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Election Analysis

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Elections in Bosnia and Herzegovina: Discrimination and the Non-Vote

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Introduction

Two policemen were murdered in Sarajevo on 26. October 2018. On a rare occasion uniting the whole country, 29. October was declared a Day of Mourning in the whole of Bosnia-Herzegovina.¹ In all other aspects, the country shows very little, if any, signs of unity. The general elections of 7. October 2018 were no exception.

Thus violence, uncertainty, citizens' lack of confidence in state institutions and criminals' disrespect of institutions continued after the elections. In both entities, the electoral campaign was marked by mass civic protests and demands to solve the unrelated murders of two young men, one in each entity. During the protests, allegations were made that even individuals at the top levels of the power structures in the country were connected with unresolved murders.

This is the context within which the general elections took place. One should add several other issues affecting the population and potential voters. Ever rising crime rates, the lack of the rule of law, the poor state of the economy, high unemployment rates, political inertia, the complex public administration and corruption above all are often listed as reasons for the increasing emigration from the country. Statistics cannot be relied upon in Bosnia-Herzegovina because of a lack of professional standards when conducting research and often less than sincere citizens, producing misleading results. This leads even international organisations to provide estimates instead of relying on official statistics.

The number of registered unemployed was 448,578 in August 2018, which is lower than the 511,571 registered in January 2017.² The problem in this country of some 3.5 million, however, is that unemployment rates should be put in the context of a grey economy which is widespread and emigration on a large scale.

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¹ N.N. 2018. *Proglašen dan žalosti u cijeloj BiH zbog ubistva policajaca*. *Buka*, 28. October (accessed: 05. November 2018).

² Agency for Statistics of Bosnia and Herzegovina, Demography and Social Statistics, Demography and Social Statistics: Registered Unemployment in August 2018, Sarajevo, 22.

“Corruption remains widespread and systemic,” international organisations report from Bosnia-Herzegovina.³ Surveys, albeit of questionable reliability, “show that more than 60 per cent of Bosnia’s youngsters are unemployed,” while similar percentages “of young people are determined to leave Bosnia for good.”⁴ Despite the reported high emigration levels, the unemployment rate is especially high among youth, reportedly “above 40 per cent,” according to the International Monetary Fund’s (IMF) report.⁵ In 2015, the Center for Peacebuilding estimated that “68,000 people left Bosnia and Herzegovina” in the preceding year.⁶ The World Economic Forum ranked Bosnia-Herzegovina 136th out of 140 countries in a table of Countries’ Capacity to Retain Talent.⁷ The brain drain trend has continued, and yet the highest percentage of unemployed in Europe are to be found in Bosnia-Herzegovina: 25.4% according to the IMF.⁸

The context of the elections held on 7. October 2018 can only be fully understood by adding the complexity of a power-sharing governmental arrangement in contemporary Bosnia-Herzegovina that favours large coalitions of ethnically based political parties. While the system was envisaged originally to prevent the domination of one ethnic group over others, its practical application has been used by nationalist political elites to install themselves as overall rulers in their particular territories, which individuals and clans have been ruling as fiefdoms for over twenty years. The lack of capacity for political alternatives and their own fragmentation into a series of smaller political parties has created an overall atmosphere of disillusionment among voters who do not seem to hope for any possibility of positive change. Hence the low voter turnout of just over 53 percent.⁹

Everybody is a Winner

Despite the electoral system being created to prevent the possibility of the domination of a single political party and the domination of a single ethnic group over the others, Bosnian political elites repeatedly show a tendency to declare victory regardless.

The Bosniak nationalist Party of Democratic Action (Stranka demokratske akcije – SDA) won the largest number of votes, declaring victory, and yet it could find itself squeezed out of power in several cantons with dominant Bosniak populations. There are several political parties and coalitions made up of former SDA members who realised they could form majorities in some places if non-nationalists joined forces with them.

³ Freedom House, Freedom in the World 2018 - *Bosnia and Herzegovina*.

⁴ Latal, Srecko / Ahmetasavic, Nidzara / Jegdic, Zoran and Katarina Pantic. 2015. *Mass Depopulation Threatens Bosnia’s Future*. *Balkan Insight*, 18. May (accessed: 05. November 2018).

⁵ Ahmetasevic, *Mass Population*.

⁶ *Center for Peacebuilding*.

⁷ World Economic forum, *Competitiveness Rankings* (accessed: 05. November 2018).

⁸ International Monetary Fund, *Regional Economic Outlook: Managing the Upswing in Uncertain Times*, May 2018, Annex Table 1.8. Unemployment.

⁹ *Central Electoral Commission* (accessed: 31. October 2018).

The Croat Democratic Union (Hrvatska demokratska zajednica - HDZ) claimed victory in terms of the parliamentary representation of Croats, but at the same time it has got itself engaged in strident protests over losing its seat in the state Presidency to a non-nationalist candidate who attracted the votes of non-nationalists but also some votes from Bosniak nationalists who saw the opportunity to remove the Croat nationalist leader from office.

The Alliance of Independent Social-Democrats (Savez nezavisnih socijaldemokrata – SNSD) successfully managed to attract support for their leaders among nationalist Serbs and elect them into both state and entity presidencies. However, they will have to rely on some junior partner party, if not more, to form a government in Republika Srpska.

Thus the three leading nationalist parties have been victorious, and yet could end up with less power than four years ago. Dissidents from SDA have formed an Independent Block (Nezavisni blok - NB), a party named People and Justice (Narod i Pravda - NiP), and earlier formed the Independent Bosnian-Herzegovinian List (Nezavisna bosanskohercegovačka lista). They have all agreed to a post-electoral coalition to block SDA's access to power wherever possible. They might have to rely on some other SDA dissidents like the Alliance for Better Future (Savez za bolju budućnost – SBB), who, despite significant losses, might be asked to support non-SDA governments. In addition, there are several, mainly regional, alternatives to SDA made up of its former members like Party of Democratic Activity (A-SDA - Stranka demokratske aktivnost), the Movement of Democratic Action (PDA – Pokret demokratske akcije) and the waning Party for Bosnia-Herzegovina (SBiH - Stranka za BiH). Ever since its establishment SDA has produced splinter groups that would attempt to offer an alternative to Izetbegovic, both father and son, and their spirit and hold on power in Bosniak nationalist policies. Some of them have been successful in the short term, but they generally ultimately failed in their challenges.

The latest incarnation of a political party derived from the SDA, People and Justice, had a strong showing at the 2018 elections. Its second place result in Sarajevo Canton led its leader to expect the premiership of the cantonal government. He held this position before leaving the SDA. Thus the question would be what kind of change the new majority actually provides. Leaks regarding this possibility alienated at least one possible coalition partner, the Democratic Front (Demokratska fronta – DF), who are less than enthusiastic about ending up in the same ranks with parties derived from the nationalist SDA. This shows how difficult it will be to negotiate an inevitably large coalition to form the government without nationalist officials.

Leading non-nationalists, the Social-Democratic Party (SDP – Socijaldemokratska partija) and Our Party (Nasa stranka – NS), insist on having no interest in a mathematical coalition. Their claim to focus on programmatic common interests did attract attention, but could easily lead to prolonged negotiations, especially once they include splinter parties from SDA.

Just as Bosniak nationalists divided their membership and support several times, producing wormlike regenerated political groups of mutually insignificant ideological differences, similar processes took place on the political left. First, several senior members left the Social-Democratic Party to form the by now almost forgotten and certainly irrelevant Social-Democratic Union. Then Zeljko Komsić, Member of the State Presidency, who was elected again to the same institution in this election, led a faction of members to form the Democratic Front. It was not long before splinter group consisting of his advisers and leading members set off to form yet another party on the left – the Civic Alliance (Gradjanski savez – GS). While SDP and DF perform like a seesaw, the last incarnation of the *real left* showed plenty of signs of agility but received insignificant support from Bosnian voters.

On the occasion of local elections in 2016, non-nationalists offered six candidates for the leading position in a Borough of Sarajevo Center. The three candidates of the left-wing political parties were joined by a candidate from NS and two independent candidates who have since (re)joined SDP. Thus the left or, perhaps more appropriately, civic parties offered six different candidates for one position that, on the nationalists' side, was contested by a single SDA candidate. The result went, of course, in favour of the Bosniak nationalist candidate who attracted less than half of the votes that the six "lefties" won together. Fragmentation of the non-nationalist parties has been a problem in Bosnia-Herzegovina for decades now. Civic activists attempted to create public pressure for two years and force leading non-nationalist politicians to form a pre-electoral coalition if not to re-unite forces. These efforts have been in vain.

Our Party (NS) is the outcome of work by a few urban professionals and intellectuals who became disaffected with the then leadership of the Social-Democrats and the lack of anything else on offer to a non-nationalist potential electoral base. During the decade of their existence, NS has rarely appealed to a broader audience. This has usually resulted in a parliamentary presence at lower levels of governance, but the party has never really been a contender for power. The October 2018 general election returned them as the strongest non-nationalist force in Sarajevo, with presence in a few other cities. This puts them in a sort of commanding position to negotiate a broad coalition that would exclude SDA in the capital city.

Irregularities and the Protest Non-Vote

There are 15 political groupings represented in the State Parliament, twelve in the Parliament of the Federation, and eight parties or coalitions in the Assembly of Republika Srpska. Despite a huge number of parties having elected members in parliaments and therefore obviously a broad range of ideologies and political views on offer to the electorate, many citizens clearly cast a protest non-vote. Almost five per cent of votes cast in the 2018 elections were blank, 4.51 per cent of votes in Republika Srpska, and 4.81 per cent of votes in the Federation. These numbers come on top of invalid votes, which were just slightly less numerous, making it 8.63% of invalid votes for the Parliament of Bosnia-Herzegovina altogether.¹⁰ Percentages of invalid,

¹⁰ Central Electoral Commission, [Elections 2018 Results](#) (accessed: 27. October 2018).

especially blank, votes at the lower level parliaments were not significantly different. This has contributed to the creation of an atmosphere of doubt regarding the validity of the elections and open suspicion of the results. It was especially parties that underperformed at the elections that have been loud in their complaints and half-analysis of the results. One should single out SBB in the Federation and PDP in Republika Srpska, both of which participated in the state government during the previous electoral period.

Yet, they had some good grounds to make their claims of irregularities. The first issue is the Central Electoral Commission, which held internal elections for its president just ten days before the Bosnian general election. The defeated internal candidate for the presidency of the Commission claimed the winner was illegitimate and should not have stood as a candidate at all.¹¹ This was followed by claims that the electoral lists of voters were not up to date and that deceased people have been put on the lists, leaving possibilities to manipulate the results if parties had control over local electoral commissions. Media reports have been widespread and the Central Electoral Commission has done nothing.¹²

While only minor disturbances were reported on the day of the elections, several political parties almost immediately started a series of complaints that have almost all been refused. There were some 62,751 voters in the most populous borough of Sarajevo Novi Grad, where they cast 250,028 ballots, as they voted for representatives at several levels. Five political parties demanded a repeat of the elections in this borough because of reported footage in which the local mayor issues orders to the head of local electoral commission about who to put in charge of local electoral wards.¹³

A leading Bosnian newspaper editor, in her column, made further allegations about the validity of the elections, giving examples from the city of Zvornik, where local candidates on party lists received between 90 and 100 percent of preferential votes while party leaders who do not reside in Zvornik received around 10 percent of such votes. Elsewhere, the leaders usually received 40 percent of votes or more.¹⁴

However, none of the political parties contesting elections paid attention to the fact that 84,953 citizens of Bosnia-Herzegovina actually sent a message of no confidence in all political parties. If these votes were galvanised into some political movement, they would have had elected representatives at all levels of governance. Our Party (NS) is perceived as having achieved the best results in its history, and yet their total number of votes in the Federation is lower than the number of blank ballots cast in this entity. The number of blank votes in

¹¹ N.N. 2018. Božičković: Nezakonit izbor Petrića za predsjednika CIK-a. *NI*, 27. September (accessed: 05. November 2018).

¹² Typical example of such report is Metaj, Ernaj. 2018. CIK-u se vjeruje na riječ? Šta je sa stotinama mrtvih na biračkom spisku i ljudima koji su glasali sa adresa na kojima nikada nisu živjeli. *Oslobođenje*, 25. September (accessed: 05. November 2018).

¹³ N.N. 2018. Pet stranaka traži ponavljanje izbora u Novom Gradu. *NI*, 27. October (accessed: 05. November 2018).

¹⁴ Selimbegovic, Vildana. 2018. CIK Centralna izborna krađa. *Oslobođenje*, 29. October (accessed: 28. October 2018).

Republika Srpska was higher than those for the Socialist Party, which is usually a junior coalition partner in the entity's government. Some intellectuals announced that this was how they were going to cast their vote and invited citizens to follow suit.¹⁵ There was therefore a strong protest vote that was not organised or coordinated by anyone and is being ignored by all political actors in post-electoral discussions. Just under half of eligible citizens ignored the elections completely. It is therefore safe to conclude that there is strong potential for the support of some alternative in the country, but no current political forces are actually offering anything new and different enough to meet this potential.

Results and Problems

The Central Electoral Commission received a number of complaints following the elections and quickly dismissed them. Some allegations were made prior to the elections about a number of eligible voters on electoral lists, including dead people. However, complaints of such nature failed to be documented following the elections. It is safe to conclude that crying foul is part of the Bosnian political vocabulary, with very little effort being put in to prove the allegations. The problem is often that members of electoral commissions at local level owe their posts to local power-holders and are overseen by party activists. As the country's population is generally segregated, with nationalist forces being in power, their activists oversee and control processes in many electoral wards. This fact is known and gives rise to claims and allegations of misconduct. It is, however, difficult to prove malpractice at the lowest level electoral commissions. The political alternative seems to be too weak to act properly, while the international community is very slow in realising that there is space for malpractice in Bosnian elections.

The parliamentary structures created for Bosnia-Herzegovina by the international community are complex and prescribe a minimum number of elected officials from each ethnic group at various levels. The wartime practice of ethnic cleansing diminished the numbers of Bosnian ethnicities in specific places and thus created individual dominating ethnic groups in separate parts of the country. During the post-war period a new process took place – ethnic cleansing by peaceful means. Many individuals who found themselves as ethnic minorities in their pre-war communities simply packed up and moved to areas where their own ethnic group was a majority at the local level. These processes have resulted in less than diverse local communities and the consequent struggle to have a prescribed number of ethnically diverse elected officials at all levels of government and in parliamentary representation.

The elections of 2018 produced results such that, out of four prescribed Serbs in the Representative Chamber of the Federal Parliament, only one was elected. The Assembly of Republika Srpska is missing both one Croat and one Bosniak parliamentarian. The Peoples' Chamber of the Federal Parliament requires 17 members of each of the three main ethnic groups to be delegated from assemblies at cantonal level. However, there were in total only 15 Serbs elected

¹⁵ Ajanovic, Midhat. 2018. *Za koga glasati*, in *Pogledi: Za koga (ne)cu glasati Neven Andjelic*, edited by Anđelić, Neven. *Oslobodjenje*, 30. September (accessed: 06. November 2018).

in all cantonal parliaments. While these facts show the consequences of wartime crimes and post-war nationalist policies, they are also further proof that it is necessary to produce changes to the electoral law that would reflect reality. Bosnian society is not mixed any more. The perceived diversity is the reflection of ethnic communities living side by side, no longer living together.

Another issue that needs to be addressed is the legitimacy of the elected representatives. The system that created numerous valves to prevent any group's domination has the side effect of legally electing members of the Federal Parliament with only 182 votes. The situation is no better in the Assembly of Republika Srpska, where the least popular parliamentarian received 187 votes.¹⁶

All these issues have been overshadowed by the election of Zeljko Komsić to the State Presidency. Croat nationalists have widely complained of Komsić's illegitimacy because a majority of his votes came from areas populated mostly by Bosniaks. This issue arises from the core of the constitutional order of Bosnia-Herzegovina. The question is really whether elected officials are carefully selected through a complex electoral system to provide satisfactory ethnic diversity, or to be representatives of only their own ethnic communities, or are they supposed to represent the whole society? The system's creators have never provided the answer, and the numerically inferior Croat nationalists feel they have been discriminated against by the numerically superior Bosniak nationalists.

Even religion has entered the debate, with Sarajevo's Catholic Cardinal making comparisons between the electoral result for the Croat member of the State Presidency and Hitler's takeover in Germany.¹⁷ Strong reactions have come from neighbouring Croatia, thus posing further problems for Bosnian sovereignty. The Prime Minister of Croatia, its Foreign Affairs Minister, and all the Croatian members of the European Parliament reacted negatively to Komsić's election and appealed to European institutions to put some pressure on Bosnia-Herzegovina.

The defeated Croat nationalist leader, Dragan Cović, received 154,000 votes.¹⁸ There are some 544,000 Croats living in Bosnia-Herzegovina, out of which 15 per cent are illegible to vote because of their age.¹⁹ This leaves the fact that over 300,000 Croats did not vote for Cović, either by abstaining or by casting their vote for another candidate, including Komsić. This means that for every Croat voting for Cović there were two Croats who did not vote for him.

The reaction by the defeated Croat nationalist attracts attention to the system of governance in the country. HDZ's ministers have immediately started a boycott of the state government. Cović has threatened to produce the paralysis

¹⁶ N.N. 2018. [Sa 182 glasa u Parlament FBiH, 187 u NSRS](#). *NI*, 22. October (accessed: 05. November 2018).

¹⁷ N.N. 2018. [Kardinal Puljić: Hrvatima u BiH se oduzimaju prava i Hitler je na zakonit način stigao na vlast](#). *Oslobodjenje*, 14. October (accessed: 05. November 2018).

¹⁸ [Central Electoral Commission](#) (accessed: 05. November 2018).

¹⁹ [Census of Bosnia-Herzegovina](#). 2013. Agency for Statistics of Bosnia-Herzegovina, [reported](#) by Radio Sarajevo on 30. June 2016 (accessed: 31. October 2018).

of the state institutions by having a controlling stake in the House of Peoples within both Federal and State parliaments. The rule that was produced to protect specific ethnic interests and prevent ethnic discrimination has already been used in the past to force the collapse of state institutions until some other, not necessarily related, issue has been solved. HDZ demands a change to the electoral law. The hypocrisy of such a request can be understood in the context of the European Court of Human Rights judgement of 22. December 2009 in the Sejdic and Finci case, which required Bosnia-Herzegovina to change its electoral law in order to accommodate the equality of individuals belonging to national minorities. HDZ was one of the main obstacles to agreeing changes that would prevent numerically inferior communities receiving majorities.

Forming Governments

This is likely to be the most difficult process. The electoral system, a combination of rules and norms that is too complex to be explained in detail, creates the situation that large coalitions are needed, with the exception of a few cantons that are almost mono-ethnic. The state level government cannot be arranged without nationalists. There might be an attempt, as happened in the past, to form a large coalition without one set of nationalists, who would be replaced by civic parties or a less radical set of ethnic parties. This has always proved to be a mistake, as the following election cycle would usually return a significantly smaller number of votes for the political party that acted as the nationalists' replacement. SDP did so in 2010, and DF followed suit, as did SBB, PDP and SDS in 2014. They were all punished by voters during the subsequent electoral cycle. However, it is not possible to exclude the possibility that one of the parties might attempt such a policy again.

The behaviour of HDZ in the post-election period is of greater relevance. If they really decide to adopt policies that would lead to the collapse of state institutions, it will cause a constitutional crisis. Similar situations have happened in the past and have left Bosnia-Herzegovina, not unlike Belgium or Lebanon, without a government for more than a year. These examples might pose another question about complex multi-ethnic states.

Even during the easiest of post-electoral situations, Bosnians often had to wait until spring for the new government to be agreed. It is likely that different kinds of political coalitions or parties will form governments at different levels. Civic parties in the Federation seem to have found a *modus operandi* for forming a large coalition with parties derived from SDA in many cantons, and possibly even at the federal level. Despite their relative success there is the issue of elected officials transferring from one party to another. This tactic is not uncommon, and the situations that require just a few additional parliamentarians to form a majority often lead to less principled parliamentarians transferring to dominant parties. Nationalists often use this tactic, and it is therefore not impossible that it may happen again.

Civic parties cannot form coalitions on their own, and agreement with any of the nationalist or *former nationalist* forces will endanger their moral standing, although this is questionable on its own. Even the normative order stands against them. It is highly unlikely, an authoritative expert observes, for centre-

left non-ethnic parties to become part of the ethnic power-sharing consociational government as they are not regarded as representing all groups equally.²⁰

Change is obviously needed and, according to results, around half of the population is not happy with the current political offer. Another sort of change, which might enable an improvement in political quality, is normative change, producing a different electoral system. As the original system was imposed upon Bosnia-Herzegovina by the international community, a new system requires forceful imposition. The policies of the High Representative over the last decade show very little ambition in this direction, or, for that matter, any ambition at all. German and British diplomats, however, organised a meeting with leading parliamentary party representatives following the elections. The diversity of the represented parties and ideologies cannot lead to any conclusive idea of which direction the creators of the Berlin process would like Bosnia-Herzegovina to take.

“Discrimination is deeply entrenched in the political, educational and social framework of BiH,” argues the Minority Rights Group.²¹ The Council of Europe found that “persons ... who fall into the category of “Others” are institutionally discriminated against, and are unable to participate fully in the political processes.”²² Despite strong criticism coming from both governments and international non-governmental organisations, international officials in Bosnia-Herzegovina have done very little to force a change. Thus political apathy among Bosnian voters is not a result only of misdoings by domestic political forces. The international community that created a system primarily concerned with peace and security has the responsibility to break the chain by supporting and, if necessary, forcing a change in the constitutional order and the electoral system in Bosnia-Herzegovina. Until these two changes take place, similar kinds of election analysis will be published every four years.

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²⁰ Kapidžić, Damir. 2018. The Dominance of Ethnic Parties in Bosnia and Herzegovina Will Continue. *Perspectives Southeastern Europe* 4, 54-57, 54.

²¹ Minority Rights Group. 2015. Collateral Damage of the Dayton Peace Agreement: Discrimination Against Minorities in Bosnia and Herzegovina, Twenty Years On. *MRGP*.

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