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Notes on recent elections

Back to square one?: An analysis of the 2014 general elections in Bosnia and Herzegovina[☆]

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1. Introduction

The seventh post-war general elections in Bosnia and Herzegovina¹ were held on October 12, 2014. While it has been common for every election in Bosnia to be proclaimed as “pivotal” or otherwise consequential, reflecting both the dreams and dashed hopes of domestic and international observers alike, these elections were interesting for three main reasons. First, these elections were one of the dirtiest and most divisive campaigns in years, further polarizing an environment characterized not only by the lack of reform, but by stagnation and even regression since 2006. Second, brief but important civic protests took place in 2013 and

2014, demonstrating growing dissatisfaction with ‘politics as usual’, and the complete inability of the country’s officials to improve the quality of life for average people throughout the country. Third, devastating floods in May 2014 affected nearly 1/3 of the country, wiping out private and public properties and infrastructure, greatly affecting agricultural prospects in fertile flood plains, and convincing some that the inability to either prepare for or respond to the natural disaster answers the questions of whether the country is a failing or failed state.

This essay will first provide an overview of the general institutional structure in Bosnia, and its electoral and party system, before briefly reviewing the election results in 2014, with some comparison to the results in 2010. The primary focus will be the state (i.e. central) and entity levels. Some coalition issues and dynamics also will be explored. Next the outlook for several key elements of political reform will be discussed. Finally, the likely forecast for relations with the international community, Bosnia’s governing structure and the potential for reform in the next four years will be considered.

[☆] This paper discusses the results of the recent elections in Bosnia and Herzegovina in October 2014. It does so by engaging with the results and what they mean for a number of selected policy areas in the country. The research is based on the statistics of the Electoral Commission of Bosnia and Herzegovina and on the experience of Drs Keil and Perry, who have been working on Bosnia for many years, Dr Keil as an academic and Dr Perry as a practitioner, including for the OSCE and the International Law and Policy Group.

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¹ Following the general use of term, the short form “Bosnia” will be used throughout this text. This always refers to the whole country.

2. Governance and institutional structures in post-war Bosnia and Herzegovina

After the war in Bosnia between 1992 and 1995, the current institutional set-up of the country was decided at the Dayton Peace Conference in Ohio, USA in November 1995.² Annex Four of this Agreement is the current Constitution of Bosnia. According to the peace agreement, Bosnia and Herzegovina was confirmed as a country consisting of three constituent peoples (Bosniaks, Serbs and Croats) (along with Others and citizens), and divided into two entities, the Federation of Bosnia and Herzegovina (FBiH), which covers 51% of the territory, and the Republika Srpska (RS), which covers 49% of the territory. The FBiH is further divided into ten cantons, five with a Bosniak majority, three with a Croat majority and two mixed cantons (mainly a Bosniak–Croat mix). The RS is mainly inhabited by Serbs, and was proclaimed in January 1992³ and consolidated during the war in Bosnia as a result of massive population movements and displacement; hence the entity remains a source of contestation, especially by Bosniaks who claim that the RS was established illegally and as a result of ethnic cleansing and genocide. In 1999, the territory of Brčko in the north-east received the status of a district as a result of a series of international arbitration decisions (Perry, 2006). Hence, Bosnia consists of two entities (the FBiH and the RS), one of them (the FBiH) is further divided into ten cantons, and one autonomous district – Brčko.⁴

The state is extremely decentralized; indeed in 1995, only three ministries existed at the level of the central state (today there are nine). Most decision-making competences lie with the entities. In the case of the FBiH, decision-making powers have been further decentralized to the cantons, leaving the FBiH government with few competencies and powers. Below the cantons there are also municipalities whose responsibilities and financial resources are often very limited, making for a total of four levels of government. In the centralized RS, the entity government holds most decision-making and spending powers, with municipalities acting mainly as units for the administration and implementation of entity decisions. While there has been a process of incremental centralization and state-strengthening since 1998, the state government in Sarajevo remains weak, and is mainly responsible for foreign policy, defense policy, wider economic planning and policies that cross entity lines, such as cross-entity transportation and environmental concerns.⁵ It is therefore fair to say that the main formal governing bodies in Bosnia lie at the level of the cantons in the FBiH and the RS. The primary decision-makers remain not the country's institutions, but the leading, and primarily

nationalist-oriented, political parties that agree on political priorities and compromises.

All institutions in the country, including at the entity and cantonal levels, apply strict power-sharing rules, usually between Bosniak, Serb and Croat parties (in some cases “Others” are represented as well, mainly at entity and cantonal level and often to a lesser degree than the guarantees enjoyed by the three constituent peoples). For example, the state level has a collective presidency consisting of one Bosniak, one Croat and one Serb, with the Chairmanship of the Presidency rotating among the three members. It is mainly responsible for the appointment of ambassadors and the government, and also plays an important role in foreign policy. The central government at the state level usually consists of a coalition of Bosniak, Croat and Serb parties. The same can be found in the entities and cantons, although ethnic dominance in territorial units means that often one party dominates the government at these lower levels. However, some non-nationalist, social democratic or civic parties have played roles in some cases,⁶ upsetting the precarious balance sought by the nationalist parties. This phenomenon (triggered by SDP's ((Social Democratic Party of Bosnia and Herzegovina) success)) in part accounted for the difficulty in forming a government following the 2010 general elections. Decisions usually need approval from a number of groups, and veto-rights (by both peoples and the entities) are extensive, particularly at the state level (Bahtić-Kunrath, 2011). This means that decision-making is often slow and based on complex negotiations.

3. Bosnia's electoral system

Elections in Bosnia for all state institutions (including the collective three-person presidency, and the House of Representatives), as well as for the entity and cantonal parliaments and presidents take place every four years. The first post-war elections took place in 1996, and were won by a coalition of nationalist parties representing the three constituent peoples: Bosniaks, Croats and Serbs.

The electoral rules are very complex and differ between central state institutions, entities and cantons. The collective presidency at the state level is elected as follows: The Bosniak and Croat members of the collective presidency are elected by simple majority vote in the FBiH, while the Serb member is elected by simple majority vote in the RS.⁷ Elections for the Bosnian House of Representatives use proportional representation, with open lists in 2014. Two-thirds of the 42-members of the House of Representatives at central level are elected from the FBiH, with the other one-third elected from the RS.

The president of the RS is directly elected by simple majority voting in the entity, while the president of the

² For information on the war in Bosnia see Burg and Shoup (1999).

³ The RS was first established as an autonomous area of Serb territories in Bosnia. It later proclaimed its independence from Bosnia.

⁴ For more detail on federalism and decentralisation in Bosnia, see Keil (2013).

⁵ For a more detailed discussion on democratization in Bosnia, see Perry (2006).

⁶ This refers to the participation of numerous non-nationalist parties in cantonal, FBiH and central Bosnian governments. However, this participation has had little impact on the major political wrangling over control and access to resources between elites of the nationalist parties.

⁷ The composition of the Presidency and the House of Peoples at central level is important, as it has been declared “illegal” by the European Court of Human Rights in 2009 in the famous Sejdić–Finci case.

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