (between 0% and 7.16% of all citizens in FBiH)
- All Croats in District Brčko (DB) and a part of Others in DB which decided to vote for the Croat Member of the Presidency

Finally, **“specific demos”** for the election of the **Serb Member of the tripartite Presidency of BiH** consists of:

- **All citizens of RS** which freely and independently declared themselves as **Serb** on the census (81.51% of all citizens in RS)
- All Bosniaks, Croats and Others in Republika Srpska (RS) (18.49% of all citizens in RS)
- All Serbs in District Brčko (DB) and a part of Others in DB which decided to vote for the Serb Member of the Presidency

The members of constituent peoples in FBiH, other than Serbs, can **only** vote for, “their” member of BiH Presidency, as he is primarily an expression of their specific electoral will, and they **should not** vote for Member of the Presidency of the other constituent peoples because by doing so, they would undermine the principle of constituent status and equality of constituent peoples. This is not true for Bosniaks and Croats in RS, because they cannot vote for their specific member of the Presidency. The Serbs and Others from FBiH can choose whether they want to vote for “one Bosniak” or “one Croat” because they cannot elect their specific member of the Presidency.

Therefore, according to the **IDPI Proposal A**:

❖ **“one Bosniak” representative represents:**

- All Bosniaks in FBiH and DB
- Serbs and Others in FBiH which decided to vote for him
- Others in DB which decided to vote for him

❖ **“one Croat” representative represents:**

- All Croats in FBiH and DB
- Serbs and Others in FBiH which decided to vote for him
- Others in DB which decided to vote for him

❖ **“one Serb” representative represents:**

- All Serbs in RS and DB
- All Bosniaks, Croats and Others in RS
- Others in DB which decided to vote for him

In this way, Dervo **Sejdić** and Jakob **Finci** and Azra **Zornić** can vote for a member of BiH Presidency. In other words, this allows **Sejdić, Finci and Zornić to vote and to be a candidate in BiH Presidency election**, exactly how it is demanded in ECHR rulings when it comes to the Presidency of BiH

The issue that Ilijaz **Pilav**, as a Bosniak from RS, become a candidate for “one Bosniak” in the Presidency of BiH and to vote for “one Bosniak” candidate, as ordered by the ECHR ruling, is solved through **IDPI Model P 2**. The specificity of this model is that “one Bosniak” is elected not only by Bosniaks from FBiH and DB, but also

by Bosniaks from RS, as well as “one Croat” is elected by Croats from FBiH, RS and DB and “one Serb” is elected by Serbs from RS, DB and FBiH. The Others can, no matter in which entity they live, vote for any of the three members of the Presidency according to their own free choice.

For this purpose, in addition to the Proposal A, IDPI also developed **Proposal B** in which three specific demos for election of the three Members of the Presidency of BiH are:

“Specific demos” for the election of the **Bosniak Member of the Presidency of BiH** is made up of:

- **Bosniak demos** – all citizens of BiH who freely and independently declared themselves as Bosniak on the census (all Bosniaks from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB who decided to vote for the Bosniak Member of the Presidency

“Specific demos” for the election of the **Croat Member of the Presidency of BiH** is made up of:

- **Croat demos** – all citizens of BiH which freely and independently declared themselves as Croat on the census (all Croats from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB which decided to vote for the Croat Member of the Presidency

“Specific demos” for the election of the **Serb Member of the Presidency of BiH** is made up of:

- **Serb demos** – all citizens of BiH which freely and independently declared themselves as Serb on the census (all Serbs from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB which decided to vote for the Serb Member of the Presidency

The House of Peoples

Due to the amendments to the FBiH Constitution, and consequently amendments to election law of BiH, a certain number of delegates in the House of Peoples of the FBiH **do not have the legitimacy** of those who they are supposed to represent and whose interest they are supposed to represent and protect. Because we have **four specific clubs** in the House of Peoples of the FBiH, it is clear that there is four specific demos which elect delegates to these clubs. Which **four specific demos** these are is clear from the very names of these clubs: **Bosniak club, Croat club, Serb club and Others club**. Given that BiH is a representative democracy, it is clear that every delegate in each of the clubs **has to have election legitimacy of specific demos** from which he is elected, or in other words, which he represents and whose interests he represents and protects. In the case of a Bosniak delegate, that is specific Bosniak demos, in the case of a Croat delegate, that is specific Croat demos, in the case of a Serb delegate, that is specific Serb demos and in the case of an Other delegate, that is specific Others demos. Therefore, all citizens of FBiH have the right and possibility to both be the candidates and elect delegates in the House of Peoples of FBiH.

Therefore, in the election of the delegates to the House of Peoples of the FBiH, we have **four separate specific demos**, or in other words, four “specific peoples from which the democratic and legitimate power comes from” and which give legitimacy to the elected delegates to the House of Peoples:

- Members of the Bosniak people in FBiH as a **specific demos** for election of the delegates to the Bosniak club in the House of Peoples of the FBiH
- Members of the Croat people in FBiH as a **specific demos** for election of the delegates to the Croat club in the House of Peoples of the FBiH
- Members of the Serb people in FBiH as a **specific demos** for election of the delegates to the Serb club in the House of Peoples of the FBiH

- Members of the Others in FBiH as a **specific demos** for election of the delegates to the Others club in the House of Peoples of the FBiH

Even though the election for four clubs in the House of Peoples of FBiH is done **indirectly** through cantonal assemblies, the legitimacy of representation of each delegate in the House of Peoples of the FBiH still **comes exclusively from voters of that specific demos** which that delegate represents and whose interests he represents and protects. Specific demos in the case of election of delegates to the House of Peoples of FBiH are three demos of the three constituent peoples and one demos which is made up of Others (national minorities and other citizens). The Constitutional Court confirmed this principle in Ljubić case as “The House of Peoples is **not a house of federal units** (entities or cantons, author’s remark) but rather a **House of Constituent Peoples.**”

Therefore, in order for the election of a delegate in the House of Peoples of the FBiH to be constitutional and legitimate, it has to fulfil the following two basic principles:

- The principle of **legitimate representation** of specific demos
- The principle of **equal value (proportionality) of vote** of all voters **within** each of the specific demos

The principle of legitimate representation means that delegates to each of the clubs in the House of Peoples of the FBiH can be voted for by **only** voters of that specific demos, or for example, the delegates of the Croat club should only be elected by Croats from FBiH. In other words, given that the election itself is indirect through cantonal assembly delegates, the election legitimacy of **each delegate in the Croat club** in the House of Peoples of the FBiH **comes from Croats** as a specific demos for election of delegates for that specific club, rather than also other clubs in the House of Peoples of the FBiH. The same principle is true for delegates of the Bosniak club, Serb club and Others club.

The possibility that someone, for example, become a delegate to the Croat club in the House of Peoples of the FBiH, and that in that election **not a single** voter from specific Croat demos vote for him, the Constitutional Court of BiH declared **unconstitutional** in Ljubić case, as it violates the principle of legitimate democratic representation.

The election law of BiH does not only violates the principle of legitimate democratic representation, but it also violates other basic principle of representative democracy, **the principle of equal value (proportionality) of vote** of all voters **within** specific demos. For example, the election law of BiH allowed a situation in which one of the 17 members of Croat club in the House of Peoples of the FBiH had electoral legitimacy of only **24** potential voters (Bosnian-Podrinje Canton), while other delegate of the same club had electoral legitimacy of **33,600** potential voters (Posavina Canton), which makes a difference between the value of vote within that specific demos of **1,400 times**, or **140,000%**. The stipulation of the election law of BiH which allowed so were also declared **unconstitutional and they were erased from the election law** by the Constitutional Court of BiH in Ljubić case.

According to the recommendations of the Venetian Commission, the acceptable deviation of vote value within a specific demos is **up to 10%**. A deviation of equal vote value in the democratic election process occur because of specific election models and electoral units. The specificity of current election model for the election of the delegates to the House of Peoples of the FBiH is reflected in the fact that mentioned delegates are not **directly elected**, but rather indirectly through delegates of cantonal assemblies.

In accordance with the claim from the Constitutional Court of BiH ruling in Ljubić case:

... it undisputedly follows that the principle of the constituent status of peoples in the Federation, in the context of House of Peoples, may be realised only if a seat in the House of Peoples is filled based on precise criteria that should ensure full representation of each constituent people in the Federation.

IDPI created **Model DN 1** which is *based on precise criteria* which respects both the principle of the legitimate representation of specific demos and the principle of **equal value (proportionality) of vote** of all voters **within** each of the specific demos, or in other words, the principle of **full representation possible** for each constituent people and the Others in FBiH in the context of the House of Peoples of the FBiH.

If the acceptable deviation of the value of the vote within the specific demos of 10% if also applied to the principle of legitimate representation within a specific demos, that means that due to the specificity of the electoral model, a fact that some delegates can have a ratio of legitimate electoral support in contrast to the illegitimate electoral support of **90% to 10%**, or in other words, that in the structure of votes that they received there is 90% of votes that come from members of that specific demos, and 10% of votes can come from members of other specific demos. In the case of the clubs in the House of Peoples of the FBiH, due to the indirect election in which the delegates from the cantonal assemblies elect delegates from their specific demos to the House of Peoples of the FBiH, the acceptable deviation from the election of legitimate representatives of specific demos is 10%. In this specific example, this means that the acceptable deviation is **1.7 delegates (10%) for the constituent peoples and 0.7 delegates for Others (10%)** which do not have legitimacy which comes from the majority electoral will of that specific demos who they represent and whose interests they represent and protect. IDPI's **Model DN 1, Variant 3** conceptualize the above-mentioned example.

The House of Peoples of BiH has three specific clubs: Bosniak club, Croat club and Serb club. Each of the five delegates in each of the specific club has to have electoral legitimacy of the specific demos which elects them, or more specifically, the demos who they represent and whose interests they represent and protect:

“Specific demos” for the election of **Bosniak Delegates to the House of Peoples of BiH** consists of:

- **Bosniak demos** – all citizens of BiH who freely and independently declared themselves as Bosniak on the census (all Bosniaks from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB who decided to vote for the Bosniak Delegates to the House of Peoples of BiH

“Specific demos” for the election of **Croat Delegates to the House of Peoples of BiH** consists of:

- **Croat demos** – all citizens of BiH who freely and independently declared themselves as Croat on the census (all Croats from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB who decided to vote for the Croat Delegates to the House of Peoples of BiH

“Specific demos” for the election of **Serb Delegates to the House of Peoples of BiH** consists of:

- **Serb demos** – all citizens of BiH who freely and independently declared themselves as Serb on the census (all Serbs from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB which decided to vote for the Serb Delegates to the House of Peoples of BiH

IDPI developed, based on the principles from Model P 2, **Model DN 2** which allows **direct election of delegates for each of the clubs in the House of Peoples of BIH through voting for a specific party list or independent list.**

This model ensures the implementation of the Constitutional Court of BiH ruling **U-23/14 (Ljubić)** and implementation of the ECHR rulings **Sejdić-Finci and Zornić for the House of Peoples of BiH.**

Appendix – The specifics of the BiH constitutional and legal order

❖ **BiH as a double federation: A federation of constituent peoples and a federation of entities**

According to its constitutional-legal and institutional-territorial organization, BiH can be characterized, in short, as a **multiethnic federation made up of three constituent peoples (and others) and two entities**. Therefore, in BiH we have three basic demos based on identity and nationality (ethnicity) and three basic demos based on geographical and territorial belonging, which we can, for easier differentiation and remembering, mark as:

- **B demos** – all citizens of BiH who freely and independently declared themselves as Bosniak on the census (50.11% of BiH citizens)
- **C demos** – all citizens of BiH who freely and independently declared themselves as Croat on the census (15.43% of BiH citizens)
- **S demos** – all citizens of BiH who freely and independently declared themselves as Serb on the census (30.78% of BiH citizens)
- **BiH demos** – all citizens of BiH as BiH nationals (100% of BiH citizens)
- **FBiH demos** – all citizens with residency in FBiH (62.85% of BiH citizens)
- **RS demos** – all citizens with residency in RS (34.79% of BiH citizens)

In addition to the constituent peoples in BiH there is the **group of Others and citizens (in short, Others)**. Members of different national minorities belong to this group of Others, as for example, Roma peoples, Jews, Albanians, Slovenes, Montenegrins and so on, as well as people who use regional belonging as a basis for their ethnic or national identity, as for example Bosnians, Herzegovinians, Bosnians and Herzegovinians and so on, as well as other unusual collective identities, as for example people who jokingly identify themselves as Martians or Jedi. The group of Others is also made up of all those citizens which at census do not express their ethnic or national identity. All of them together make up one specific demos:

- **O demos** – all citizens of BiH who at the census freely and independently declared as members of the group of Others peoples and citizens (3.68% of BiH citizens)

The constitutional and legal status of Others is analogous to the status of national minorities in monoethnic states like Slovenia, Croatia, Serbia and so on.

❖ Bicameral Parliament

One of the aspects of **BiH as a complex state** is the fact that both the BiH and entities' parliaments are bicameral. All three parliaments have **lower house** (House of Representatives of BiH, House of Representatives of the FBiH, National Assembly of RS) as well as **upper house** (House of Peoples of BiH, House of Peoples of the FBiH, Council of Peoples of RS). The lower houses are meant for democratic and legitimate representation of all citizens as BiH nationals and entity nationals, while the upper houses are meant for democratic and legitimate representation of citizens as members of three constituent peoples (Bosniaks, Croats and Serbs) and members of Others as a separate collective.

- **House of Representatives of BiH** is meant for legitimate representation of all citizens as BiH nationals. Therefore, demos, or “specific people from which the democratic and legitimate power comes from” are “all citizens of BiH as BiH nationals,” or in other words, specific **BiH demos**.
- **House of Representatives of the FBiH** is meant for legitimate representation of all citizens of FBiH. Therefore, demos, or “specific people from which the democratic and legitimate power comes from” are “all citizens of FBiH,” or in other words, specific **FBiH demos**.

- **National Assembly of RS** is meant for legitimate representation of all citizens of RS. Therefore, demos, or “specific people from which the democratic and legitimate power comes from” are “all citizens of RS,” or in other words, specific **RS demos**.
- **House of Peoples of BiH** is meant for legitimate representation of Bosniaks, Croats and Serbs as constituent peoples.

Therefore, the House of Peoples of BiH has **three separate specific demos**, or in other words, three “specific peoples from which the democratic and legitimate power comes from” and which give legitimacy to the elected delegates to the House of Peoples:

“Specific demos” for the election of **Bosniak Delegates to the House of Peoples of BiH** consists of:

- **Bosniak demos** – all citizens of BiH who freely and independently declared themselves as Bosniak on the census (all Bosniaks from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB who decided to vote for the Bosniak Delegates to the House of Peoples of BiH

“Specific demos” for the election of **Croat Delegates to the House of Peoples of BiH** consists of:

- **Croat demos** – all citizens of BiH who freely and independently declared themselves as Croat on the census (all Croats from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB who decided to vote for the Croat Delegates to the House of Peoples of BiH

“Specific demos” for the election of **Serb Delegates to the House of Peoples of BiH** consists of:

- **Serb demos** – all citizens of BiH who freely and independently declared themselves as Serb on the census (all Serbs from FBiH, RS and DB)
- **Others demos** – a part of the Others demos from FBiH, RS and DB which decided to vote for the Serb Delegates to the House of Peoples of BiH

- **House of Peoples of the FBiH** is meant for legitimate representation of Bosniaks, Croats and Serbs as constituent peoples, and Others as a separate collective.

Therefore, House of Peoples of the FBiH has **four separate specific demos**, or in other words, four “specific peoples from which the democratic and legitimate power comes from” and which give legitimacy to the elected delegates to the House of Peoples:

- Members of the Bosniak people in FBiH as a **specific demos** for election of the delegates to the Bosniak club in the House of Peoples of the FBiH
- Members of the Croat people in FBiH as a **specific demos** for election of the delegates to the Croat club in the House of Peoples of the FBiH
- Members of the Serb people in FBiH as a **specific demos** for election of the delegates to the Serb club in the House of Peoples of the FBiH
- Members of the Others in FBiH as a **specific demos** for election of the delegates to the Others club in the House of Peoples of the FBiH

- **Council of Peoples of RS** is meant for legitimate representation of Bosniaks, Croats and Serbs as constituent peoples, and Others as a separate collective.

Therefore, the Council of Peoples of RS has **four separate specific demos**, or in other words, four “specific peoples from which the democratic and legitimate power comes from” and which give legitimacy to the elected delegates to the Council of Peoples:

- Members of the Bosniak people in RS as a **specific demos** for election of the delegates to the Bosniak club in the Council of Peoples of RS
- Members of the Croat people in RS as a **specific demos** for election of the delegates to the Croat club in the Council of Peoples of RS
- Members of the Serb people in RS as a **specific demos** for election of the delegates to the Serb club in the Council of Peoples of RS
- Members of the Others in RS as a **specific demos** for election of the delegates to the Others club in the Council of Peoples of RS

❖ The Presidency of BiH

The Presidency of BiH has **three separate specific demos**, or in other words, three “specific peoples from which the democratic and legitimate power comes from” and which give legitimacy to the elected members to the Presidency of BiH:

“Specific demos” for the election of the **Bosniak Member of the tripartite Presidency of BiH** consists of:

- **All citizens of FBiH** which freely and independently declared themselves as **Bosniak** on the census (70.40% of all citizens in FBiH)
- A part of the Others and Serbs in FBiH which decided to vote for the Bosniak Member of the Presidency (between 0% and 7.16% of all citizens in FBiH)
- All Bosniaks in District Brčko (DB) and a part of Others in DB which decided to vote for the Bosniak Member of the Presidency

“Specific demos” for the election of the **Croat Member of the tripartite Presidency of BiH** consists of:

- **All citizens of FBiH** which freely and independently declared themselves as **Croat** on the census (22.44% of all citizens in FBiH)
- A part of the Others and Serbs in FBiH which decided to vote for the Croat Member of the Presidency (between 0% and 7.16% of all citizens in FBiH)
- All Croats in District Brčko (DB) and a part of Others in DB which decided to vote for the Croat Member of the Presidency

“Specific demos” for the election of the **Serb Member of the tripartite Presidency of BiH** consists of:

- **All citizens of RS** which freely and independently declared themselves as **Serb** on the census (81.51% of all citizens in RS)
- All Bosniaks, Croats and Others in Republika Srpska (RS) (18.49% of all citizens in RS)
- All Serbs in District Brčko (DB) and a part of Others in DB which decided to vote for the Serb Member of the Presidency