Local Elections in Bosnia and Herzegovina – Political Changes in Times of Pandemic
Election Analysis

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Local Elections in Bosnia and Herzegovina – Political Changes in Times of Pandemic

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Introduction
Local elections in Bosnia and Herzegovina (BiH) were held on 15 November 2020. These were the seventh local elections since the signing of the Dayton Peace Agreement in December 1995. Only in Mostar were the elections held at a somewhat later date, on 20 December 2020, and for the first time after twelve years. These local elections were organised and took place under complex circumstances marked by the COVID-19 pandemic and the ensuing economic turmoil. Nevertheless, the elections brought major political changes, mainly in urban areas.1 Opposition politicians (in the period before and after the elections) emphasised that these elections are just an introduction to events and changes that will take place during the 2022 general elections. Similar views were voiced by political analysts and the media. Some reports and documents produced by international and local institutions and organisations note that these were the first elections in more than two decades to show that the citizens are ready and determined to express their dissatisfaction and “punish” the ruling political elites and their inadequate policies.2

The dominance of ethno-national political parties was brought into question by the elections. Their nurturing of the status quo, the incessant generation of conflict and political instability and their self-serving egoism centred on personal gains became exceedingly apparent in the difficult moments of the year’s public

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health crisis. Newly formed opposition coalitions and existing opposition parties resorted to a different platform – one focused on citizens’ needs and interests, and a decisive strategy for the fight for justice and against corruption.

Numerous irregularities and complaints during the ballot count are the main reason why the results have not yet been confirmed in all election units at the time of writing this analysis. Due to electoral fraud (observers were prevented from entering and overseeing the election, ballots were altered and other irregularities observed, mainly at the expense of the opposition) and the well-known major flaws in the Election Law, the results were not confirmed in Srebrenica, Doboj and Travnik. A full two months after the election, the final decision of the Central Election Commission of BiH (CIK BiH) is still pending and the media are announcing it for next week (starting 18 January 2021). What will happen next with the results in Mostar remains highly uncertain.

Context of the elections – Uncertainty, pandemic, crisis and corruption

Local elections in BiH were held a month later than dictated by law. Election uncertainty and delays were aggravated by political instability and incessant political bickering between ethno-national political elites, who see themselves as the exclusive representatives of the three constitutional peoples. The budget for national institutions and processes was delayed, putting the financing, organisation and calling of local elections at risk. The state level budget was delayed because the representatives of the Croatian Democratic Union (Hrvatska demokratska zajednica - HDZ) and the Alliance of Independent Social Democrats (Savez nezavisnih socijaldemokrata - SNSD) were not satisfied with the new composition of the Central Election Committee. Specifically, the general public previously perceived CIK as politically biased, but it seems that the replacement of some of its members in fact merely replaced certain political options and influences with other political options and influences. The overall state of affairs and the conflicts between parties again stirred suspicions about the independence of this key democratic body.

The complex political situation was further aggravated by the COVID-19 pandemic, which triggered a major economic crisis. Circumstances were favourable for the “transitional” corruption that has been around for decades and permeates all political and economic activity in the country. The absence of the legal state, non-transparency and corruption are noted in many reports and backed by concrete evidence. An example of recent large-scale corruption can be found in the charges brought for abuse of authority in the procurement of respirators during the lockdown (March – April 2020). On 30 December 2020 the Court of BiH confirmed the charges in the ‘Respirators’ case for associating, immediately upon the declaration of a state of disaster, for the purpose of

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3 For example, the Election Law does not stipulate what happens in the event of death of a candidate, as was the case in Travnik where the elected mayor lost his battle against coronavirus on the day of the election.


perpetrating a criminal offence: abuse of authority and misconduct in the public service.\(^7\) Charges were brought against high officials of the Government of the Federation of Bosnia and Herzegovina (FBiH), specifically the prime minister and the minister of finance. Charges were also brought against the now former director of the Federal Department of Civil Protection and the director of the fruit farming company F.H. Srebrena malina.\(^8\) It should be noted that the prime minister and the minister of finance hail from two ethno-national parties in power, the Party of Democratic Action (\textit{Stranka demokratske akcije} - SDA) and the HDZ, and that their coalition government has been operating under a technical mandate for the last two years because a new government was never formed after the general elections in 2018. This situation, which can be seen as a crisis of government in FBiH, arose from the lack of political will among these two coalition partners to negotiate an agreement. In fact, the process was blocked by HDZ’s insistence that agreement would be possible only upon the adoption of a completely new Election Law. HDZ was disgruntled with the election (in 2018) of Zeljko Komsic to the Presidency of Bosnia and Herzegovina, whom HDZ deems an illegitimate representative of Croats elected by a substantial share of Bosniak votes. These political antagonisms between the two dominant ethno-national political parties did not prevent them from jointly engaging (and associating, as stated in the charges) in non-transparent public procurement during a major health crisis.

A similar atmosphere also prevails in the other entity, Republika Srpska (RS). The authoritarian rule of SNSD was seriously shaken two years ago, especially in the context of protests and activities of the informal group Justice for David (\textit{Prauda za Davida}) which demanded the truth about the murder of a young man, David Dragicevic. High officials of the ruling elite were, directly or indirectly, alleged to have connections with this tragic event or even publicly called out for covering up the case. Mass protests that continued to take place for nearly three years (David was reported missing on 18 January 2018) were supported by the opposition and the informal group actually registered as a political organisation for the 2020 local elections.\(^9\) This unsolved murder case is a good illustration of the issues troubling the RS entity. These include corruption, obstruction of the legal state, one political party’s monopoly over every sphere of society and the alarming disrespect for the freedom and independence of journalists and the media, citizens’ right to public gathering, etc.

The 2020 local elections were marked, like all the elections before them, by irregularities in the election process. Advertising and promotion started well before the start of the official election campaign. There are indications that powerful political parties illegally spent public money, both before and during the campaign. Large sums of money, limited (prohibited) by the law, were involved. Political influence on the composition of municipal election committees and trade in observer posts with fictitious but registered parties and candidates are issues that remain unaddressed since the last general elections. Other issues


were also noted in this election cycle. Manipulations in diaspora voter registration, where dozens of unrelated voters were found to be registered at the same addresses in Serbia, Croatia, Germany, Austria, etc. Next, there was the fact that the diaspora could not vote in some countries such as Greece, where the ballots were not delivered in time. The violation of electoral silence and promotion on election day, the sick and those in isolation not being able to vote, corruption in mobile teams: all of these are challenges and some of them persist from prior election cycles. Still, the key challenge in the election process and the frail democracy in BiH is the actual day of the election, specifically the counting of the votes after the polling stations close.

Election results - Changes in urban areas and ‘standard’ irregularities

After the seventh local elections were called, CIK BiH received applications from 587 political entities for the verification of candidate registration for municipal and city councils, mayors and the Brčko District Assembly. Around 31,000 political candidates participated in the elections. It should be noted that 3,283,380 citizens of Bosnia and Herzegovina were registered to vote.\footnote{Central Election Commission BiH. 2020. Verified election results Centralna izborna komisija BiH - Lokalni izbori 2020. godine - Potvrđeni rezultati - NAČELNIK/GRADONAČELNIK (accessed: 5 January 2021). Odluka o potvrđivanju i objavljivanju rezultata lokalnih izbora u Bosni i Hercegovini 2020. godine. SKM_28720121520150 (izbori.ba) (accessed: 5 January 2021).} “The decision calling the local elections indicated that 64 municipal councils were to be elected in the Federation of BiH, 56 municipal councils in Republika Srpska, 120 municipal mayors and 14 city councils in FBiH, seven city councils in RS, 22 mayors in BiH, and the Assembly of Brčko District.”\footnote{Srna. 2020. CIK BiH: Prijavilo se 587 političkih subjekata (rtrs.tv) rtrs.tv, 8 July 2020 (accessed: 23 February 2021).}

In the course of registration and participation it was noted that there were a number of apparently ‘fictitious’ candidates and small parties that met the verification requirements and were therefore entitled to a certain number of seats in election committees (those counting the votes!) and observer posts. We can assume that this was done in order to trade or sell those seats and posts to major parties, in return for certain benefits. For example, journalists from the Center for Investigative Reporting (CIN) have discovered “a network of vote traders in Brčko District. Exposure of this electoral fraud has led to the arrest of its organisers”.\footnote{CIN. 2020. Novinari CIN-a razotkrili mrežu trgovaca glasovima. CIN Centar za istraživačko novinarstvo, 14 November 2020 (accessed: 14 January 2021).} Due to election irregularities in the previous cycles, unsuccessful applications to CIK and drawn-out court cases, the opposition dedicated a part of its campaign to appeals and measures aimed at restoring public trust in the election process. In the FBiH, and particularly in Canton Sarajevo, opposition parties invested efforts in properly preparing future election committee members and observers and organising their work on election day. In the morning hours it seemed that the citizens would not come out to vote, as there was much talk in the media about the (lack of) measures against COVID-19. Even some well-known public persons paradoxically called for the elections to be postponed. Still, in the end the citizens engaged and voted for major change. This was most obvious in the results in urban centres.
SDA, the dominant party in Canton Sarajevo since the end of the war, lost most municipalities and lost its majority in municipal councils. Even the media in the region reported on their losses and their corruption and other scandals (such as the aforementioned Respirators affair) that “ended them”. The winner of the election in Canton Sarajevo was a coalition known as “The Quartet”, comprising two right-wing parties formed by dissatisfied members of SDA: People and Justice (Narod i pravda – NiP) and the Independent Bosnian-Herzegovinian List (Nezavisna bosankohercegovačka lista - NBL). The other two parties in this coalition are the Social Democratic Party (Socijaldemokratska partija Bosne i Hercegovine - SDP) and the social liberal Our Party (Naša stranka – NS). Their joint platform was based on a detailed and pre-agreed programme, activities and measures on transparency and serving the interests of citizens. Although ideologically heterogeneous, the coalition managed to come together around common principles — the key one being fight against corruption. The Quartet is a programme-based, pragmatic coalition focused mainly on anti-corruption, and the citizens recognised it as such. Ideological differences remain, such as those concerning street and school names, language(s), school curricula, LGBT issues, culture, etc. Another issue is populism, skilfully exploited by the lead coalition party (NiP).

The largest individual winner in Canton Sarajevo was the aforementioned relatively new party called People and Justice (Narod i pravda - NiP). The NS candidate and the joint candidate of The Quartet convincingly seized a mayoral position from SDA in a district which the president of SDA in 2016 local elections described as “a municipality worth more than ten others”. It should be noted that the budget of Canton Sarajevo, along with the budgets of the municipalities that comprise the Canton and particularly Centar municipality, are among the largest in the country. Municipal and city mayor positions in Tuzla, Zenica and Gorazde were also taken by either independent candidates or candidates from one of the parties of The Quartet.

While in areas with a predominantly Croat population HDZ managed to maintain its dominance, SNSD suffered some major surprises. The biggest and most painful loss was Banja Luka, as could be seen from aggressive public statements and threats aimed at Banja Luka residents by the president of this party. A young, 27-year-old politician from the Party of Democratic Progress (Partija demokratskog progres - PDP), a representative in the People’s Assembly of Republika Srpska (NSRS) already known for his specific brand of populism, was elected as mayor of Banja Luka. SNSD also lost the second-largest city, Bijeljina, to the opposition Serb Democratic Party (Srpska demokratska stranka – SDS). Still, Milorad Dodik’s party retains its dominance in the RS entity. If we analyse the campaigns by opposition parties, we can conclude that

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14 "People and Justice does not call into question the populist mixture of populism, nationalism, religion, loyalty, and tradition which is the basis for actions of leading populists in Bosnia and Herzegovina [...]", Džananović, Nedžma & Repovac Nikšić, Valida. 2020. Populism in Bosnia and Herzegovina – Horizontal Traditions and Vertical Novelties, in Populist Political Communication across Europe: Contexts and Contents, edited by Stepinska, Agnieszka. Berlin: Peter Lang, 25.

15 In a press conference, the president of SNSD threatened to cut the heating for Banja Luka citizens.

16 Ljubić, SDA je gubitnica izbora.
the right-wing ethno-national discourse is still central and strong, like in the Federation of BiH, and that the changes arose from a generational shift and the determination of young leaders to tackle corruption and the legal state.

Both superficial analysis and detailed review of the data point to a worryingly low share of women in municipal and city mayor positions and very few women heading the lists. An even more alarming number is the number of elected women:

"Bosnia and Herzegovina has a fairly satisfactory legal framework concerning the representation of women, considering that the Election Law guarantees adequate representation in lists, equivalent to at least 40 percent. However, we must note that although women are on the lists, they do not get elected to various levels of government in the proportion that could be expected judging by the share of women in the electorate and on the lists."\(^{17}\)

This says a lot about the issue of equal representation of women in political parties. Examples of good practice exist, such as the social liberal NS party, which has been implementing the 50% Initiative project for the last five years, leading to a significant levelling of the number of elected women from this civic party at all levels of government in BiH.\(^{18}\) Other than the pronounced gender gap, there is also the disheartening fact that convicted war criminals were again elected as mayors, for example in Velika Kladusa.

**The first local elections in Mostar in 12 years**

Irina Baralija, vice president of NS, has helped to unblock the elections and amend the Election Law for the City of Mostar. In 2019, Ms. Baralija won the case against Bosnia and Herzegovina at the European Court of Human Rights in Strasbourg.\(^{19}\)

"In October 2019, the Strasbourg Court issued a judgement in favour of Irma Baralija, who sued the state of Bosnia and Herzegovina as a citizen residing in Mostar, the city in which local elections have not been held since 2008, and in which generations of young, now adult citizens have never had an opportunity to elect or be elected. The novelty in the judgement compared to earlier judgements of the Court is in the fact that it set a six-month deadline for adoption of amendments to the Election Law regulating the City of Mostar, which is also the deadline for calling the local elections. Also, a recommendation for the Constitutional Court of Bosnia and Herzegovina has been adopted, according to which the Constitutional Court should engage in the process should the judgement be ignored [...]."\(^{20}\)

Elections that can be held only after an international court ruling constitute just one of the paradoxes of BiH democracy. It should suffice to mention the inadequate and non-transparent institutions, or the judicial bodies that have lost

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\(^{18}\) For example, NS has five female and one male representative in the Parliamentary Assembly of FBiH. At the 2020 local elections they had two female candidates for the mayoralships of Zenica and Tuzla.


\(^{20}\) Đukanović & Repovac, Populism, 19.
the trust of the public due to numerous unsolved cases. International community representatives often encourage such behaviour by engaging in extra-parliamentary negotiations (in restaurants) with the leaders of ethno-national political parties. This is precisely how the latest partial amendments to the Election Law were negotiated, solely for Mostar, in order to comply with the ruling of the court in Strasbourg. The agreement about the future of Mostar was made between two men, leaders of HDZ and SDA, who have kept the city blocked and without “the right to election” for all these years. The only more shocking fact is that the voter turnout was only 55% and the results of the 2020 local election in Mostar, which point to a decisive win for the nationalists.\(^\text{21}\) In seven election units, the winners were the Coalition for Mostar (\textit{Koalicija za Mostar}) led by the SDA and the HDZ, parties that have kept the city blocked for years. Not just symbolically but in very practical terms: from an inability to adopt the budget, the neglect of public assets and public services, environmental disasters, through to numerous other problems that have piled up over the years without elections. The BH Block (\textit{BH blok}) coalition with NS and SDP won as many as seven mandates, and this was very good news for the opposition. It should be noted that it was Irma Baralija (BH Block) who achieved an excellent result in the election unit of Stari Grad and secured a place for herself and one more candidate. However, the election results in Mostar are still highly questionable considering that the bags were moved to CIK in Sarajevo for a recount, twenty days after the December elections. The latest information indicates serious violations related to the correction of preferential votes at the polling stations, mostly at the expense of the opposition, but also within individual coalitions.\(^\text{22}\)

**Conclusions - Consequences of the elections**

Other than the uncertainty of the elections, which were eventually held with more than a month’s delay, spring and summer were marked by an atmosphere of general dissatisfaction with the lack of preparedness and competence among our many layers of government to adequately respond to and manage the health and economic crisis. Disunity, discoordination and a cacophony of crisis headquarters at different levels (cantonal and entity), coupled with the complete absence of state-level management of any kind, marked the entire last year. Citizens were severely dissatisfied with the failure of the healthcare system, triggered by problems that have been known for many years (to illustrate: the resignation of the cantonal minister of health in Sarajevo in the midst of the pandemic), bad ‘corona laws’ that were supposed to help those who took the worst economic hit from the pandemic rather than those ‘close’ to the ruling parties, etc. To add to this, the difficult election year was marked by a serious humanitarian migrant crisis which exposed the helplessness and disorganisation of state institutions. Although it seemed that the citizens will not come out to vote, that they will abstain not only because they have lost all trust in the institutions (as was the case in the 2018 general elections) but also due to coronavirus fears, around 51% of the population voted in the elections.\(^\text{23}\)


The questionable regularity of the elections was noted as a key issue, just as after the 2018 general elections. Recommendations from non-governmental organisations and initiatives proposed by opposition representatives to the Parliamentary Assembly of BiH and the Council of Ministers of BiH about introducing electronic voting were met with little support in the past. The most recent bad example of such practice can be found in Mostar, in the light of the latest information that opposition parties are requesting that the Court of BiH order a recount of all votes in the city. This is why it is necessary to publicly insist on the modification of the Election Law and to advocate for the better organisation of the elections two years from now and their harmonisation with European standards. Fair, transparent, democratic election processes remain the main challenge, along with numerous other obstacles on the path to Euro-Atlantic integration. Elections must not be compromised, because that would question the legitimacy of elected officials and the legitimacy of the government itself.

Regardless of the political changes that took place in urban environments, the right wing remains much stronger in the society and the state than it was in, for example, 2010. This is particularly true in urban environments. The problem lies in the neoliberal policies of the left, its disunity and its surprisingly inconsistent approach to reconciliation and reintegration of society and the implementation of the returns foreseen in Annex 7 of the Dayton Peace Accord – the Agreement on Refugees and Displaced Persons. Sometimes it seems that both right and left wings are singing from the same sheet. The political discourse (in both) is still saturated by war merit, which influences the selection and appointment of officials. Most candidates’ programmes and plans start with a recital of their war merits: whether they took part in the war, which side they were on, whether they are returnees and so forth. Just like in everyday life, returnees are in a very disadvantaged position when it comes to candidacy and/or employment. Although there is no law to this effect, the practice of having ‘generals’ as mayors became somewhat of an unwritten law after the war and persists to this day. The reason lies in the fact that the veteran population, together with all those employed through party connections, represents the key electorate, especially for ethno-national parties and their partocracy. Unfortunately, left-wing parties are leaning towards the same narrative. In these elections, both left- and right-wing parties introduced a new category – “underage soldiers” – which could be problematic considering that it refers to the population of minors who were part of the regular army during the war, contrary to the provisions of the Geneva Convention. Most candidates, especially men, still refer to the war, and this is an issue that no one has directly and publicly raised or written about. This population includes some of the current leaders of the winning opposition. This leads to the conclusion that this was not so much a change of politics and ideology, but a mere generational shift. By all accounts, these elections will ‘cement’ the ethno-national principle in Bosnia and Herzegovina, because the populism employed in the election campaign will return to collect its dues after the election, at the expense of legalism.

Bibliography


