

Critical Analysis of 2012 Local Elections in Bosnia-Herzegovina

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Abstract

This paper provides a critical analyzes of 2012 local elections in Bosnia-Herzegovina. Since 1995 the local elections and its political and electoral system have been based on the Dayton Peace Agreement (DPA). According to DPA Bosnia-Herzegovina has the multiparty system and regular and free elections. These local elections were held amidst continuously renewed political turmoil at the cantonal, entity and state levels. 2012 local elections results have shown that the HDZ and SDA continued to dominate politics at the local level in the Federation of BiH while in the RS, position of SNSD has been strongly shaken by very good performance of SDS. The SDA won majority of votes in Bosniak majority areas while SDS and HDZ secured their votes in the Serb and Croat majority areas respectively. In the Federation of BiH, SDP and SBB suffered dramatic fall in votes comparing to the last general elections while in the RS, SNSD, which has dominated politics since 2006 lost significant number of votes, mayoral posts and municipality seats to SDS and some other political parties such as PDP, SP and DNS.

Keywords: *Bosnia-Herzegovina, Elections, Political Campaign, Electoral Law and Political Crisis.*

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Introduction

Free, fair, regular and competitive elections have always been an integral part of any democracy and essential tool for the peaceful transfer of power and governance. Democratic institutions also prosper due to the exercise of choice at regular intervals by the electorate. The fifth local elections in Bosnia-Herzegovina (BiH) were held seventeen years after the end of the Bosnian war. As in the previous elections, Bosnian political scenario was characterized by a multiparty system with many political parties, coalitions and independent candidates who were competing for the mayoral posts and municipality councils in all municipalities except in the city of Mostar. For many observers these elections were considered interesting and in terms of results quite unpredictable ones. Furthermore, local elections were held in the context of a deep political crisis that has characterized Bosnia-Herzegovina post-2010 general election's political milieu. These elections were conducted generally according to the international standards for democratic elections, although further efforts are needed, particularly with regard to the equal access and usage of media. Therefore, the fifth local Bosnian elections represented further development in the consolidation of democracy and the rule of law.

The aim of this paper is to analyze the 2012 local elections in Bosnia-Herzegovina by referring to the legislative framework, political background, the role of media, parties, coalitions, candidates, the conduct of elections and finally election results for mayoral positions and municipality councils.

Legal Framework of Bosnian Electoral System

Political system in Bosnia-Herzegovina was a result of the constitution, which is part, Annex IV, of the Dayton Peace Agreement (DPA), the peace agreement that ended the 1992–1995 Bosnian war. Under the constitution, the country is split into two entities: the primarily Bosniak (Muslim) and Croat (Catholic) Federation of Bosnia and Herzegovina further divided into ten cantons, and the primarily Serb (Orthodox Christian) Republic of Srpska (RS). The smallest administrative and political settlement unit is municipality (Bojkov,

2003, 41-67). According to Ibrahimagic and Kurtcehajic (2002) Prior to the war there were 109 municipalities while in the post-Dayton Bosnia-Herzegovina number of municipalities increased to 142, 79 in the Federation of Bosnia-Herzegovina, 62 in the RS and Brcko, city located in northeastern Bosnia-Herzegovina, being a self-governing municipality under the sovereignty of Bosnia-Herzegovina and formally part of both entities.

The 7 October municipal elections were the twelfth elections in Bosnia-Herzegovina since 1996 and the fifth local elections. According to the Annex III of the General Framework Agreement for Peace in Bosnia-Herzegovina the Organization for Security and Co-operation in Europe (OSCE) was in charge of supervising the elections at all levels until 2000 (Chandler, 2000, 46; Solioz, 2005, 48-57). Following the adoption of the Election Law in 2001, the 2012 local elections were the fifth to be both organized and fully funded by Bosnia-Herzegovina. The elections were held under quite complex legal framework. Mayors were directly elected in all 139 of Bosnia-Herzegovina's 142 municipalities and the city of Banja Luka except in the Brcko District and the city of Mostar. Mayor of the Brcko District is usually indirectly elected by the 31 members of the city council. On the other hand and according to the decision of the Central Election Commission of Bosnia-Herzegovina (CEC BiH) municipal elections for the city of Mostar has been postponed following a verdict made by the Constitutional Court of the Federation of Bosnia-Herzegovina that declared the statute of the City of Mostar unconstitutional with regards to the elections of the city council members (Bose, 2002, 95-142).

According to basic explanation of Biber (2004) members of municipal councils and assemblies were elected under a proportional representation system with a three percent legal threshold. In addition to this and as a result of an amendment to the election law, candidates in 24 municipal councils and 2 city assemblies were reserved for national minorities under a plurality vote system. Therefore, on the election day voters could vote either for a political party, candidate(s) from the list offered by political parties or coalition of political parties, independent candidate, joint list of independent candidates and for a national minority

candidate. All officials have been elected for four-year mandates (Schmeets and Jeanet, 1997).

On the May 7, 2012, Election Commission of Bosnia-Herzegovina announced that the fifth local elections in the post-war Bosnia will be held on the October 7, 2012. Elections will be held for the following posts:

1. 78 municipal councils in the Federation of Bosnia-Herzegovina
2. 61 municipal councils in the RS
3. 139 municipal mayors in Bosnia-Herzegovina
4. Assembly for the City of Brcko
5. Assembly for the city of Banja Luka
6. Mayor for the City of Banja Luka

The total number of 3.144.296 voters was able to take part in the elections. The cost of the local elections was around KM 9 million (4.5 million euro). According to *the Central Elections Commission (CEC)* estimation around KM 4.3 million was provided from the state's budget. Municipalities were required to allocate additional KM 4.5 million to cover its own direct costs such as payment of local election commissions and election boards, venues, distribution of election material, salaries of poll workers and other expenses based on the number of registered voters. A total of 383 political subjects were endorsed for the elections including 84 political parties, 59 coalitions, 330 independent candidates and 16 lists of independent candidates. Out of 30.351 candidates, 550 vied for 135 mayoral posts, 29.652 for municipal representatives and 149 candidates run for the posts designated for national minorities.

Despite difficulties with regards to funding, staffing and others overall preparations for the 2012 local elections met all preparation and legal requirements. The CECBiH enjoyed a high level of confidence and trust among the local political parties. With regards to the quality of the voter lists the task of the CECBiH was to a large extent improved due to passive voter registration system, which was introduced in 2006 (Pugh & Cobble 2001; Caspersen 2004 and Bieber 1999). Citizens were automatically registered for voting in the place of residence recorded. The Citizens Identification Protection System (CIPS) database in turn

provided the technical support and data on citizens to the CECBiH. Bosnia-Herzegovina law requires from all citizens older than 18 years to hold a valid CIPS Identification Card.

According to the Election Law of Bosnia-Herzegovina, there are three categories of voters: regular voters, displaced persons (DPs) and out-of-country voters. Regular voters are recorded in the Central Voters Register and have the right to vote in the municipality of their permanent residence. According to the *Law on Refugees from Bosnia and Herzegovina and Displaced Persons in Bosnia and Herzegovina* Article 3, the status of displaced persons refers to a citizen of Bosnia-Herzegovina, residing within the country, who has been expelled from his/her habitual residence as the consequence of the conflict, or left her/his habitual residence, after 30 April 1991, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a social group or political opinion, and who is neither able to return in safety and with dignity to his/her former habitual residence nor has voluntarily decided to take up permanent residence elsewhere. According to *Election Law of Bosnia and Herzegovina*, Chapter 20, a DP who had a right to vote, could register and vote in person or absentee for the municipality in which the person had his or her permanent place of residence according to the last Census conducted by the state of Bosnia-Herzegovina. Out-of-country voters, including those who temporally live abroad or have a status of refugees, had to register for the elections or to confirm their participation in the elections if registered before. The Ministry of Foreign Affairs undertook some efforts in order to encourage registration of citizens who used to reside abroad whose number according to some estimation reaches one million. However, only 37.359 citizens registered to vote by mail from abroad, slightly more than in 2008 local elections when 33.678 citizens had registered.

Political Background to the Local Elections

Seventeen years after the conflict (1992-95) Bosnia-Herzegovina still struggles to overcome the social dislocations of war. Then, Bosnia-Herzegovina remains a post-conflict society whose political system is heavily influenced by the legacy of the war, which prevents the

establishment of an effective system of governance. Although there has been considerable progress in overcoming some of the war's effects, however, ethnic nationalism has remained the principal underlying issue in Bosnian politics (Burg and Shoup, 2000, 3-14). In the Bosnian political milieu main political parties as one of the most important actors in the process of political mobilization of people are ethnically based or they are publicly perceived as being predominantly associated and supported by one ethnic group. Ethnic make-up of regions in Bosnia-Herzegovina was to a large extent changed and reshaped during the war. Thus ethnically clean territories resulted in mono-ethnic political parties that are predominantly supported by the followers of one ethnic group. Therefore, since the post-war period three ethnic groups are more clearly concentrated in separated regions. Although, some political parties claim to possess a multiethnic character, however, election result have shown that all main political parties are predominantly supported by either one of the three ethnic groups and that so far there has not been a political party that was able to muster the support from different ethnic voters (Denich, 1996).

2012 local elections were held amidst renewed political turmoil in the country at the cantonal, entity and state levels. Namely, after 2010 general elections, after 16 months of various negotiations the leaders of political parties agreed upon to form the parliamentary majority. These delays for setting up the state-level Council of Ministers and disagreements among the parties hampered legislative reforms in particular with regards to the harmonization of the Constitution with the European Union Convention on Human Rights and resolving the Sajdic & Finci human rights ruling. *European Court on Human Rights* made a decision in the case of Sejdic and Finci against Bosnia and Herzegovina (Samo, 2009, 309-333). Finci is a representative of the Jewish national minority and Sejdic is a representative of the Roma national minority. They are both prominent figures in the public life. They complained that despite possessing experience comparable to the highest elected officials, they were prevented by the Constitution of Bosnia-Herzegovina from fielding candidacies for the Presidency and the House of Peoples of the Parliamentary Assembly solely on the grounds of their ethnic origin.

However, political situation started to deteriorate again few months prior to the elections and due to diverging interests within the governing coalition. The outcome of this process remained uncertain even sometime after the elections as a result of political disputes, and on-going legal challenges.

Srebrenica as the city where the genocide was committed against Bosniaks was in the center of the 2012 local elections. According to *the Official Gazette of Bosnia-Herzegovina* for 2008 local elections, Bosnia's State parliament adopted changes to the elections law for the city of Srebrenica. The amendments allowed all citizens that had residency status in Srebrenica before the war, but who did not reside there, to vote in the elections. This change was valid only for the October 2008 local elections and only for Srebrenica, not for any other city in Bosnia-Herzegovina. However, few months before the local elections Bosniak political elites asked for the law to be extended and applied in 2012 elections too. This proposal was rejected by Serb authorities. As a result of this Bosniaks launched the campaign "I will vote for Srebrenica" in order to lure voters to register and to vote in Srebrenica. As a result of ethnic cleansing Srebrenica has a Serbian majority. All these political happenings were indications that unofficial pre-election campaign had started long before September 7 which Election Commission declared as an official date for the beginning of political campaign.

Election Campaign: Key Issues, Parties and Candidates

According to Arapovic and Brljavac (2012) Bosnian election campaigns, for both general and local elections, have typically been dominated by bitter arguments over 'high politics' and issues such as the country's constitutional future, referendum, demilitarization, Bosnia's accession to NATO and EU. Pre-election campaign was held at the time of a deep political, economic and social crisis. People were very much concerned about the lack of economic growth, decrease in direct foreign investment, opening of new jobs and reducing high unemployment rate. Although 2012 were local elections political parties campaigned as much on national issues as on local issues. However, some political parties and independent candidates made attempts to focus on local issues such as

reconstruction of city's streets, paving the roads, expropriation of land, construction of sport complexes, students' dormitories, sewage systems, water supply lines, street-lights, further investment in agriculture, local administration reform, building churches, mosques, medical clinics in the villages and all this for the sake of improving people's life condition.

It is interesting to notice that all candidates, both from bigger and smaller parties, expected and claimed that their own political option will win elections or that their opponents will suffer a defeat comparing to the results from the previous elections. Although nationalist rhetoric was a feature of every Bosnian election, the level of intensity seemed higher this time around, particularly in statements made by politicians in the Serb-majority entity of RS. Thus for example, Milorad Dodik, RS President and leader of the entity's ruling Alliance of Independent Social Democrats (SNSD), said in the *Independent Newspaper* that: "Bosnia is a rotten country, as such it does not deserve to exist. It constantly shows elements of being incapable of surviving and therefore it will fall apart as soon as possible." Social Democratic Party (SDP) replied to Dodik that Bosnia is rotten because Dodik is its worm. During the campaign Dodik said that "The question is no longer whether BiH can exist [as a unified state], but how we can ensure its peaceful break-up." Furthermore, he said: "I know very well what our [Serb] national interest is all about an independent state which will become a common and private property of all of us [Serbs]." By such statements Dodik, however, wanted to achieve another goals like diverting people's attention away from critical and vital issues such as poor entity economy, corruption, high unemployment rate and other social issues. Dodik also confirmed his previous stand on the Srebrenica genocide committed by Serb army and police in 1995. He reiterated that there was no genocide in Srebrenica. Bakir Izetbegovic, Bosniak member of the Collective Presidency and high ranking official in the Party of Democratic Action (SDA) replied to Dodik that he cannot call for a referendum and secession of RS from Bosnia-Herzegovina in Srebrenica, Zepa, Prijedor, Visegrad, Foca, Manjaca and other places from where Bosniak were cleansed and expelled. Furthermore, he declared this and similar statements of Dodik as mere political provocations. Camil Durakovic, an independent candidate for the

position of mayor of Srebrenica claimed that the best answer to Dodik would be high turn-out in the elections and giving votes to those candidates who will work for all people of Srebrenica irrespective of their ethnicity.

Party of Democratic Action (SDA) based its political campaign on the platform which specified fight against injustice, poverty and ignorance. This should be achieved by improving local administration, ecology, opening new jobs and securing employment, through cultural-historical heritage and tourism and paying more attention to human resources and youth. Struggle to bring security and equality of all citizens on the whole territory of Bosnia will be the mission of SDA in the post-election period. For SDA, local administration is capable to make Bosnia move forward and utilization of human resources is the main tool to accomplish this.

Opposition political parties concentrated and emphasized mistakes made by those in power and they attempted to base their election campaigns on this. They discussed issues very much related to people's everyday life. Thus, Mladen Bosic, leader of Serbian Democratic Party (SDS) said during the campaign: "Let's talk about high unemployment, educational system, health system and agriculture. Let's not talk about Zlatko Lagumdžija or anybody else." Party for Bosnia (SBiH) based its political camping on five economic and five political priorities. Economic priorities include dynamic economic growth, development of energetic sector, construction of communication infrastructure, information-technology society, agricultural and food industry. Political priorities included: the constitution reform, Bosnia-Herzegovina's Euro-Atlantic integration, reform of social, health and pension sectors, diaspora and protection of values of the defensive war. They called for ending of discrimination against Bosniaks and Croats in RS. Leaders of SBiH promised, if entrusted by voters, to develop constructive communication between political elites and grassroots. The entire campaign of the Union for a Better Future (SBB) was based on a harsh critics and ungrounded accusations directed towards the SDA. For Fahrudin Radoncic, SBB's President, SDA having neither economic nor political knowledge has been the main culprit for very bad socio-

economic and political conditions in Bosnia-Herzegovina. Therefore, the SBB based its campaign on opening new jobs, fighting against corruption and organized crime and reassessing the post-war privatization.

According to the report that was submitted to CEC, 45 political parties in Bosnia-Herzegovina for 2012 local elections political campaign spent around seven million KM. SDP spent more than any other political party with the total amount of KM 1.1 million followed by SNSD which spent KM 1.09 million. SDS and SBB invested KM 789 thousand and KM 741 thousand respectively. It is interesting to observe that these two political parties together with NSRzB which spent KM 377 thousand invested more money in their political campaign during the local elections than general elections held in 2010. Other political parties that achieved significant results in the local elections include SDA that spend KM 628 thousand, HDZBiH KM 441 thousand, PDP KM 428 thousand, DNS KM 234 thousand, SBiH KM 231 thousand and HDZ1990 which spent KM 170 thousand. Amount of money SBiH spent in the local elections is more than five times less of what they had spent for the 2010 general elections.

Critical Analysis of Election Results

With the turnout slightly over 56% and by 1% higher than in the previous local elections, 2012 local elections were announced to be conducted according to the rules and regulations prescribed by the local election law and without any serious irregularities. Results revealed some changes in mayoral positions and number of municipal seats too comparing to the 2008 local elections. The three major parties SDA and HDZ in Federation of Bosnia-Herzegovina and SDS in RS won control of more mayoral offices than other parties did. SDA, in Bosniak majority municipalities and HDZ, in Croat majority municipalities improved their results relative to 2008 elections. On the other hand SDS in RS heavily defeated SNSD and captured many mayoral posts held by SNSD after the 2008 local elections.

Of the 140 mayoral seats, SDA won 37, closely followed by SDS, which won 27 mayoral posts, a jump from the previous 13. The HDZ secured 14 posts compared to three it won in the 2008 elections. On the

other hand, SNSD, the party of the President of RS Milorad Dodik secured only 20 posts what marked a huge decrease in comparison to 2008 elections it gathered 41 mayoral posts. SDP won 10 posts, HDZ1990 3, DNS 2 and SBB 2. Independent candidates, political parties or coalitions of various political parties won the remaining 25 mayoral posts. (See Table 1)

Table 1: Results achieved by political parties in 2012 Bosnia's local elections*

Political party	Number of mayoral posts (FBiH)	Number of mayoral posts (RS)	Number of municipality seats (FBiH)	Number of municipality seats (RS)	Number of votes (FBiH)	Number of votes (RS)	Total number of votes**
SDA	36	1	486	42	268.198	23.173	290.931
SDS	0	27	1	313	195	146.298	146.493
SNSD	3	17	31	358	7.397	178.865	186.262
SDP	10	0	296	17	166.442	20.082	186.524
HDZ	14	0	238	9	82.484	6.640	89.124
HDZ1990	3	0	80	0	24.549	451	25.000
DNS	0	2	8	111	1.470	61.541	63.011
SBB	2	0	137	3	81.631	8.381	90.012
PDP	0	0	2	120	216	59.117	59.333
SBiH	0	0	109	5	58.511	5.805	64.316
NSRzB	1	0	62	5	32.064	3.848	35.912
SP	0	0	4	63	722	37.006	37.728
Union SDA-S BiH	0	0	0	16	0	6.026	6.026
Independ. candidates	6	1	11	6	2.278	857	3.135
Other political parties and coalitions	3	14	336	177	299.527	159.387	458.914
Total	78	62	1.801	1.276	1.024.361	711.501	1.743.161

Source: Central Elections Commission of Bosnia and Herzegovina

* Votes included in this table are only from those areas where above mentioned parties participated individually. Therefore, votes achieved by political parties in coalition are not included in the votes of particular political parties that made coalition.

** Votes from Brcko District are not included in this number

SDA and SDP won mayoral posts in Bosniak majority areas in the FBiH. Although, SDP declares itself as multi-ethnic party and leans to the left, if that could stand for a party in the Bosnian context, however, it is actually Bosniak-dominated and its constituencies are predominantly Bosniak. SNSD and SDS secured victories in Serb majority areas in RS, while areas predominantly populated by Croats in the FBiH were mainly won by HDZ. Two majority Croat cities, namely, Odzak in the north and Vitez in central BiH previously held by HDZ are rather exceptions as this time they were won by SDA candidates. Due to a very good results

achieved by the SDA, its President Sulejman Tihic said that after these elections SDA is again the strongest political party in Bosnia-Herzegovina. he claimed that strong people's support party got in the elections is an honor but at the same time duty and responsibility to work more for the benefit of all people. According to him these results have given legitimacy to the party to represent its people and none will dare to exclude SDA from participating in the government at the state, entity and cantonal levels. SDA's candidate won in the city of Visoko, which marked the history of local elections because Mrs. Amra Babic, has become the first lady-mayor with scarf not only in Bosnia-Herzegovina but in Europe.

SDP conceded defeat in Bihac in the north-west and in all Sarajevo municipalities except for the municipality of Centar, which is traditionally considered as SDP stronghold. Decline in SDP's popularity is often associated with Zlatko Lagumdžija who got involved in the constant quarrel with the political partners that created numerous political crises. Therefore, many SDP voters casted their vote for other political parties. However, the most remarkable turn-back to the political scene of Bosnia-Herzegovina in general and in RS in particular has been made by SDS. Namely, people of RS turned their back to SNSD's symbolic campaign based on fiery ethno-nationalist sentiment, which seemed to bring them votes since this party came to power in 2006. This time around, people turned towards SDS program. SDS campaign was surprisingly socially and economically oriented, which attracted many voters in RS who felt very much alienated by the SNSD. The people of RS to a large extent vote for socio-economic changes. They shouted out loud, "Enough is enough!" As a result, SNSD lost four out of five biggest cities in RS, namely, Prijedor, Bijeljina, Doboj and Trebinje and its incontestable strongholds such as Srbac and Dubica what makes its defeat even more striking. This re-emergence of SDS as quite powerful electoral force in RS will have important political implication in Bosnia-Herzegovina.

The HDZ mayoral candidates secured 14 posts thus winning almost all municipalities with the Croat majority. Based on HDZ's very good performance its President, Dragan Covic said that results his

political party achieved in the local elections has made it a significant factor that must not be excluded from the active politics in Bosnia-Herzegovina. Newly founded party of SBB with all its printed and electronic media has been one of the biggest disappointments of the local elections as out of 50 candidates for mayoral posts only two were secured, Gorazde and Stari Grad in Sarajevo. Such results were due to the struggle for the personal interest and power within the party. SBiH has continued to lose support among the people and as a result the party was not able to secure any mayoral posts. Then, the number of municipal seats this party won in the election has drastically decreased comparing to 2008 local elections.

The CEC had to postpone verification of election results in some cities due to some irregularities and complains. Thus, CEC postponed verification of election results in Srebrenica for more than one month due to complains from the political parties and politicians from RS. Such complaints were mainly based on the claim that significant number of citizens registered for elections in Srebrenica and as soon as elections were over they canceled their registration there. Finally, on December 12, 2012, the CEC verified results in Srebrenica, thereby confirming Camil Durakovic as mayor of Srebrenica.

Conclusion

The 2012 municipal elections in Bosnia-Herzegovina passed largely without any serious incidents. They provided a key test for the current governing parties on state, entity and cantonal levels at the midpoint of their four-year term. Voting was fair and CEC carried out its duties competently and promptly. Election results confirmed the three main political parties, SDA, SDS and HDZ that represent three main constituent peoples in Bosnia-Herzegovina secured greatest number of votes. SDA won majority of votes in Bosniak majority areas while SDS and HDZ secured their votes in the Serb and Croat majority areas respectively.

In the Federation of Bosnia-Herzegovina, SDP and SBB suffered dramatic fall in votes comparing to the last general elections while in the RS, SNSD, which has dominated political events since 2006 lost huge

number of votes, mayoral posts and municipality seats to SDS and some other smaller political parties. These results have shown new trend in RS, where people turned their back to the nationalistic rhetoric which dominated almost all political campaigns in RS since 1996. Voters gave preference to political parties that focus on socio-economic problems people face every day in the local communities. Other political parties such as SBiH, SDU and NS in the FBiH and PDP in the RS were not able to achieve significant results in order to challenge incumbent political parties. Therefore, these elections have confirmed a fact that it's very difficult for smaller political parties to make a stronger impact on the political arena in Bosnia-Herzegovina.

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