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Election Analysis

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Local Elections in Bosnia and Herzegovina

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Introduction

Local elections for municipal and city councils and municipal and city mayors were held in Bosnia and Herzegovina (BiH) on 2. October 2016. These were the sixth local elections since the Dayton Peace Agreement. There was generally not much expectation for significant change in BiH politics, and the elections were seen as a test on to what extent the major political parties are familiar with citizens' concerns, especially at the local level. A change in the Electoral Law a few months ahead of the elections had increased the importance of party structures and party leaders in determining the allocation of seats among candidates from party lists, while decreasing the influence of voters. Coupled with an electoral system that favors small parties, this could potentially result in further fragmentation of the party system. During the electoral campaign, a popular referendum on a disputed national holiday in Republika Srpska (RS), scheduled one week before the local elections, overshadowed any local issues both in RS and in the Federation of Bosnia and Herzegovina (FBiH). That said, these elections continued the established dynamic of intra-ethnic competition in BiH where parties compete for voters within the ethnic group they represent. Although independent candidates and non-ethnic parties achieved respectable results, these were not enough to bring about meaningful change.

Change in the Electoral Law

The Electoral Law of Bosnia and Herzegovina is adopted at the state level and applies to all lower levels of government. It regulates a broad spectrum of issues, including bodies that oversee the elections, electoral lists and candidates, campaigning, campaign financing and media conduct.¹ In particular, it regulates the rules for translating votes into seats for all elective institutions in BiH at the state, entity, cantonal and municipal levels. There are additional clauses for elections in Brčko District and the City of Mostar. Prior to the elections, there was an urgent need to change the Electoral Law to take into account the establishment of a new municipality in RS (Stanari), and, more importantly, to change clauses regulating local elections in Mostar. The last local elections in Mostar were held in 2008 under provisions imposed by the Office of the High Representative (OHR) four years earlier. The

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¹ BiH. 2016. *Izborni zakon BiH-neslužbeni pročišćeni tekst*. *Central Election Commission* (accessed: 24. November 2016).

Constitutional Court of BiH declared these articles void in 2010 as they violated citizens' rights to equal representation. No local elections have been held since in Mostar, a fact which itself created problems regarding democratic legitimacy. Although the issue of Mostar was the main driving force behind the changes, no agreement between Bosniak and Croat representatives from the Party of Democratic Action (*Stranka demokratske akcije*, SDA) and the Croatian Democratic Union of BiH (*Hrvatska demokratska zajednica BiH*, HDZ BiH) was reached in time. Pressed by the deadline of the upcoming local elections, the invalid clauses remained unchanged and, as in preceding years, no local elections were held in the city.

The major adopted change was the manner in which seats are allocated within party lists.² Elections in BiH are held under an open-list proportional representation electoral system with a 3% threshold. The Sainte-Laguë method is used for distributing seats among parties that pass the threshold, giving preference to smaller parties. In previous elections, seats were allocated to candidates on a party list who received at least 5% of the vote for that party, with remaining seats going to candidates from the top of the list. This quota was increased to 10% for municipal councils and 20% for all other elected legislative bodies. This was in itself a small change, but it was enough to affect the allocation of seats within a party, giving much more relevance to the position of a candidate on the party list. The change will become highly relevant in future elections for the BiH, FBiH, and RS parliaments, starting in 2018. It will impact party cohesion, promote party loyalty, and significantly increase the importance of party leaders. The drive for more centralized decision-making within major political parties coupled with a low electoral threshold and a seat allocation formula that favors smaller parties could result in increased defection, splinters, and further division of the already fragmented party system. The 2016 local elections already saw a larger number of independent candidates who had previously been members of one of the major parties. Many independent and small-party candidates were elected in 2016 as council representatives and mayors.

The Electoral Campaign and Referendum in Republika Srpska

The electoral campaign was dominated by issues more relevant for politics at the state or entity level than for municipalities. Most prominent was the referendum in RS on the entity's disputed national holiday. As a reaction to the Constitutional Court of BiH's decision to declare the Day of RS holiday unconstitutional, the institutions of RS, directed by Milorad Dodik and his Alliance of Independent Social Democrats (*Savez nezavisnih socijaldemokrata*, SNSD), initiated a popular referendum to challenge and nullify the verdict. The timing of the referendum was deliberately set to coincide with the local election campaign. This set the scene for a spiral of increasing national homogenization among Serbs, calls for unity, and a disregard for everyday politics. The campaign was dominated by continuous propaganda stressing RS autonomy and statehood, with little mention of concrete local issues. All Serb political parties were compelled to openly support the referendum and the SNSD lead on the issue. There was no possibility of remaining neutral, abstaining or

² BiH. 2016. Zakon o izmjenama i dopunama Izbornog zakona BiH. *Službeni glasnik BiH* 31/16: 4-16.

opposing the referendum and its predetermined outcome.³ To do so would be considered treason to RS in the eyes of the public. Although primarily intended to weaken the opposition in RS, the referendum had an impact on the election campaign in FBiH. Bosniak and non-ethnic parties saw it as a threat to the very fabric of the country and openly campaigned against it. This resolute stance further strengthened Serb party unity. Croat parties observed the referendum with keen interest as an experiment in non-consensual politics that could be repeated in future. The referendum was held on 25. September, with overwhelming support in favor of keeping the disputed holiday and a turnout over 50%.

A campaign monitoring analysis by the Sarajevo-based Center for Election Studies confirmed the disruptive effects of the RS referendum on the electoral campaign. It found that only half of campaign messages were focused on locally relevant topics, and less than a third were backed up by concrete measures.⁴ Issues of local development, employment opportunities and youth featured most prominently among relevant topics. In sum, the campaign itself was uninspired, with parties offering little innovation and repeating iterations of previous electoral catchphrases. All parties campaigned selectively and only in municipalities where they expected some electoral support, and only three parties stood their candidates in more than half of BiH's municipalities.

Election Results

The party system of BiH is structured into multiple ethnically defined subsystems. We can identify a Croat, Serb, Bosniak, and non-ethnic subsystem whereby the latter two overlap to some degree. There are several layers of interaction between political parties representing the same or different ethnic groups, but the subsystems represent relatively stable categories.⁵ Independent of any policy issues, all electoral competition is intra-ethnic with virtually no contest for votes across ethnic cleavages. Each subsystem extends from the state level down to municipalities and features ruling and opposition parties, albeit with negligible political distinction between them. For the 2016 local elections 372 political parties, candidate lists, and independent candidates competed in 141 municipalities and cities, and in Brčko District.⁶ The elections for municipal councils featured over 30,000 candidates running for 3,136 council seats.⁷ Most seats were won by major political parties, notably two Bosniak parties: SDA, and the Union for a Better Future of BiH (*Savez za bolju budućnost BiH*, SBB); two Serb parties: SNSD, and the Serb Democratic Party (*Srpska demokratska stranka*, SDS); the HDZ BiH; and the non-ethnic Social

³ N.N. 2016. [Dodik na Palama proglasio referendum uspjelim](#). *Fokus*, 25. September 2016 (accessed: 24. November 2016).

⁴ Huskić, Adnan. 2016. [Analiza medijskog monitoringa predizborne kampanje za lokalne izbore 2016. u BiH](#). *Centar za izborne studije* (accessed: 24. November 2016).

⁵ Kapidžić, Damir. 2015. *BiH Party System*, in *Political Pluralism and Internal Party Democracy-National Study for BiH*, edited by Mujagić, Nermina and Suad Arnautović. Podgorica: CeMI, 35-56.

⁶ Elections were held for 74 municipal councils in FBiH and 57 in RS; four city councils in FBiH (Bihać, Tuzla, Zenica, and Široki Brijeg), and six city councils in RS (Banja Luka, Bijeljina, Doboje, Prijedor, Trebinje, and Zvornik); 131 municipal mayors and 10 city mayors; and the Brčko District Assembly.

⁷ Out of this number, 31 seats are in the Brčko District Assembly, and 26 seats are national minority seats. The elections in Stolac were canceled, making the total of seats awarded 3,119.

Democratic Party of BiH (*Socijaldemokratska partija BiH*, SDP).⁸

Preliminary results were available within one to two days, except for a few close races, where recounts were required. The elections were, for the most part, fair and orderly, except for several major incidents in Stolac municipality. Voting here was stopped after violence at polling stations and at the local election council involving Bosniak candidates and Croat election officials. The elections in Stolac were canceled pending an investigation into the skirmish and allegations of electoral fraud. The Central Election Commission announced the final results of the elections on 1. November 2016, excluding Stolac municipality.⁹ The election results confirm the dominance of the major parties, but also point towards a fragmentation of the electoral system at the local level.

In council elections, the major parties managed to win slightly over two thirds of the overall number of seats, but retained a majority in almost all municipal and city councils (Table 1). The SDA, SNSD, and HDZ BiH together have a majority in over three quarters of the municipalities in BiH. The opposition parties in FBiH and RS, especially the SDS, performed very weakly. Only few councils obtained an absolute majority, most notably the HDZ BiH dominated councils, and some form of coalition government is required in most places. In some municipalities, party fragmentation within the council is extensive. For example, in the municipality of Rudo, the 17 council seats will be divided among 11 political parties with no party gaining more than 3 representatives. In Brčko District, almost the only municipality in BiH where all major political parties compete, the 31 Assembly seats will be divided among 12 parties and an independent candidate, including representatives from all major parties.

Table 1: Municipal/City Council seats by political party 2016

Political Party	Total number of Municipal/City Council seats	Number of municipalities/cities with a majority in the Council	Number of municipalities/cities with absolute majority in the Council
SDA (with coalition partners)	593	47	8
SNSD	407	41	5
HDZ BiH (with coalition partners)	330	22	13
SDS (with coalition partners)	287	16	2
SDP	215	3	0
Independent candidates	27	0	0
Independent lists	40	1	0
Other parties	1,220	10	2
Total	3,119	140	30

Source: Central Election Commission BiH (7. November 2016); author's calculations.

⁸ Other relevant parties included the non-ethnic Democratic Front (*Demokratska fronta*, DF) and two Serb parties: the Party of Democratic Progress (*Partija demokratskog progresna*, PDP), and the Democratic People's Alliance (*Demokratski narodni savez*, DNS).

⁹ Central Election Commission. BiH. 2016. [Odluka o potvrđivanju i objavi rezultata lokalnih izbora u BiH 2016. godine](#) (accessed: 24. November 2016).

Although comparison between local and state level elections is difficult and fraught with many issues, contrasting cumulative votes for each of the major parties and their coalition partners illustrates key trends. The elections for the BiH Parliament include cumulative votes from RS, FBiH, and Brčko District, while votes in the municipal elections include all municipalities in BiH and Brčko district with the exception of Mostar and Stolac (Table 2). Since most parties formed changing pre-electoral coalitions in at least some municipalities, these figures are presented separately. While voter turnout remained stable compared to 2014, all major parties with the exception of SDP and smaller Serb coalition parties lost votes. The biggest loser by far was the SDS, which barely retained its position as the second-strongest Serb party. The party leadership was unable to respond to the referendum in a way that would not undermine its political agenda while still opposing Dodik and the SNSD. Unwilling or unable to focus on everyday local issues, SDS candidates were defeated across RS.

The non-ethnic DF is another clear loser. A recently formed party, the DF could not rely on an established network of local supporters and candidates, even though it projected itself as the new left-wing option aiming to replace the SDP. With low quality candidates on the party ticket, the DF undermined its position as a serious alternative. The SBB lost support due to a pre-electoral coalition with the SDA. The long time arch-rivals compete on a similar platform for the same Bosniak voters, and the SBB lost out to its larger and more organized coalition partner. The strong results from small parties may be attributed to local dynamics, a greater number of independent candidates and lists, as well as prominent defections from the major parties. Also worth noting is the electoral strategy of the HDZ, which formed a coalitions with a varying list of Croat parties in 16 municipalities, in addition to running alone in 50 more, which greatly increased its results.

Table 2: Comparison of 2016 Municipal/City Council and 2014 Parliamentary votes

Political Party	Number of votes Parliamentary elections 2014	Percentage of votes Parliamentary elections 2014	Cumulative number of votes local elections 2016 (coalition votes included)	Cumulative Percentage of votes local elections 2016 (coalition votes included)	Change 2014-16 in % (coalition votes)
SDA	305,394	18.73	296,162 (306,626)*	17.93 (18.57)	-0.80 (-0.16)
SNSD	255,024	15.64	205,352	12.43	-3.21
HDZ BiH	123,022	7.54	76,564 (114,779)	4.64 (6.95)	-2.90 (-0.59)
SDS	211,562	12.97	111,785 (133,712)	6.77 (8.10)	-6.20 (-4.88)
SDP	108,501	6.65	122,548	7.42	+0.77

Local Elections in Bosnia and Herzegovina

SBB	142,003	8.71	72,175 (80,523)*	4.37 (4.88)	-4.34 (-3.83)
DF	150,767	9.24	57,251	3.47	-5.77
PDP	50,516	3.1	57,841 (62,990)	3.50 (3.81)	+0.40 (+0.72)
DNS	37,052	2.27	85,613	5.18	+2.91
Other parties	247,079	15.15	566,333 (482,231)**	34.29 (29.19)**	+19.14 (+14.05)
Total	1,630,920	100.00	1,651,624	100.00 (100.00)	

Source: Central Election Commission BiH (7. November 2016); author's calculations. Notes: *coalition votes split between SDA and SBB for municipalities where they ran together; ** minus coalition votes.

Elections for local mayors mirror the results for council elections to a certain degree (Table 3). The elections are conducted under a first-past-the-post voting system that favors large parties and increases competition between ruling and opposition parties. While results for council elections were not overwhelmingly in favor of the SNSD, it openly defeated the SDS in the mayoral races and successfully captured most mayoral positions in BiH. The electoral system increased the number of coalitions in which parties filed joint candidates in many municipalities, most notably SDA and SBB. The SDA-led coalition managed to win most mayoral positions in Sarajevo's municipalities, but lost in other large cities to independent candidates. The party leadership attempted to gloss over this fact by declaring their victory in a Sarajevo municipality worth ten municipalities elsewhere.¹⁰ Another notable loss for SDA was the mayor of Srebrenica, where a Serb candidate won after a vote recount and many years of Bosniak mayors. Evident support for independent candidates and those from other parties did not result in more mayoral positions, solely due to the majoritarian electoral system. The election of Fikret Abdić, a convicted war criminal, as mayor in his hometown municipality of Velika Kladuša received much attention and is an alarming signal of a systemic failure to reflect on the war and its aftermath in BiH. As in all previous elections, these too were gendered towards male politicians. A very small percentage of candidates and even fewer elected officials were female. On a positive note, there are now more female municipal mayors than previously, with six in total: one in FBiH and five in RS.

¹⁰ N.N. 2016. *Senad Šepić o lokalnim izborima: Možda je SDA dobila Sarajevo, ali je izgubila BiH. Oslobođenje*, 3. October 2016 (accessed: 24. November 2016).

Table 3: Municipal Mayor positions won by political party

Political Party	Number of Municipal Mayor positions 2012	Number of Municipal Mayor positions 2016	Change (%)
SDA	37	32	-3.6
SNSD	23	34	+7.9
HDZ BiH	15	18	+2.1
SDS	34	19	-10.7
SDP	10	8	-1.4
Independent candidates	7	10	+2.1
Other parties	14	19	+4.3

Source: Central Election Commission BiH (7. November 2016); author's calculations. Note: all parties ran as part of a coalition for mayoral elections 2016 in some or all municipalities, mostly notably SDA with SBB, and SDS with PDP and others.

More of the same to come?

The 2016 local elections would be considered unremarkable were it not for the disruptive force of the RS referendum. Political debate during the electoral campaign was undermined by a resort to ethno-populist politics, constant ethnic squabbles, and total neglect of the problems of everyday life in BiH. The politics of identity trumped the politics of good governance and rule of law. Following the referendum and elections, international actors sought to reaffirm an atmosphere of normalcy by praising the regularity of the electoral process and highlighting the Euro-Atlantic perspective of BiH, while expressing concern for the referendum's implications as a threat to the rule of law and the stability of the country. The full impact of the referendum is still uncertain, but this could provide a blueprint for ethnic bargaining and political campaigning in BiH for years to come.

The issue of Stolac raised concerns regarding adherence to democratic values and the integrity of the electoral process. It will prove to be a crucial test for the ability of BiH institutions, especially the Central Election Commission, to handle violent disruption to elections. Stolac is especially relevant since two ethnic groups are pitted against each other, with state institutions already being accused of favoritism. So far, the Central Election Commission has initiated an investigation into the incident in Stolac, mentioning candidates and election officials from both ethnic groups. A date for new elections in this municipality has not yet been set.

The winners of the elections are clearly the ruling parties in RS, foremost SNSD, which gained a number of local mayors, but also DNS, which increased its overall vote share significantly. The SDP managed to stabilize its decline and remain the primary non-ethnic party, while the dominance of HDZ BiH showed that there is currently no rival Croat party in BiH. The urbanite Our Party (*Naša stranka*, NS) was a surprise winner, becoming the main opposition party in Sarajevo and other cities on a social liberal platform. The clear loser of the elections is the SDS, which lost both a significant number of council seats

and many mayoral positions. Its coalition partners were not affected as severely, and especially the PDP managed to retain its support. The DF is another loser that did not manage to profile itself with a coherent party platform, respectable candidates, and consistent policies; similarly the SBB, which suffered minor losses. While support for the SDA remained stable, it effectively lost ground as many former party members defected and ran on independent tickets.

The issue of independent candidates and further party system fragmentation will need to be monitored closely. The full effects of the change to the Electoral Law will not become apparent for another few electoral cycles. If the current trends towards greater centralization within the major political parties continue, and no changes are made to the electoral system, there could result a very large number of defections and splinter parties. With so many political parties gaining representation in parliaments in BiH, the country could become almost ungovernable.

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