

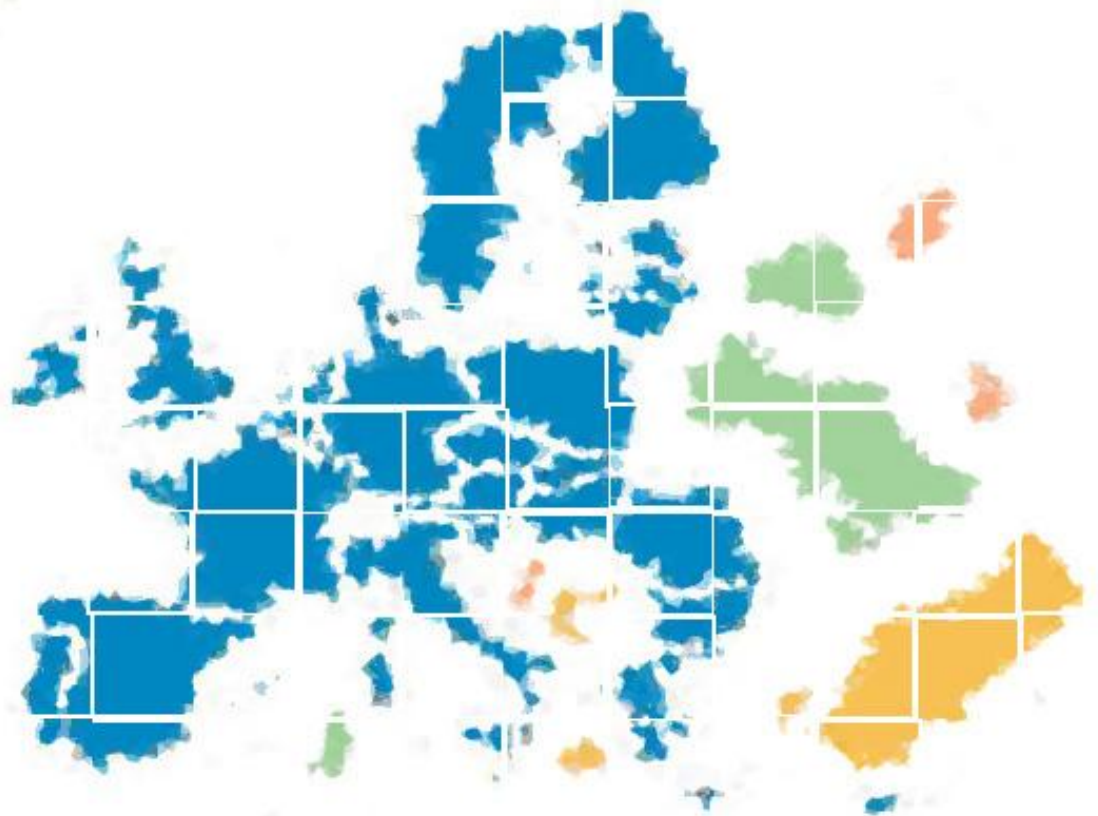
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Item Type	Other
Authors	Semanić, Hana
Download date	2024-10-12 00:10:47
Link to Item	http://hdl.handle.net/20.500.14018/8149

October 2010 elections in B&H: An impasse or the way forward?

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No. 2

Center for EU Enlargement Studies

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The October 2010 general elections in Bosnia and Herzegovina (B&H) were the second since the 1995 Dayton Peace Agreement (DPA)¹ entirely administered by the B&H authorities. According to the Statement of Preliminary Findings and Conclusions by OSCE/ODIHR, the manner in which these elections were conducted was generally in line with OSCE and Council of Europe commitments and international standards for democratic elections, although they were once again conducted with ethnicity and residence-based limitations to active and passive suffrage rights.

More than fifteen years after the DPA, the framework for elections in B&H remains complex, reflecting the country's unique constitutional arrangements. The constitution grants limited powers to state-level institutions, while vesting most of them in the two entities, the Federation of B&H (FB&H) and Republika Srpska (RS). In addition, Brcko district² retains its special status as an autonomous self-governing unit. Legislative authority at the state level is vested in a bi-cameral parliamentary assembly, composed of a directly elected House of Representatives and an indirectly elected House of Peoples. At entity level, the FB&H has the same bi-cameral structure, whereas the RS has a National Assembly (NA) and an indirectly elected Council of Peoples. Moreover, the DPA also established the Office of the High Representative (OHR) which, in 1997, was granted the so-called "Bonn Powers" enabling him to impose laws at any level of government and to dismiss any elected or non-elected officials within B&H's various administrative structures³. Furthermore, the B&H constitution recognizes Bosniaks, Croats and Serbs as "constituent peoples", based on the principle of self-declaration (remaining B&H citizens are defined as "others"). In other words, citizens who do not identify themselves as Bosniaks, Croats or Serbs are effectively barred for standing for the B&H and RS presidencies. This restriction is discriminatory and runs counter to Protocol no. 12 of the European Convention of Human Rights and article 7.3 of the OSCE 1990 Copenhagen Document.

¹ Dayton Peace Agreement, Dayton Accords, Paris Protocol or Dayton-Paris Agreement is the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled on 21 November 1995 in Dayton, Ohio and signed in Paris on 14 December 1995. The Dayton Agreement imposed peace on the three warring ethnic groups and created the Republic of Bosnia and Herzegovina in Bart M.J. Szewczyk, "Occasional Paper: The EU in Bosnia and Herzegovina: powers, decisions and legitimacy", *European Union Institute for Security Studies* 83 (2010): 23.) For more information please see: The General Framework Agreement for Peace in Bosnia and Herzegovina

² Annex 2, Article V, of the DPA on 8 March 2000, formed Brcko district as an autonomous EU entity and a neutral, self-governing administrative unit that is currently shared territory by both entities, the Federation and RS. Both legal and political entities have their own independent legislative, executive and judicial functions with their own capital, government, president, parliament, customs and police responsibilities.

³ For more information see Office of the High Representative, "General Information"; available from <http://www.ohr.int/ohr-info/gen-info/#6>

Despite these excessively perplexed electoral and legal arrangements, the October 2010 B&H elections once again provided a plethora of candidates from among 3,900 registered by the Central Election Commission, representing a wide political spectrum at state and entity level. Ethnic divisions continued to be a determining factor in the country's political discourse. Partly due to residence and ethnicity-based limitations to suffrage, most political parties continued to orient themselves towards their own ethnic communities⁴: the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party of Democratic Progress (PDP) and other parties competed for the Serb votes, while the Party of Democratic Action (SDA), the Party for B&H (SB&H), Alliance for Better Future (SBB) and other parties fought the Bosniak votes. On the Croat side, the Croatian Democratic Union of B&H (HDZ B&H), HDZ-1990, the Croatian Party of Right of B&H (HSP) and others run for mostly for these votes. Some parties including a coalition of Our Party and New Socialist Party (NSP), the People's Party Work for Betterment (NSRZB), and the Liberal Democratic Party (LDS) pursued a more multiethnic approach. The main opposition Social Democratic Party (SDP) also purported this approach, although its support base has traditionally been mainly among Bosniaks. Table 1 below illustrates the percentage of votes and mandates the dominant parties received in the Parliament of FB&H and the National Assembly of RS respectively. It also demonstrates two disparate trends: first, the victorious and traditionally multiethnic SDP party in the FB&H can lead to gradual reforms; second, another victory of the SNSD in RS will make it difficult to carry out a reform of the political system without which B&H will not be able to progress towards the EU.

Table 1. Verified results of the 2010 general elections⁵

The Parliament of FB&H			The National Assembly of RS		
Political entity	% of votes	Mandates	Political entity	% of votes	Mandates
SDP – SOCIAL DEMOCRATIC PARTY B&H	24.53	28	THE ALLIANCE OF INDEPENDENT SOCIAL DEMOCRATS – SNDS MILORAD DODIK	38.00	37
SDA – PARTY OF DEMOCRATIC ACTION	20.22	23	SDS - THE SERB DEMOCRATIC PARTY	18.97	18
THE ALIANCE FOR BETTER FUTURE OF B&H - SBB B&H FAHRUDIN RADONCIC	11.89	13	PDP - THE PARTY OF DEMOCRATIC PROGRESS	7.55	7

⁴ Traditionally multiethnic B&H comprises of Bosniaks (Muslims), Croats (Catholic) and Serbs (Orthodox). The RS embraces approximately 88% of Serbs, while the FB&H mainly consists of Bosniaks and Croats.

⁵ Results of the 2010 general elections verified by the Central Election Commission; available from <http://www.izbori.ba/eng/default.asp>

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HDZ B&H – CROATIAN DEMOCRATIC UNION OF B&H	10.64	12	DNS - DEMOCRATIC NATIONAL ALLIANCE	6.09	6
SBIH - PARTY FOR B&H	7.63	9	SOCIALIST PARTY/UNITED PENSIONERS PARTY	4.23	4
NSRZB - THE PEOPLE'S PARTY WORK FOR BETTERMENT	4.72	5	DEMOCRATIC PARTY – DRAGAN CAVIC	3.41	3
CROATIAN COALITION HDZ 1990 – HSP B&H	4.68	5	SDP – SOCIAL DEMOCRATIC PARTY B&H	3.05	3

But, instead of replacing the current government elite with a team more willing to compromise on changing the country's political system, the elections strengthened the domination of the SNSD of the RS Prime Minister Milorad Dodik and the powerful position of the SDA and HDZ in the FB&H. Retaining such nationalist parties in power will enable them in the near future to promote three irreconcilable political projects. First, the Serbian one proposing the maintenance of the autonomy of the entities in order to stay independent from the rest of the country. Serb parties want the entities to maintain the broadest possible autonomy, but without ruling out the liquidation of cantons in the FB&H. Second, the Bosnian one endorsing a more centralized system keeping the competencies in the capital city of Sarajevo. It would ultimately result in a complete unification of the country with a strong central government and well-developed local governments at the municipal level⁶. This solution would put an end to the autonomy of the entities and cantons. Finally, the smallest number of Croat parties generally feels threatened by the two former and larger groups. Therefore, they want to maintain broad autonomy in the cantons or to create a third Croat entity. Serbs from the RS would be ready to support the latter solution since this would weaken the central government's position. Taking this into consideration, it seems that regardless of the final election contours not before the constitutional reform takes place will the country be able to strengthen the central government and be able to succeed on the path of the Euro-Atlantic integrations. What makes it so difficult to achieve are the fundamental differences in the interests of the B&H communities and those of the political parties. Even a relatively high turnout of 57% voters at these elections will not bring radical changes to the B&H political scene. It is more likely that parties which benefit from nationalist sentiments are likely to strengthen their positions which will preserve strong divides inside the country.

The 2010 October elections brought little hope for change among the citizens. It is expected that a new government will create a firm

⁶ The FB&H still retains a system of inefficient and expensive bureaucracy consisting of many levels (entity, cantons and communes (municipalities)) whose competences usually overlap.

ground for implementing certain key reforms. However, bearing in mind that a great number of reforms in B&H was invented and driven by the international community, it is unfortunately still to be determined how much different levels of government⁷ are able or interested in continuing the previously-instituted reforms. Moreover, looking at the international policy towards B&H from the era of the DPA on the road towards Brussels, it is questionable to what extent this particular approach of the continuous international presence is supportive to the development of B&H as a relatively young and independent state. This approach makes domestic politicians, different levels of government and political parties unable to meet the demands of various reforms and modifications previously-imposed by the international community. In the RS, which traditionally fiercely opposes the presence of the OHR, neither the winning Alliance of SNSD nor the main opposition party SDS are ready to limit the autonomy of the Serb entity. Similarly, the parties which are likely to form the government at the level of the FB&H and take over power in the cantons, the SDA and SDP, are ready to compromise on some issues to a limited extent with the other partners. However, they do not seem to abandon the drive of creating a unitarian state.

In the end one cannot help but wonder how to progress forward or even better is it possible to? As previous paragraphs have shown, the elections results confirmed the regularity to date: each of the three “constituent peoples” supported those parties which are likely to defend their ethnic interests in the future. They have also shown that more than fifteen years after the DPA, the issue of “ethnic interests” continues to be one of the key challenges for both practitioners and theoreticians. A proof that the B&H authorities can successfully cooperate together are defence reform and the recent visa liberalization process.

⁷ B&H possesses 4 levels of government. The first and the second is the federal level (divided into two entities, the RS and the FB&H), the third level is the cantonal level (10 cantons, i.e. 10 cantonal levels characteristic of the FB&H only), and the fourth level is the commune (municipal) level (the Federation is divided in 74 and RS in 63 communes (municipalities)).

EU Frontiers - Policy Brief No. 2

January 2011

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