

**Elections in the Western Balkans:
Fragile Progress in Albania,
Bosnia and Herzegovina, and
Serbia**



Graduate Policy Workshop

January 2017



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Cover Picture: Flags of the Republic of Albania, Bosnian and Herzegovina, and the Republic of Serbia (Wikimedia Commons)

ABOUT THE WWS GRADUATE POLICY WORKSHOP

The Woodrow Wilson School at Princeton University provides a unique opportunity to graduate students in the Master in Public Affairs degree program to participate in a professional workshop and examine a complex policy issue during their second year. Led by Professor Jeff Fischer, nine graduate students spent the fall semester of 2016 examining electoral systems in the Western Balkans with a focus on Albania, Bosnia and Herzegovina and Serbia. In addition to desk research on electoral processes in the region, the workshop members also travelled to Tirana, Albania; Sarajevo and Banja Luka, Bosnia and Herzegovina; Belgrade, Serbia; Brussels, Belgium and Warsaw, Poland for field research. The members conducted interviews with representatives from electoral management bodies, political parties, media, civil society and international organizations. While the entire workshop group contributed to the preparation of this report, the combined assessments presented here do not necessarily reflect the views of any individual author, Princeton University, the project advisor or organizations interviewed for this report.

ACKNOWLEDGEMENTS

First and foremost, we would like to thank our workshop advisor Professor Jeff Fischer for his continued support and guidance throughout the research and development of this report. We also wish to thank the Graduate Program Office of the Woodrow Wilson School for their help in making this workshop and report possible. We would like to acknowledge the Electoral Assistance Division at the United Nations (UN) and the Elections and Political Transitions team at the United States Agency for International Development (USAID) for their feedback and interest. Finally, we are extremely grateful to all the interlocutors we met with before and during our field research for their generous time and valuable insights.

INTRODUCTION

For centuries, the Balkans have been a region of instability and tension, a place where the conflicting interests of nearby great powers, from the Ottomans and the Austro-Hungarians to the Russians and the Americans, have created an often unstable and dangerous environment for the region's residents. And yet, in this corner of southeastern Europe—the only part of the continent to see war since the end of the Second World War—the region has gone through a remarkable transformation.

The countries of the region have quickly and effectively transitioned from brutal autocracies into functioning and largely healthy democracies. In Albania, Enver Hoxha's death in 1985 began a slow collapse of Communist domination over the country, culminating in the Communist Party's electoral loss in 1992 and the birth of a competitive parliamentary democracy. Bosnia and Herzegovina declared independence from Yugoslavia in 1992 and survived a horrific war in 1994 to establish a working democratic state in spite of the country's deep ethnic divisions. In Serbia, the powerful Communist federation of Josip Broz Tito's Yugoslavia and the repressive nationalist state of Slobodan Milošević both gave way to a stable, democratic nation built on the backs of a peaceful citizen protest movement.

For the first time since King Alexander I of Yugoslavia banned political parties in 1929, these Western Balkan countries hold regular elections and have each undergone peaceful transfers of power between competing political parties. But the inspiring progress of the Balkans has not always been linear, and recent events in the region show signs of this progress stalling or even reversing, a worrying trend in a region where many in the international community have already declared victory and turned their attention elsewhere.

In an effort to assess the region's democratic progress over the past two decades, a group of Masters in Public Affairs students at Princeton University's Woodrow Wilson School of Public

and International Affairs studied the electoral processes and political dynamics of three Balkan countries facing major elections in the next year: Albania, Bosnia and Herzegovina, and Serbia. As part of their research, the students conducted field research in Tirana, Albania; Sarajevo and Banja Luka, Bosnia and Herzegovina; and Belgrade, Serbia during the fall of 2016 to interview members of electoral management bodies, political parties, government officials, journalists, civil society groups, and international organizations operating in each country. Members of the group also traveled to Brussels, Belgium and Warsaw, Poland to meet with representatives from the European Union (EU) and Organization for Security and Cooperation in Europe (OSCE). This project is a part of a semi-annual policy workshop led by Professor Jeff Fischer titled *Managing Elections in Fragile States*.

This project's research shows that the democratic gains in these three Balkan countries is fragile and need to be consolidated or else face backsliding into a form of managed democracy. In Albania, the over-politicization of electoral institutions, basic government functions, and economic opportunities has weakened public faith in institutions and reduced government effectiveness. In Bosnia and Herzegovina, ethno-nationalism and patronage politics continue to dominate electoral and political processes. And in Serbia, democratic consolidation efforts are hampered by an uneven playing field of electoral competition, deteriorating quality of electoral management, the personality-driven nature of political competition, and limited checks on executive power.

Whether these three countries are able to regain their footing in the path towards stable, resilient democracy will depend in part on whether the international community remains engaged, vigilant, and supportive of electoral process reforms, civil society organizations, and observation of all phases of the electoral cycle.

ALBANIA

Albania has witnessed multiple transitions in the last 25 years, including the 1997 fall of Sali Berisha's government and the associated collapse of the financial pyramid schemes. It has seen a political transition from one party to over a hundred, an economic transition from command to market economy, and a transition from Communism to democracy. Although elections in Albania have been largely free of ethnic and religious tensions, Albania's democratic processes remain fragile and vulnerable. Excessive politicization is an important reason behind the weakness of institutions and civil society, which in turn results in citizen's distrust of democratic institutions. Despite the lack of ethnic or religious cleavages, the potential of Albania's democracy to strengthen is hindered by the pervasive politicization of institutions, government and economic opportunities. Although the risk of relapse into authoritarianism has subsided, the lack of the rule of law and weak state institutions remain a principal challenge to further democratization and good governance in Albania.



Figure 1 A view of Tirana, Albania. Oct. 2016.

BACKGROUND AND CONTEXT

Albania transitioned from a Communist to a democratic rule in 1991, due to political pressures caused by citizen protests, as well as regional geopolitical pressures triggered by the collapse of the Soviet Union. This political shift led to the re-establishment of international ties, such as with the United States, and to the liberalization of the

Albanian economy. The Democratic Party led the country during the first five post-transition years, from 1992-1997, until it was forced out due to widespread civil unrest. This unrest was caused by the catastrophic collapse of Ponzi schemes, in which Albanian citizens had heavily invested, and which at their height had a nominal value of almost half the country's GDP. The collapse of the schemes triggered a seven-month period of anarchy and civil war, in which over 2,000 were killed. In the aftermath of this conflict, the Socialist Party came into power at the head of a coalition. Since then, power has shifted back and forth between the Socialist and Democratic parties several times, with a Democratic Party coalition winning in 2004, and a Socialist Party coalition winning in 2013. This last coalition, which is currently in power, includes the relatively new Socialist Movement for Integration, which splintered off from the Socialist Party in 2004, and which is now the third major Albanian political party. Over a hundred additional political parties exist but are not influential.

However, despite 25 years of democratic rule, legacies from the Communist regime remain deeply entrenched in the major political parties, as well as in Albania's overall political culture. Accusations of corruption and cronyism plague all three major parties. One effect of this culture, as well as unresolved electoral issues, is high citizen mistrust in the country's democratic institutions. A 2014 Standard Eurobarometer survey was conducted in Albania, and the results showed that a majority of respondents distrusted both their national government (46% "tend not to trust it", versus 41%) and their national parliament (51% versus 35%). Without major changes to this political culture, as well as to the legal and regulatory environment that structures elections and political life, it is unlikely that Albania's political climate will improve.

Albania's next round of parliamentary elections is currently scheduled for 18 June 2017. It will pit the ruling coalition led by the Socialist Party and Socialist Movement for Integration against what will likely be an opposition coalition led by the

Democratic Party. This election is likely to test the fault lines of Albanian democracy, including excessive politicization, opportunities for malpractice and corruption, and the cynicism of the voting public.

DESCRIPTION OF ELECTORAL AND POLITICAL PROCESSES AND INSTITUTIONS

Albania is a parliamentary republic with a unicameral assembly consisting of 140 members elected by proportional representation from 12 regional lists. Albania has a multi-party system and is currently governed by the coalition led by the Socialist Party (SP) with 65 seats (out of 140 seats) under the leadership of Prime Minister Edi Rama in alliance with 37 other smaller parties. Out of the other parties, the Socialist Movement for Integration (SMI) occupies 16 seats in the Assembly, emerging as the third largest party after the 2013 general elections. The opposition is led by the Democratic Party (DP) in alliance with 25 other parties. Both municipal and national elections are held every four years. The next parliamentary elections will be held in June, 2017. While the Prime Minister is the head of the executive branch, the President serves as the formal head of state and is elected indirectly to a five-year term by the Assembly. The current President of Albania is Bujar Nishani of the Democratic Party and he assumed power in 2012.



Figure 2 Parliament of Albania (Creative Commons)

The members of Parliament are elected from a closed list submitted by political parties for each district. While local councilors are elected from a closed list proportional system, mayors are elected through first-past-the-post contests. The candidate list is legally required to include at least one male and one female among the top three positions with a 30 per cent quota for each gender. The gender quota for local councilors however is 50 percent where one in every two candidates must belong to a different gender. Elections in Albania are regulated by a legal framework consisting of the Constitution and the Electoral Code, both of which have been recently amended based on the recommendations by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) and Council of Europe. Political parties and coalition parties require a minimum of 3% and 5% percent of valid votes in a district respectively to qualify for seat allocation.

Elections in Albania are administered by the Central Election Commission (CEC). The CEC is an electoral management body under the political party model, consisting of seven members proposed by the parliamentary majority and opposition. The CEC chairperson is appointed through an open application process. Commissions for election administration and voting in each zone are appointed by the CEC for each election. Voter lists are extracted from the database of the National Civil Status Register (NCSR). So far, there are no provisions for absentee voting, voting abroad or by mail.

Most media outlets in Albania are either state-owned or operated by for-profit corporations. The presence of foreign media investors has also seen an increase in the last five years. Television remains the most popular medium; however, social media and online media outlets are also gaining popularity. Although the readership is declining, the number of daily newspapers still continues to remain quite high. The main media regulating body is the Audiovisual Media Authority (AMA) and consists of five members

who are directly elected by the Parliament. The Authority on Electronic and Postal Communication is responsible for the technical regulation of online media; however, regulation of digital content remains a significant challenge in Albania.

Civil society in Albania is in its nascent stage of development. There has been a recent proliferation of non-governmental organizations (NGOs) engaging in democracy and governance issues. Currently, approximately 450 out of 800 registered NGOs have regular activity in Albania. However there seems to be a growing tendency of civil society actors to transition to politics, blurring the boundaries between the two sectors in the public's opinion. (Tushi, 2008; Boci 2008).

ELECTORAL AND POLITICAL ISSUES

The shortcomings in the Albanian electoral and political processes are quite salient. According to some of the interlocutors the research team met with, the focus on judicial reforms pushed by the European Union (EU) resulted in electoral reforms taking a backseat. As a result, the vulnerabilities in the electoral process that affected Albanian elections in 2013 and 2015 can be expected to emerge again next year. These vulnerabilities can be broadly summarized into the following categories: electoral process vulnerabilities; political process vulnerabilities; issues related to women and youth participation; and civil society, media, and political culture issues.

Electoral Process Vulnerabilities

Electoral malpractice: Interviews with a range of stakeholders in Albania indicated that there is a widespread perception of electoral malpractice. The alleged malpractice that was described included both vote buying and voter intimidation. In the case of the former, interlocutors described practices ranging from one-off exchanges of votes for money or food, to longer-term patronage relationships. In the case of the latter, they

described practices such as forced confiscation of voter IDs in the days before an election, though the research team was unable to verify such reports. However, their prevalence indicates at the very least distrust in the integrity of the Albanian electoral process.

Lack of options for absentee voting: Since the fall of the Communist regime, a large percentage of the Albanian population has migrated to other countries in search of economic opportunities. Under current regulations, those citizens are not allowed to vote if they are not physically present in the country on election day. This severely limits the inclusiveness of the electoral process, and while different actors have been outspoken about this issue, no comprehensive solution to the problem has been discussed in Parliament.

Electoral Code designed to advantage major political parties: The current Albanian electoral framework is built on a foundation of deep mistrust between the two most prominent parties, and as a result, it includes an intricate set of checks between these two parties. At the same time, these two parties have a “frenemy” relationship, by which they protect their mutual status as the two main players of the party system. This ambivalent dynamic makes it extremely difficult—if not impossible—for new political parties to build up significant power. The politicization of the electoral commissions, both at the national and regional levels, as well as of the process for the counting of the votes, are constructed in such a way as to protect the bipartisan character of the system, at the same time that both parties mistrust each other. For instance, officers at Commissions of Electoral Administration Zones (CEAZ) are appointed by the two main parties exclusively, but mistrust among them is so high that it is often the case that each party may change its own officers even one day before elections if they think they have been bribed by the other party. The exclusion of other parties in the CEAZ effectively stifles democratic development in the country, as new parties which might otherwise have the potential

to gather widespread support have trouble even gaining an initial foothold.

Lack of institutional capacity: While efforts have been made to increase the technical capacity of the CEC, it is still under-resourced. On the other hand, at the local level, political parties often truncate any professionalization and training efforts in fear of co-optation of electoral officials by their opponents. The result of these two forces is elections run by loyal party supporters, and overseen by a CEC with limited capacity to implement the requirements to achieve free and fair elections conducted by international standards and norms.

Political Process Vulnerabilities

Lack of issue-driven political competition: Albania's political system is markedly non-ideological. There are no real issue-driven politics, and hence, the quality of the political debate is low, and according to some interlocutors, electoral competition has become a race to buy more votes and to increase long-term loyalties. The parties adapt to their role as government and opposition, changing their policy positions depending on the role they currently play. For example, one of the major parties might heavily promote certain legislation while in power, only to vehemently oppose nearly identical legislation once they are in the opposition. This is the case of the waste management legislation, which was proposed by the Democratic Party when it was in power before 2013, with the intention of allowing the importation of waste from other countries into Albania, and was vehemently opposed by the Socialist Party. Now, in 2016, the roles are reversed: nearly-identical legislation is opposed by the Democratic Party and supported by the Socialist coalition. In sum, the mechanics of the party system, while not tarnished by ethnic or religious conflicts, are those of a dysfunctional system, disconnected from its citizens.

Weak internal party democracy emphasized by closed lists: As mentioned earlier, Albania's closed-list electoral system concentrates most of the decision-making power in the party leadership, thereby promoting a highly sycophantic environment. While some parties have internal regulations to elect their candidates, the mechanisms through which the final lists are formed is not completely clear. Political party leadership knows to expect different levels of success in different electoral zones, based on the zone's population (and therefore, number of allocated seats in parliament), as well as on its history of support for one party or another. Based on this information, parties form their lists strategically. The problem in this case is that party leaders have excessive discretionary power to use this strategic information to block or promote internal opponents or loyal party members. Hence, they can decide to position certain party candidates higher or lower on the list for each zone, effectively ensuring that they are either near-guaranteed seats, or token candidates only.

Issues Related to Women and Youth

Women's participation: Some individuals interviewed for the report indicated that particularly in rural areas of Albania, women tend to have less representation in Albanian politics. For example, a woman might be included on a party's candidate list for a certain rural electoral zone, giving the impression of relative gender parity, and yet listed low enough on the list that it will be difficult-to-impossible for her to win a seat in Parliament. Family voting, by which all members of a family are induced to vote in certain way by the male head of the family, is also an issue in rural areas. According to recent studies undertaken by UN Women Albania, pressure by the head of the family is not exercised directly at the polling station. The practice occurs much more frequently at home, with lower-ranked family members (often women) ordered to vote in a certain way by their male head of household.

Youth's participation: The major political parties do have youth wings, some of which seem very enthusiastic. However, there is some concern that because these youth are being trained for politics within a corrupt system, the next crop of leaders may not be able to break free from the mold set by the current generation in power. In this regard, youth wings are seen more as an extension of the political operation of the party rather than a true source of new political leadership.

Civil Society, Media and Political Culture Issues

Lack of an independent, strong civil society: While some independent organizations can be found, a large number of NGOs are allied with or controlled by the party in government through public funding allocations. These organizations may become unofficial mouthpieces of the party in power, instead of independent scrutinizers of their government programs. When NGOs are truly independent, they actively engage in electoral observation or efforts to promote party finance reform. However, their members can face the costs of not being loyal to a party, in terms of blocking of economic opportunities or denial of funding for their organizations. Due to general mistrust, such independent organizations may also be accused of allying themselves with political interests even when they are not—and their credibility may suffer as a result. This, combined with the lack of issue-driven politics, creates an environment in which it is hard to create mass-mobilization in the name of the public good or to demand political change.

Lack of independent media: While there are many media outlets in radio, TV, the Internet, and the printed press, many of them represent specific political and/or economic interests. Media is very often (though not always) either captured by political interests, or an instrument of economic interests to influence politicians. The lack of a strong independent media sector limits the

potential to address the reform issues that the Albanian electoral system needs to be improved.

Disenchantment with democracy/political culture: All of the previous issues have resulted in a serious lack of democratic political culture. People in Albania regard politics with cynicism and disenchantment. The politicization of economic opportunities, the polarized political climate, the electoral malpractice and the lack of responsiveness of public institutions have increased mistrust, cynicism and hopelessness about the political system and prospects for change.

ROLE OF THE INTERNATIONAL COMMUNITY

The international community has played a relevant role in Albanian politics since the post-Communist era. The role of the international community as donors, mediators and catalysts of public administration reform in Albanian politics has been key. As most institutions struggle to find consensus and often succumb to violations by powerful political parties, the international community has become the primary source of legitimacy in Albanian politics. Although the role of the international community seems to have declined comparatively since the last two elections, they continue to remain a major source of influence in the political arena, leading some critics to argue that there is a visible lack of 'local ownership' among Albanian political and civil society actors.

The EU has been a major influence in Albania since 1991, after the collapse of the Communist regime. In this regard, the offer of EU membership extended to Albania and other Balkans countries in 2000 increased the role of the EU and opened up a range of new instruments to influence policy and politics in Albania. The EU partnerships adopted yearly since 2004 have set concrete priority targets that include administrative, judicial and economic reforms. Albania's integration into the EU is contingent on the fulfillment of these targets.

Albania gained the status of an official candidate to the EU in 2014. There is widespread support among political parties for EU accession. However, important reforms have been impeded and delayed due to polarization and disagreements between the two major parties. According to critics, in light of the stagnant reform process, pro-European Union statements by those in power are likely just lip service.

The international community also supports Albania in electoral reforms, election implementation, training and capacity building of election officers and international stakeholder coordination. The role of international actors has now shifted from active election observation to supporting domestic observer groups, local NGOs and institutions. For example, currently the OSCE/ODIHR conducts a technical review of elections and organizes consultations among stakeholders of the voting process. The Council of Europe and OSCE together organize training sessions for members of the Central Election Commission on electoral administration. The international actors also provide support to raise voter awareness and organize voter education campaigns. For example, focus group discussions are organized by United Nations Development Programme for voter education, focusing on gender and elections, family voting, pressures for sanctions on fraud and other issues.

RECOMMENDATIONS

- **Support the CEC in creating a pool of well-trained election officers** – International organizations should continue to assist the CEC in conducting training and capacity building sessions for election commissioners. Capacity building of law enforcement officers in areas like electoral dispute resolution and investigation techniques for financial irregularities and technical training of counting teams (CT) and voting center commissions (VCC) on software and hardware usage must be included. Additionally, election officers must be

sensitized on gender dynamics, particularly issues faced by women during elections. A recurring challenge during elections is the frequent replacement of officers at VCCs and CTs due to requests by political parties on charges of bribery. This results in untrained officers being assigned election duties one day before the elections. Creating a pool of well-trained officers would ensure that last-minute transfers do not seriously affect implementation of elections.

- **Encourage coalitions of issue-driven parties and build their capacity** – Both international and domestic actors must push for electoral and political reforms that allow new issue-driven political coalitions to form and establish themselves. Programs aiming at fostering younger parties and party leaders and building their political management skills must be promoted. It is crucial to empower newer issue-driven parties because political stagnation due to few alternatives is an impediment to democratic development in Albania.
- **Improve transparency in internal party processes** – The international community must assist political parties in the design and implementation of methods to promote inclusion of party members in decision making and deliberation within the party structure. Internal functioning of political parties including candidate selection rules, internal elections for leadership positions and women's representation in the party leadership must be objective and transparent. Best practices from other countries should be shared to promote a democratic culture within political parties.

- **Stricter enforcement of media standards by empowering media regulatory bodies** – International observer groups must emphasize a fair and transparent election process of members of the AMA. Strict separation between editorial content and political advertising must be explicitly stated. Additionally, quality checks on the content of online media outlets must be ensured and a regulatory body monitoring online media standards must be instituted.
- **Promote independent funding of CSOs, NGOs, media houses** – International aid agencies must assist with fundraising strategies in Albania in order to encourage independently funded NGOs and media outlets. The government should be encouraged to offer tax rebates and other incentives to the private sector to encourage support for CSOs. A robust domestic private sector industry and a shift from excessive reliance on international organizations is important for the sustainable development of CSOs.

BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina (hereafter BiH) has experienced significant progress in establishing democratic institutions and processes since the conflict that accompanied the collapse of the former Yugoslavia. Today, elections are conducted efficiently, transfers of power are peaceful, and political violence is fortunately rare. However, despite achieving the broad features of democracy, BiH still confronts serious political challenges. Thanks to the dual legacies of the 1990s conflict and Communist rule, both ethno-nationalism and patronage politics continue to dominate electoral and political processes. In addition, political parties regularly engage in electoral malpractice, electoral institutions suffer from political influence, and governance institutions lack organizational capacity. BiH's political system, which has been described as the world's most complex, was designed with numerous ethnic quotas and reservations to protect minority rights and promote buy-in from the various ethnic groups. Today, however, that system contributes to significant gridlock, hobbling needed economic and legal reforms. In light of the country's fragile democratic processes and newfound challenges, the international community still has a vital role to play in promoting and entrenching democracy in BiH.

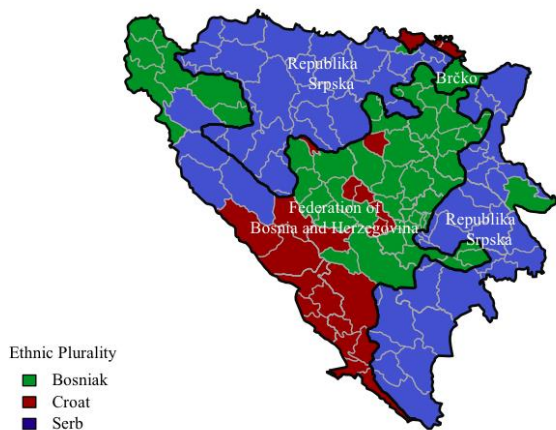


Figure 3 Distribution of ethnic groups in BiH, 2013 census

BACKGROUND AND CONTEXT

Bosnia and Herzegovina emerged from the Yugoslav Wars of the 1990s, which saw the breakup of Yugoslavia into seven independent states. BiH suffered much greater destruction during the conflict than its neighbors Croatia and Serbia. The Bosnian war, an ethnic conflict between Bosniaks, Serbs, and Croats, would result in widespread war crimes, ethnic cleansing, and an estimated 100,000 deaths. The scars of that conflict continue to mar Bosnian politics.

The twin legacies of the 1990s conflict and Communist rule continue to exert outsized influence on Bosnian political and electoral dynamics. First, the shadow of the conflict looms large, with electoral activities often resorting to divisive and inflammatory ethno-nationalist appeals. Politicians and candidates continue to deploy nationalist rhetoric referencing the conflict. Second, the Communist legacy created a political environment in which the party, not the state, dominates. Though present-day BiH features many political parties, this tradition of the parties as arbiters of economic and political power continues and contributes to an extensive role for patronage politics. For example, interlocutors described the pervasive control of the Alliance of Independent Social Democrats (SNSD) in much of the Republika Srpska, noting that publically voicing opposition to SNSD was highly risky for workers in a variety of professions.

BiH's political system has been described as the world's most complex. It is a highly decentralized federal structure. The state is divided into two sub-national entities that enjoy substantial political power: the Federation of Bosnia and Herzegovina (FBiH) in the center and west, largely populated by Muslim Bosniaks and Catholic Croats; and the Republika Srpska (RS) in the north and east, largely populated by Orthodox Serbs. The FBiH is further divided into ten cantons. Each entity also comprises many municipalities. While the state government is responsible for defense, customs, and monetary policy, each of the two sub-national entities functions almost like a state

within a state, featuring its own president and legislature and enjoying substantial control over diverse policy areas. Governing institutions at both the state and entity levels embed constitutionally-mandated ethnic quotas. The country features a mixed electoral system, with elements of proportional representation and single-member districts and both direct and indirect elections.

The country's first elections under this complex system were held in 1996 with significant involvement by the international community. The Organization for Security and Cooperation in Europe (OSCE) supervised the 1996 election while the Office of the High Representative (OHR), an international institution installed by the Dayton Agreement, held responsibility for guaranteeing the "civilian implementation of the peace agreement." Over the last few election cycles, international involvement in Bosnian elections has progressively decreased, with domestic governmental and non-governmental actors assuming a greater role.

DESCRIPTION OF ELECTORAL AND POLITICAL PROCESSES AND INSTITUTIONS

Electoral Framework: BiH's highly complex electoral framework includes elements of majoritarian, single-member, and multi-member constituencies, and proportional representation. Adding to the framework's administrative and legal complexity, elections in BiH are governed by the constitution, the election law, the Dayton Agreement (Annex III), the law on political party finance, the law on citizenship, regulations passed by the Central Election Commission (CEC), and entity-level laws. BiH holds elections in a four-year cycle, with municipal and national elections held two years apart. Members of the BiH House of Representatives, Federation of Bosnia and Herzegovina House of Representatives, and Republika Srpska National Assembly are elected using a regional proportional system. The majority of members are elected from multi-member

constituencies, with the remainder filling compensatory seats, which are at-large seats awarded on the basis of parties' overall vote totals. The three constituent ethnic groups are each guaranteed a minimum level of representation in the FBiH House of Representatives and the RS National Assembly. Candidate lists must comprise at least 40% women.



Figure 4 Parliamentary Assembly of Bosnia and Herzegovina (Jennifer Boyer)

Voter Registration: The CEC maintains the Central Voter Register (CVR). All resident citizens over the age of 18 are automatically registered to vote, with the exception of individuals declared legally incapacitated or convicted of certain serious crimes. Voters who reside outside of BiH may vote by mail or at BiH consular offices in their home regions.

Campaign Regulation: The official campaign season begins 30 days before the day of the election. Parties are prohibited from purchasing political advertisements prior to the campaign season; however, parties typically begin campaign activities, including advertising and official events doubling as political rallies, much earlier. The election law places limits on the size of donations by individuals and firms, as well as on total campaign expenditures (relative to the number of registered voters). Effective enforcement of campaign laws requires cooperation between the CEC and law enforcement and taxation authorities.

Election Observation: Election observation requires accreditation by the CEC. The OSCE observed the national elections in 2014 and observed municipal elections most recently in 2008. Pod Lupom, a coalition of BiH NGOs dedicated to electoral observation, conducted large-scale observation missions for the national elections in 2014 and the local elections in 2016. In 2016, Pod Lupom deployed nearly 3000 short-term observers and dozens of long-term observers. In addition, political parties deploy large numbers of their own observers to polling stations.

Election Management: BiH’s electoral management body, the CEC, is the successor to the earlier, internationally-led Provisional Election Commission, which supervised elections until the adoption of the Election Law of BiH in 2001. The CEC is tasked with the overall management of elections, including announcement of elections, approval of candidate lists, and certification of results. The CEC comprises seven members: two from each constituent ethnic group and one from “other” ethnic groups. Nominees to the CEC may not hold positions in any political party. The Commission for Selection and Nomination (CSM), is responsible for nominating CEC members. In turn, the CSM consists of two members of the High Judicial and Prosecutorial Council (nominated by that council’s president), three members of the Administrative Commission of the BiH House of Representatives (nominated by the members of that commission), and two members of the CEC itself (nominated by the President of the CEC). Several interlocutors alleged that CEC members, while officially nonpartisan, retained political loyalties that motivated their decisions. Subordinate to the CEC are Municipal Election Commissions (MECs) and Polling Station Committees (PSCs). Polling station committees (PSCs) are responsible for performing the initial counting of ballots and for collecting and sending voting materials. The CEC establishes and certifies election results. Some interlocutors stated that PSC members received inadequate training, which contributed to irregularities on election day.

Political Parties: There are many politically significant parties in BiH. One interlocutor said that since the writing of the BiH election law, nearly two dozen parties have gained seats in the state legislature. Interlocutors observed that a previous reduction of the proportional representation threshold to 3 percent may have allowed some small parties to act as “kingmakers,” extracting concessions from larger parties in exchange for their agreement to join ruling coalitions. While some parties have recently undergone leadership transitions, most lack mechanisms for true internal contestation. The entrenched position of many party leaders insulates them from accountability regarding policy or corruption, allowing them to focus on shoring up party support, most often through doling out patronage or issuing ethno-nationalist appeals. In 2016, several incumbent candidates resigned from major parties and won election as independents, underscoring intraparty tensions. Interlocutors noted that sanctions imposed against parties by international organizations and foreign governments, particularly against the Serb Democratic Party (SDS), may have impeded efforts to aid reforms within those parties.

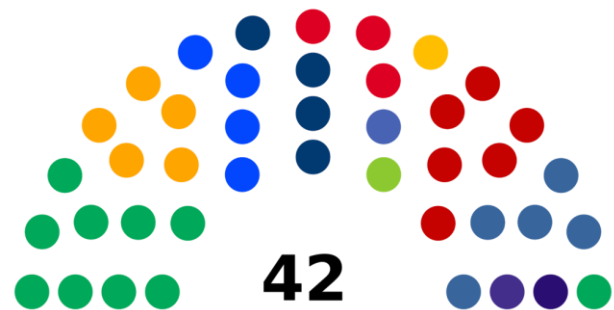


Figure 5 Political party representation in the BiH House of Representatives. Thirteen different parties currently hold seats in the House. (Wikimedia Commons/MB298)

Media: The news business in BiH is quite competitive, comprising a large number of newspapers, magazines, and broadcast and online outlets. The large number of competitors leads to market saturation and makes it difficult for media outlets to turn a profit. This, in turn, increases their reliance on support from politically-motivated owners (or, in the case of public

broadcasters, taxpayer funding controlled by political incumbents).

Civil Society: Civil society in BiH remains heavily dependent on international funding. It remains to be seen to what extent civil society organizations will be able to adapt to ongoing reductions in foreign aid budgets. Interlocutors described two separate civil societies: one, populated predominantly by local grassroots organizations which sometimes lack capacity but are more independent; and another populated by organizations with ties to international NGOs who enjoy greater capacity but whose institutional interests may be more aligned with “outside donors.”

ELECTORAL AND POLITICAL ISSUES

Recent Political Issues

Bosnian politics is defined by a rigid system of ethnic divisions. Votes for political parties are determined primarily by ethnicity, followed by access to political patronage and the charisma of the party leader. Political parties are not differentiated primarily by ideologies or approaches to policy but rather by their ethnic affiliations and nationalist credentials. As a result, according to interlocutors, election campaigns are used as vehicles to create and amplify interethnic tensions to leverage the deep sense of fear within the people that one ethnic group may gain undue influence over the political and economic structure of the country. One interlocutor succinctly observed that people in BiH put their ethnicity before their citizenship.

Politics in BiH is also defined by strong patronage networks that inextricably link the political and economic spheres. It is estimated that 70 percent of the country’s GDP is produced by the public sector or state-owned enterprises. Public-sector jobs are largely allocated on partisan lines, in exchange for demonstrated political support.

Sejdić-Finci

In 2006, BiH citizens Dervo Sejdić and Jakob Finci submitted applications to the European Court of Human Rights alleging that BiH’s constitution discriminated against them because of their ethnic and religious identities. Under BiH’s constitution, each seat of the country’s three-member rotating presidency is reserved for one of the three so-called constituent peoples: Bosniaks, Croats, and Serbs. Dervo, a Bosnian Roma, and Finci, a Bosnian Jew, were declared ineligible to run for president.

The case was eventually heard by the Court’s Grand Chamber, which issued a judgment in 2009 declaring the BiH constitution to be in violation of the anti-discrimination provisions set forth in the European Convention on Human Rights. Since then, constitutional reform to comply with the Sejdić and Finci ruling has become a requirement for accession to the European Union. However, EU signals on the importance of complying with the ruling have been mixed. In 2014, foreign ministers for both Germany and the United Kingdom issued a joint public letter urging negotiations over BiH’s accession to the EU focus more on economic reforms in the short-term and temporarily leave aside the issue of compliance with the Sejdić and Finci ruling.

A number of proposals have been advanced for resolving the Sejdić and Finci issue, including restarting the process of constitutional reform and the establishment of so-called “virtual electoral units,” which would be highly gerrymandered voting districts designed to include ethnically homogenous populations, thereby ensuring the election of one member of the BiH Presidency from each constituent people. However, the issue of ethnic reservations in the constitution remains unresolved. International representatives in BiH said that implementation would ultimately be required before accession to the EU.

Electoral Process Vulnerabilities Exploited by Parties

In the municipal elections in 2016, as in previous elections, evidence of election malpractice was widespread, including irregularities in voter lists and at polling places. A dispute over the composition of polling station committees in Stolac culminated in a physical attack against the head of that municipality's electoral commission and the early closure of the polls there. Voting in Srebrenica, which held a crucial mayoral race, is under investigation, although some of our discussants suggested the investigations are politically motivated; the election observation coalition Pod Lupom did not detect major issues during voting in the Srebrenica area. Despite BiH's generally strong election laws, implementation of these laws has left much to be desired.

Election process vulnerabilities are evident in all three stages of Bosnian elections and are largely perpetrated by political parties. However, a dearth of capacity among governing and electoral institutions increases the ease with which electoral actors exploit vulnerabilities.

Pre-Election Phase: Observers reported irregularities in the voter list, including duplicate voters, missing voters, and voter intimidation. Voters were also guaranteed jobs in enterprises tied to particular political parties.

Election Phase: On the day of the election, observers reported witnessing photography of ballots and an electoral irregularity known locally as the "Bulgarian Train." In this method, a voter is given a pre-cast ballot before he/she enters the polling station, which he/she deposits inside the ballot box. He/she then returns his/her own empty ballot paper to a political party representative in exchange for a payment.

Counting Phase: During counting, observers reported the assignment of non-neutral counting agents, ballot invalidation, and the disposal of boxes containing as-yet uncounted votes.

Political Institution Issues

Political Parties: Apart from their ethnic base, there is little that differentiates the major political parties in terms of political ideology or policy substance. Internal party democracy is highly limited, with parties using non-transparent appointment processes and unclear succession plan. With few exceptions, political party leadership is elected by acclamation by a small party congress whose members are, themselves, typically selected by the leader. When power transitions do occur, leaders are typically chosen on the basis of "familiarity" and "charisma."

Politicized Central Election Commission

(CEC): Although the members of the CEC are officially selected for their technical and legal expertise, several interlocutors viewed the commissioners as politically biased, favoring one party or the other. Interlocutors also questioned the CEC's capacity to address electoral irregularities. Currently, the decision-making process in the CEC remains stalled, consequently leading to inaction, or ineffective action, regarding issues like the RS referendum and the disputes in Stolac and Srebrenica.

Judiciary: The judiciary is generally ineffective in prosecuting the most powerful elected officials. Official corruption most often goes unpunished, in part because of a lack of effort on the part of the Prosecutor's Office of BiH. It remains to be seen whether the new Chief Prosecutor, Gordana Tadić, will be able to work more effectively to combat corruption and political malpractice.

Civil Society: Civil society organizations remain largely underdeveloped. Their independence is often undermined due to interference from political actors. NGOs generally have very limited power in setting the agenda of public policy discussion due to the lack of means and general disinterest in the political system on the part of the general public, most of whom are skeptical of the prospects for significant change.

Media: Leading political parties, through their ownership of major newspapers and political

control of public broadcasters, use these outlets to advance their political agendas, which often center on divisive ethno-nationalist appeals. While interlocutors viewed some online media outlets relatively independent, these have had relatively little takeup among the general population.

Referenda

On 25th September 2016, the RS held a referendum to declare January 9 the “Day of the RS,” in defiance of a ruling by the Constitutional Court of BiH (CCBiH) that had declared the holiday to be discriminatory. Although the RS held the referendum without the cooperation of the CEC, the referendum contributed to a wave of ethno-nationalistic rhetoric a week before BiH’s municipal elections. The referendum represented an assertion of the RS’s power as a challenge to the role of state-level institutions, as well as a proof of concept for additional RS referenda in the future. Milorad Dodik, the leader of the RS, has pledged to eventually hold a referendum on RS secession from BiH. Despite condemnations from Western diplomats and mild public criticism from Serbian Prime Minister Aleksandar Vučić, the referendum went ahead as planned. An overwhelming majority (99.8%) of those who voted (55.8%) were in favor.

Promise and Limits of Proposed Electoral Policy Changes

Extended Electoral Cycles: The consolidation of elections (national and municipal) within the same electoral year would mitigate the current environment of near-constant campaigns, giving political actors more time to focus on advancing and implementing policies rather than on voicing nationalist appeals or shortsighted campaign pledges. Officially, the campaign season begins 180 days prior to each election, but in practical terms there is currently little time for elected officials to cooperate to improve policies.

Rise of Independent Candidates: In the recent municipal elections, several independent candidates won mayoral bids, illustrating a general

discontent with major parties. It remains to be seen whether these candidates will be able to (or will choose to) continue their careers as independents across multiple terms in office. If so, they may play an important role in weakening the influence of major parties’ political patronage systems.

Brčko: Brčko District, in northeast BiH, is shared between the Federation of BiH (FBiH) and Republika Srpska (RS) as a result of an arbitration agreement in 1999. Brčko’s residents have the legal right to choose citizenship in either the FBiH or the RS, and to vote for entity-level assemblies and BiH parliamentary delegations accordingly, in addition to voting in the BiH presidential election and in local elections. The Principal Deputy High Representative for BiH, a post which has always been held by an American, doubles as International Supervisor for Brčko. Although the mandate for the International Supervisor has been suspended by the Peace Implementation Council since 2012, the Supervisor still plays an important role in Brčko’s politics; for example, current Supervisor Bruce Berton refused to give permission for the October 25, 2016 RS referendum to be held in the district. Despite the relatively intrusive role of the international community in Brčko, the district may provide an example of how interethnic relations could be improved elsewhere in BiH. By contrast with most other municipalities in post-war BiH, Brčko’s population of 84,000 is split between the three major ethnicities (42 percent Bosniak, 35 percent Serb, and 21 percent Croat, according to the 2013 census). Political positions within the district are held by individuals of different ethnicities who often work together effectively. Education, unlike in the Federation of BiH or RS, is not segregated by ethnicity and all pupils are expected to study a single common curriculum. In recent years, Brčko has made continued progress toward establishing normal governance and integration into BiH’s legal institutions. Nonetheless, the district has not been immune from the economic stagnation, political gridlock, and corruption that are prevalent across other parts of the country.

ROLE OF THE INTERNATIONAL COMMUNITY

Since the signing of the Dayton Agreement, the international community has had a prominent role in Bosnian electoral and political processes. However, there is a sense that the international community has begun to disengage from BiH in ways that risk eroding recent democratic progress.

Several interlocutors said that Bosnian accession to the EU was the only consensus political issue in the country. Negotiations over EU accession could provide some impetus for improving BiH's electoral, political, and economic processes. For example, the EU requirement for a functioning internal market might force a reduction in the role of the state sector in BiH's economy, weakening avenues for political patronage and corruption. There has already been some progress in this regard. The state government adopted a new labor law in 2015 in accordance with the Reform Agenda for EU membership. BiH's recent creation of a coordination mechanism to facilitate negotiations with the EU may also streamline the domestic reform process. However, one interlocutor said that past experience with privatization in BiH had actually benefitted corrupt political actors, highlighting the privatization and sale of Telekom Srpske, which was believed to have lined the pockets of some RS officials.

Interlocutors said that recent challenges within the EU were unlikely to significantly impact prospects for Bosnian accession. Rather, BiH citizens are more likely to examine the experience of their neighbor states in assessing the relative merits of EU membership. One international diplomat in BiH said that the perception that Croatia had seen only limited benefits as a result of its EU accession might have dampened support for EU membership in BiH. However, he noted there is often a lag between accession to the EU and increased economic benefits and that the next few years should see economic gains for Croatia, which could bolster Bosnian support for membership.

Mostar

In 2011, the Constitutional Court of Bosnia and Herzegovina (CCBiH) ruled that the election law for the municipality of Mostar was unconstitutional, as it guaranteed the same number of city council seats to electoral constituencies with vastly different numbers of residents. For example, constituencies with as few as 5,000 and as many as 20,000 residents enjoyed the same political representation. The population of Mostar, the largest city in the Herzegovina region, is roughly evenly divided between Croats and Bosniaks. The Croatian Democratic Union-BiH (HDZ-BiH) and Party of Democratic Action (SDA) have failed repeatedly to agree on a revised election law that would meet the requirements of the CCBiH decision. As a result, Mostar has held no local elections since 2008. In the meantime, previously elected officials have extended their own mandates. Because of ethnic divisions, the city has highly redundant layers of municipal services, including several garbage collection companies, and has suffered repeated bouts of political gridlock and fiscal crises. The situation in Mostar highlights not only the lack of legitimacy in that city's government, but continuing political gridlock and institutional weakness at the state level.

Interlocutors frequently cited the U.S. diplomatic mission in BiH as an important actor in providing technical assistance or political pressure. Interlocutors variously expressed both criticism and support for a perceived limited U.S. response to the recent RS referendum. In addition, the U.S. acts as an important donor for capacity-building organizations in BiH such as the National Democratic Institute (NDI). However, interlocutors said that the continuation of U.S. sanctions against some political parties hampered the ability of these organizations. The sanctions could even indirectly bar assistance organizations from working with non-sanctioned political actors if those actors were in a coalition or partnership with sanctioned parties.

The OSCE has significantly reduced its presence in BiH since it supervised the country's first post-

conflict elections in 1996 and municipal elections in 1997. The OSCE deployed an Election Observation Mission to observe the 2014 general elections. However, the OSCE has stated it would not be deploying similar missions for the time being, instead allocating limited resources to countries with greater perceived need.

RECOMMENDATIONS

- **Consolidate Electoral Cycle** – BiH has an extended electoral cycle, during which ethno-nationalism is inflamed at the expense of substantive political debate. Between the early start to elections and the late publication of results, the election season can sometimes extend to 10 months. As a report by Pod Lupom stated, “During this period, there is a kind of vacuum in the functioning of both the executive and legislative authorities.” The disruptive effects of the electoral cycle could be mitigated by consolidating the electoral cycles of municipal and national elections into the same year, which would leave a longer period for governance. These elections, could be held on two separate occasions during the same year to avoid winner-take-all outcomes and to facilitate debate of local issues separately from the national election campaign. For example, BiH could hold municipal elections in March 2020 and national elections in October 2020.
- **Implement Pod Lupom Recommendations** – Pod Lupom has grown into a large and capable electoral watchdog for BiH. The organization has put forth a number of recommendations to improve electoral processes. These include institutional reforms (such as adoption of a new law on political parties and improved transparency in election commissions at all levels) as well as technical suggestions (such as revision of the rules for selection and training of polling station committee members and improvement of the physical security of the voting process to reduce malpractice). The Central Election

Commission and Parliament should seriously consider implementing these reforms.

- **Foster Development of an Entrepreneurial Class** – BiH must promote the creation of social and political identities beyond ethno-nationalism. The creation of new economic interest groups would help introduce political ideology into electoral contests and reduce the role of ethnic conflict. The creation of an entrepreneurial class would not only provide a powerful and important political constituency for needed economic reforms but could also empower economic interests distinct from the system of patronage assets that currently dominate BiH politics. As a starting point, the international community could host conferences with the expressed goal of fostering political dialogue among entrepreneurs and investors.
- **Facilitate Internal Party Democracy** – Party leadership and international donors should work to promote internal party democracy. Recently, some prominent parties have held genuine internal party elections which have helped to promote some ideological diversity among candidates. Promoting internal party democracy could help break the hold of powerful personalities and promote the importance of policy platforms in political campaigning. In this way, greater internal party democracy can help promote greater democracy throughout the entire political system. However, much of this depends on whether parties have the capacity and incentives to develop such structures. International donors, especially the U.S. government, should recalibrate rules on engaging with sanctioned parties to ensure that capacity-building organizations such as NDI can help promote internal party democracy. The CEC should consider rules requiring regular leadership changes or democratic elections for party leaders.

- **Promote Functioning Internal Market** – Bosnia’s economy is dominated by the public sector and state-owned enterprises. Creating a greater role for the private sector could promote greater democratic processes. Increasing the role of the private sector and decreasing the role of the public sector would weaken the impact of patronage in political processes. A more independent private market can also yield ancillary benefits in promoting the development of an independent civil society. State and entity governments should pursue selective privatization. International actors such as the European Union and the International Monetary Fund have an important role to play in providing technical assistance, political support, and appropriate leverage in facilitating economic reforms.

SERBIA

Serbia has experienced an incredible democratic transformation since the 2000 revolution that brought down Slobodan Milošević's authoritarian government, producing regular, reasonably competitive elections with few election day irregularities, including a peaceful transfer of power following the 2012 elections. But Serbian democracy remains weak and has been getting weaker since 2012 due to the uneven playing field of electoral competition between ruling and opposition parties, the deteriorating quality of the country's electoral management body, the personality-driven nature of political competition, and the limited checks on power from governmental institutions, independent media, and civil society. The fragile nature of Serbia's democratic gains put the country at risk of backsliding into a form of managed democracy under the current government.

BACKGROUND AND CONTEXT

After decades of authoritarian rule in Serbia, the October 5, 2000 citizen-led revolution created a historic opportunity for transition to democratic governance. Under the presidency of Slobodan Milošević in the 1990s, opposition political parties coalesced to demand democratic reforms and decry electoral manipulations. In the first decade after the 2000 revolution, these political forces—chief among them the Democratic Party (DS)—dominated Serbian politics, commanding parliamentary majorities and the presidency. The DS sought to implement a range of political reforms, including a new constitution, electoral system, and media law. The DS tenure also featured widespread corruption, a key driver of the party's fall from power.

The Serbian political landscape shifted considerably between 2008 and 2012. During that period, the DS governed in coalition with the Socialist Party of Serbia (SPS), Milošević's former party. Leaders within the far-right Serbian Radical Party (SRP) defected to form the Serbian

Progressive Party (SNS). Serbia's President Boris Tadić (DS) called early presidential elections in 2012 to coincide with a regularly scheduled parliamentary vote. In a devastating result for the DS party, Tadić lost the presidency to SNS candidate Tomislav Nikolić. The SNS also captured the most seats in parliament, forming a governing coalition with the SPS. Another SNS founder, Aleksandar Vučić, became Prime Minister after the SNS nearly doubled its seats in the 2014 elections, and has orchestrated the SNS's rising popularity. Vučić called snap elections in 2016 where the SNS maintained its dominant position. The upcoming May 2017 presidential election will pit the incumbent Nikolić against a slate of challengers.



Figure 6 A view of Belgrade, Serbia. Between 2012 and 2016, Serbia experienced three parliamentary elections that culminated in the Progressive Party's dominance over Serbian politics.

DESCRIPTION OF ELECTORAL AND POLITICAL PROCESSES AND INSTITUTIONS

Serbia is a parliamentary republic with a unicameral legislature, the National Assembly, led by a prime minister, who serves as the head of government. There are eight parties and major coalitions currently represented in the Serbian parliament, with Prime Minister Vučić's Serbian Progressive Party (SNS) being the largest at 131 of 250 seats. Key opposition parties include the formerly-ruling DS, the newly emergent Enough Is Enough (*Dosta Je Bilo*) party, and the nationalist Serbian Radical Party. In addition to the prime

minister, Serbia has a president who serves as the formal head of state. The presidency is traditionally a ceremonial role, but wielded wide-ranging executive powers under President Tadić.

Serbian voters directly elect both the parliament and president. The parliament is elected through a proportional representation system with a single, nationwide district featuring closed political party lists. There is a five-percent threshold for party list representation and women must occupy at least 30 percent of the positions on candidate lists, alternating with male candidates. Voters elect the president in a majoritarian contest; if no candidate receives a simple majority in the first round, a run-off election is held between the top two candidates. The Republic Electoral Commission (RIK) administers elections in Serbia. Its permanent composition consists of a chairman, 16 permanent members and their deputies selected from among the political parties with seats in parliament. During elections, the RIK is expanded to include temporary members—representatives selected from the MP candidate lists—to represent the contesting political parties. At the local level, the RIK’s operation relies on over 8,000 polling boards across the country and ad hoc working groups in all of Serbia’s municipalities. The legal framework consists of separate laws for parliamentary and presidential elections, the media law, the political parties law, the 2006 constitution, and the RIK’s rules of procedure.



Figure 7 National Assembly of the Republic of Serbia. Oct. 2016.

The Serbian constitution guarantees the freedoms of thought and expression. With the EU’s support, the Serbian government began to privatize the media in 2014 by transferring ownership and closing numerous outlets. After privatization, government subsidies and advertising spending by state-owned or government-friendly businesses remain a major source of revenue for media firms. During elections, the media is supposed to provide equal coverage of candidates and parties under the oversight of the Regulatory Authority of Electronic Media (REM). Serbia’s election law also demands that a Supervisory Board be set up during elections to supervise both media and party activities.

Serbian civil society is regulated by the Law on Associations. NGOs are required to register with the government. The Serbian government established the Office for Cooperation with Civil Society in 2011 to “support the development of a dialogue” with civil society organizations (CSOs). Several NGOs such as the Center for Free Elections and Democracy (CeSID) and the Center for Research, Transparency and Accountability (CRTA) participate in election observation as well as other forms of political process monitoring. The RIK regulates non-governmental observers’ access to Serbian elections.

ELECTORAL AND POLITICAL ISSUES

Uneven Playing Field of Electoral Competition

Elections in Serbia are not contested on a level playing field. This is not a new phenomenon; to various extents it can characterize elections since the 2000 revolution. Many interlocutors, however, expressed concerns that in recent years, competition in elections has become increasingly unequal. There are four primary reasons for this trend.

First, the incumbent party enjoys significant advantage over opposition parties and exploits these benefits to gain voters’ support, particularly

during the electoral campaign. The most common mechanism is the use of government resources in campaigning. For example, there is a “blurring” of state and party functions wherein state officials affiliated with the ruling party attract attention through ostensibly state activities. The citizen election observation group CRTA documented government officials opening new state facilities during the electoral campaign for promotional purposes. Another incumbent power is the ability to call snap elections before parliament’s four-year mandate expires. Opposition parties allege that Prime Minister Vučić’s decision to call early elections in 2014 and 2016 prevented weaker opponents from organizing.

Second, media coverage of Serbian elections is highly disproportionate due to the lack of diversity in media outlets, discussed later in this report. The Serbian media, dependent on government favor for funding, largely presents favorable and extensive coverage of the ruling party. Coverage of the opposition, in contrast, is generally scarce and critical, and often slanderous. Television is the most effective way to target Serbian voters, yet TV stations require up-front payments for advertising that dwarf the budgets of opposition parties. Many interlocutors asserted that these problems have intensified after Prime Minister Vučić took power in 2014. They describe how the media has already attempted to tarnish the reputations of potential rivals to Nikolić in the 2017 presidential election.

Third, the lack of transparency in Serbia’s campaign finance system allows incumbent political parties to raise significant funds through patronage and clientelist networks. The legal framework provides for private and public funding of political contestants, with oversight by the Anti-Corruption Agency, an independent body accountable to parliament. The OSCE/ODIHR findings report on the 2016 elections, however, determined that “the regulatory system does not ensure transparency, integrity and accountability of campaign finances.” Political corruption remains a key issue in Serbia and manifests itself through elections,

where donors can curry favor with influential incumbents. Opposition parties, on the other hand, claim that citizens fear retribution from giving them donations. The frequency of snap elections also prevents the opposition from accruing resources. These problems combine to result in a “winner-take-all” mentality around Serbian elections, where the parties in power wield an immense advantage in future contests.

Deteriorating Quality of Electoral Administration

The quality of electoral administration is declining according to many Serbian interlocutors. Three factors contribute to this trend: the RIK’s lack of permanent and experienced staff, its susceptibility to the ruling party’s influence, and the diminishing scope of electoral observation by both international and domestic groups. Consequently, various NGO activists spoke of their impression that while Serbia has experienced many elections since 2000 (including three parliamentary elections since 2012), the country remains a novice in the conduct of elections.

First, insufficient training at the lower levels of the election management body has led to a shortage of experienced staff members and caused organizational issues on election-day. Within polling stations, only polling station presidents receive training from the central election administration. A number of interlocutors including an opposition party representative on the RIK complained that on the election-day in April 2016, poll workers had such a limited understanding of their work that they could not effectively fulfill their responsibilities. Furthermore, members of the RIK may also suffer from insufficient training and knowledge about electoral management. During elections, a representative from each MP candidate list will be added to the RIK. These new members tend to be less familiar with the RIK’s operation and responsibilities than the permanent members. Moreover, the RIK has fewer than 10 administrative positions, and all of them are held

temporarily by employees from the National Assembly during election time. The lack of a stable staff force impairs the accumulation of experience and knowledge. Finally, according to the OSCE, the RIK's internal procedures require streamlining and clarification, which adds to election workers' confusion. For example, an opposition party representative described an episode where the central committee of the RIK violated its own code of conduct by opening up and recounting votes directly from ballot boxes.

Second, the RIK is subject to the influence of the ruling party, which can lead to arbitrary and politicized decision-making. Permanent RIK positions are allocated based on parties' share of parliamentary seats and additional seats and poll-worker roles are awarded to the parties contesting the election. As the vice president of an opposition party pointed out, although opposition parties are represented within the RIK, many hold 'deputy positions' without voting power and consequently cannot influence the RIK's decision-making process. Moreover, interlocutors accused the RIK of acting in favor of the ruling party, pointing to several examples from the 2016 vote. One case involves a political party with ties to the SNS that received RIK authorization to participate despite allegedly having submitted candidate lists with forged signatures. Its participation in the election allowed it to gain poll-worker positions, access public campaign funding, and earn access to deploy poll-watchers.

Third, the scope of observation of Serbian elections has decreased. The international community largely views Serbia as an established democracy with adequate elections that no longer warrant comprehensive international electoral observation. The OSCE's last full electoral observation mission to Serbia, for instance, dates back to 2004. International funding for Serbian election observer groups has declined as well. Today, a domestic organization that was able to deploy 20,000 observers or two observers per polling station in the early 2000s can afford only 800 observers across the country. There are concerns that ample funds will not be provided

for future observation efforts, beginning with the 2017 presidential contest.

Strongman Politics Incentivized Over Political Representation

The electoral and political systems in Serbia incentivize personality-driven political competition above policy-based competition and a focus on constituent representation, which undermines progress towards a more robust, open political environment. The single constituency PR system limits the connection between the local concerns and interests of voters with their representatives in parliament. For members of parliament, the path to reelection does not run through serving constituent needs, but instead through navigating internal party politics. In most Serbian parties, the party leadership controls the formation and order of party lists, and thus the likelihood of a given member being elected, with limited internal party democracy. Some parties have taken steps to improve internal party democracy—for example the Enough Is Enough party based the order of its 2016 party list on a public vote while the DS has introduced a more transparent voting process for selecting its party leadership—but on the whole, party lists and policy priorities in Serbia are tightly managed by party leadership.

Due to the tight control of party leadership, parties are often divided along management disputes and personal lines, as opposed to policy or ideological differences. Nowhere is this more apparent than the array of parties that make up the liberal wing of the Serbian political spectrum. Following the Democratic Party's fall from power in 2012, the DS fractured into a dozen competing parties, including the Social Democratic Party and the Liberal Democratic Party. When a leading member of one breakaway party was asked about their policy differences with the DS, the politician replied that they have none, and instead that their differences were a product of personal conflicts among party leadership and a belief that the DS was poorly managed.



Figure 8 Aleksandar Vučić, Prime Minister of Serbia and President of the Progressive Party (SNS) since April 2014. (Wikimedia Commons/ Zoran Žestić)

As a result, many parties in Serbia fail to offer a distinguishable policy agenda during the campaign, relying instead on arguments about the management and leadership qualities of party leaders. Reflecting on this dynamic, one member of a prominent political party stated in an interview that voters do not read party platforms and instead vote based on the public image of the party leader. The SNS and Prime Minister Vučić have been particularly adept at this personality-driven approach to campaigning, emphasizing the long hours which Vučić spends in his office working for the country and his penchant for personally meeting with Serbian citizens to solve their problems. The cult of personality around party leaders reinforces the strongman tendencies that characterized Serbian politics during the Tito and Milošević eras, as opposed to liberal democratic ideals of a nation of laws and institutions. The incentives created by Serbia's political system contribute to the tendency towards strongman politics, but the issue may run deeper. Multiple Serbian interlocutors described the affinity for strong, singular leaders as deeply rooted in Serbia culture, which will not easily go away even with significant reforms to the political structure.

Limited Checks on Power

Serbia's democracy is also characterized by limited checks on executive power. This phenomenon exists for five reasons: the absence of an effective

political opposition; parliament's inability to restrain the executive; the small number of independent media outlets; the weakness of civil society organizations; and the inertia of Serbia's oversight institutions in fulfilling their responsibilities. There is, in essence, a lack of both structural and behavioral checks.

First, although political parties are abundant in Serbia, no opposition party effectively challenges the ruling SNS. As noted above, the DS experienced severe internal strife and has fractured into more than 10 smaller parties. Although they share similar values, rifts among these parties' leaders prevent them from posing a true threat to the SNS. On the other hand, the Serbian Radical Party (SRS), while technically in opposition, rarely criticizes the SNS or the Prime Minister. Ironically, the DS and the SRS are the most ideologically consistent parties in Serbia. The other parties are known for their tendency to shift alliances or positions to attract coalition partners.

Second, the Serbian National Assembly has failed to check the power of the executive branch. A weak institution, the Serbian legislature has been criticized as a voting machine. According to an NGO's estimate, about 90% of Serbian laws are initiated by the government and presented to the legislature for approval. Moreover, the Serbian legislature is known among international observers for its lack of substantive debates over policy issues. Even without executive influence, constructive policy discussions rarely happen in the legislature. One positive feature of the National Assembly is the development of a parliamentary network composed of female lawmakers. These women have demonstrated a capacity to collaborate across party lines to influence policy-making.

Third, Serbia's democracy is limited by the lack of independent media outlets. Serbian media professionals believe that most media outlets are owned by people who are either closely tied to the government or unwilling to challenge it. Financially, many media outlets remain dependent

on government subsidies—allocated through opaque processes according to Freedom House—and advertising contracts from state-owned or government-friendly enterprises. Many interlocutors pointed out that while Serbia does not have Stalinist censorship, media outlets practice self-censorship to avoid political pressure or losing government-related funding. Recently, the government has used its media leverage to attack investigative reporters, labeling whoever criticizes the incumbent as mercenaries of the West. Incidents against government critics are also on the rise in social media. One NGO activist said that her social media accounts had been hacked and abused to such an extent that they had to be shut down, a loss which disconnected her from hundreds of thousands of followers. Pro-government voices have also used social media to issue death threats to activists and journalists. This trend has generated pessimism about Serbia’s democracy among international and domestic observers.

Fourth, Serbian civil society has been weakened by a shortage of resources and the rise in government pressure. Electoral observation groups, as noted before, cannot afford as many observers as in the early 2000s. One NGO leader complained that Serbia has too many organizations for too few resources. In addition, similar to investigative reporters, outspoken NGOs receiving funding from abroad are also subject to government hostility. Under government influence, the mainstream media accuse these NGOs of acting as “foreign agents.” The government seems to have not taken further actions to restrain civil society, but various organizations believe that their environment is deteriorating.

Finally, Serbian democracy faces challenges to its oversight institutions. Mandates for Serbia’s Ombudsman and Auditor will expire in 2017, and the same individuals are unlikely to return, according to Serbian politicians. Meanwhile, the SNS-led government has been inactive in combatting corruption. The SNS and Vučić gained popularity because of their promise to

curb and punish corrupt officials. After several high-profile arrests, however, few follow-up convictions have been made. The promise to fight corruption may turn out to be a campaign slogan rather than a substantive commitment to strengthening Serbia’s political oversight. Whether the SNS government itself will be mired in corruption issues remains to be seen.

ROLE OF THE INTERNATIONAL COMMUNITY

The international community has always played an important role in Serbia politics, in part because of the location of the Balkans at the intersection of Western Europe, the Russian periphery, and the Middle East. Today, as it did for much of the Cold War, Serbia remains caught politically and economically between the twin pulls of European integration and Slavic solidarity.

Since 2004, the European Union accession process has been the most important driver of political, economic, and governance reforms in Serbia—a key component of democratic progress in the country. A majority of the country and nearly every party in Serbian politics support the EU accession process, with the notable exception of the Radical Party. It was the SNS’s ability to combine the populist, nationalist themes of Milošević’s Socialists and Vojislav Šešelj’s Radicals with the pro-EU mission of Tadić’s Democrats that helped bring Vučić and the Progressives into power in 2012. But support for EU-related reforms among the public and the country’s leadership has declined in recent years, driven largely by the EU’s internal challenges since the 2008 financial crisis. Almost no Serbians interviewed for this report, even those ardently supportive of EU accession, believe Serbia will join the EU in the near future, which calls into question how long public and political support for EU-related reforms will continue to hold.

The other major external force playing a major role in Serbian politics is Russia, which has emphasized its historical and cultural bonds with Serbia to maintain a strong positive image with

the Serbian public, particularly nationalists supporting the Radical Party. Russia's presence in Serbian politics, media, and culture have expanded significantly since the Crimea invasion in early 2014. Serbian critics of Russia argue that this expanded presence has contributed to the weakening of media independence, the undermining of liberal norms in the country, and the decline in public support for EU accession.

Critics also argue that Prime Minister Vučić has been a major beneficiary of Russia's expanded position in Serbia. By highlighting ongoing economic and defense cooperation with Russia, Vučić can mitigate public skepticism of closer Serbian ties to Western institutions, in particular NATO. In the view of several critics of the Vučić government, the EU and the United States have been willing to overlook Serbian democratic backsliding under Vučić to maintain the government's nominally pro-Western orientation in the face of the heightened geopolitical threat posed by Russia.

The most prominent example of Western indifference to Serbian democratic backsliding cited by liberal Serbians is the decline in financial support for international electoral observation in Serbia, particularly by the OSCE. The OSCE's decision to switch to a limited electoral observation mission (LEOM) in 2008 reflected a combination of Serbia's notable progress in electoral management, as well as the budgetary limitations facing OSCE's elections office—ODHIR. However, the switch to an LEOM has curtailed the OSCE's ability to monitor threats to the democratic process during the pre-electoral environment, where the bulk of Serbia's challenges occur. To some of the Serbians interviewed, the declining observation presence by the OSCE and other Western organizations is a hasty declaration of Serbia as a solid democracy, and was indeed used in interviews with the Vučić government to deflect criticism of its more illiberal practices since 2012, despite the OSCE's criticisms of Serbian electoral management in its report on the 2016 elections.

RECOMMENDATIONS

The following recommendations are intended to target the challenges hindering Serbia's continued progress toward a more robust, resilient democracy. Broader political will is necessary to address causes that stem from the design of Serbia's political and electoral institutions. The EU accession process can be a useful lever of influence for such high-level, long-term issues. Instead of a complete revamping of the rules of the game, these recommendations consist of micro-level improvements where international actors may be best-suited to contribute through capacity-building assistance and advocacy.

Electoral Competition

- **Improve enforcement and oversight of campaign regulations, including media, finance, and resources.** International assistance providers should seek to empower the defunct oversight institutions that could contribute to fairer elections, such as the Supervisory Board, the REM, and Anti-Corruption Agency. The timely establishment of the Supervisory Board and regular release of REM's reports on media activities during the electoral cycle, for instance, should become major benchmarks in international evaluation of Serbia's elections. Greater funding and technical assistance for Serbian civil society would also support broader monitoring outside the electoral cycle, such as parliamentary affairs, political finance, and media.

Electoral Administration and Quality

- **Strengthen legal framework for elections and internal procedures for the electoral commission.** Serbia's election law needs to be upgraded to correct existing loopholes and unclear provisions, which currently leave a number of substantive issues such as resolution dispute, access of citizen and international observers and security of ballot storage to the RIK's judgement. International

organizations should help Serbia strengthen its legal framework for elections and limit the RIK's power to only technical issues.

- **Conduct mandatory training for all polling officials.** International organizations should help the Serbian RIK conduct mandatory training for polling officials to make them fully aware of their duties and enhance their capacity to administer elections. Such training may include short-term courses explaining Serbia's electoral law, case studies about electoral irregularities in other transitional societies, and reflections on problems with Serbia's previous elections as identified by domestic NGOs and international observers.

Strongman Politics and Political Representation

- **Establish a mandatory party code of conduct with provisions to strengthen mechanisms for internal party democracy and consultation.** Parties should be required to follow a mandatory code of conduct in order to register and receive government function. This code of conduct should include requirements for internal party voting on party leadership and party lists for elections. International organizations can assist this process by building relationships between Serbian political parties and political parties in other parliamentary republics, such as the UK, Germany, and Japan to share ideas and best practices on how to improve intra-party deliberation while maintaining party cohesion. Best practices may include regular, transparent voting procedures for party leadership, systems of input for party members on the structure of the voting list, enhanced horizontal and vertical communication channels within the party, and more avenues for women and party members from underrepresented areas of the country to participate in leadership roles.

Checks and Balances

- **Assist independent voices in the media to present wider audiences with objective coverage of political processes.** International organizations should support independent media outlets that promote evidence-based, issue-oriented discussions of Serbian politics. Direct funding could be awarded to such outlets to counter the media sector's financial dependency on government resources. Independent media voices may also grow from capacity-building assistance such as professional exchange with investigative journalists from other countries and technical guidance regarding the use of social media.

CONCLUSION

Since the conflicts of the 1990s, the Western Balkans have enjoyed considerable progress in establishing democratic institutions and processes. Today, Albania, Bosnia and Herzegovina, and Serbia all hold regular, functional and reasonably competitive elections at all levels of government. Elections in these countries feature participation by multiple parties and transfers of power are largely peaceful. Political violence is rare, and elections are usually conducted without major incidents.

Despite such genuine progress, democratic processes in these countries remain fragile and, in some instances, risk deteriorating. Parties generally lack coherent political ideologies and, instead, often campaign based on ethno-nationalism or personality politics. There is little role for policy platforms in campaigns and political patronage remains a powerful force for securing votes. While electoral management bodies have been successful in managing the mechanics of elections, they lack professional capacity and remain vulnerable to political influence from powerful parties and candidates. Civil society in these countries is underdeveloped.

Local watchdog groups, while maturing, still lack for capacity. The media is often biased, with state-media campaigning on behalf of the incumbent or titularly independent media, providing slanted coverage on behalf of political patrons. The public sector dominates the economies, providing politically-connected elites ready means for political patronage.

The international community still has a critical role to play in securing democratic gains in the Balkans. The international community has proven an invaluable partner in helping build democratic institutions and processes in the region. However, the realization of real democratic progress in the region has led to declining attention from the international community. International election observation missions are less common, as local groups have increasingly assumed responsibility for monitoring. While there is much to celebrate, the work is not yet complete. The international community still has much to offer in the form of technical assistance, political pressure, election monitoring, and financial resources. With a concerted and coordinated effort, functioning, consolidated democracy in the Western Balkans can become a reality.

Appendix A – List of Acronyms and Terms

General

CSO	Civil Society Organization
EU	European Union
GDP	Gross Domestic Product
NDI	National Democratic Institute
NGO	Non-Governmental Organization
ODIHR/OSCE	Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe
UN	United Nations
USAID	U.S. Agency for International Development

Albania

AMA	Audiovisual Media Authority
CEC	Central Election Commission
CEAZ	Commissions of Electoral Administration Zone
CT	Counting Team
DP	Democratic Party
NCSR	National Civil Status Register
SMI	Socialist Movement for Integration
SP	Socialist Party
VCC	Voting Center Commission

Bosnia

BiH	Bosnia and Herzegovina
CCBiH	Constitutional Court of Bosnia and Herzegovina
CEC	Central Election Commission of Bosnia and Herzegovina
CSM	Commission for Selection and Nomination
CVR	Central Voter Register
FBiH	Federation of Bosnia and Herzegovina
HDZ-BiH	The Croatian Democratic Union-Bosnia and Herzegovina
MEC	Municipal Electoral Councils
OHR	Office of High Representative
PSC	Polling Station Committee
RS	Republika Srpska
SDA	Party of Democratic Action
SDS	Serbian Democratic Party
SNSD	Alliance of Independent Social Democrats

Serbia

CeSID	Center for Free Elections and Democracy
CRTA	Center for Research, Transparency and Accountability
Dosta Je Bilo	Enough is Enough
DS	Democratic Party
LEOM	Limited Electoral Observation Mission
REM	Regulatory Authority of Electronic Media
RIK	Republic Electoral Committee
SPS	Socialist Party of Serbia
SNS	Serbian Progressive Party
SRS	Serbian Radical Party

Appendix B – List of Meetings

ALBANIA

Name	Organization	Location
Mr. Abdyl Xhaja	Former Deputy Prime Minister of Albania	Tirana
Ms. Nevila Xhindi	Democratic Party	Tirana
Mr. Hysen Osmanaj	Directorate of Election Commission, CEC	Tirana
Mr. Vildan Plepi	National Democratic Institute	Tirana
Mr. Erjon Tase	Academy of Political Studies	Tirana
Mr. Afrim Krasniqi	Albanian Institute for Political Studies	Tirana
Mr. Andi Balla	Tirana Times	Tirana
Ms. Dorarta Hyseni	European Union	Tirana
Mr. Robert Adams	European Union Mission to Albania	Tirana
Mr. Ivi Kasa	Democratic Party and CEC	Tirana
Ms. Claudia Vollmer	OSCE	Tirana
Mr. Besar Likmeta	Balkan Investigative Reporting Network	Tirana
Ms. Antuela Male	KRIIK/ Coalition of Domestic Observers	Tirana
Mr. Reald Keta	KRIIK/Coalition of Domestic Observers	Tirana
Mr. Olsi Dekovi	Council of Europe Office in Tirana	Tirana
Ms. Erida Skendaj	Albanian Helsinki Committee	Tirana
Ms. Floida Kerpaci	Socialist Movement for Integration Youth Wing	Tirana

BOSNIA AND HERZEGOVINA

Name	Organization	Location
Mr. Fletcher Burton	Ambassador & Former Chief of OSCE Mission to BiH	Phone Call
Mr. Jan Snidauf	European Union External Action Service	Sarajevo
Mr. Radek Khol	European Union External Action Service	Brussels
Ms. Ajla Kasumović	National Democratic Institute	Sarajevo
Ms. Amna Hadžikadunić	National Democratic Institute	Sarajevo
Mr. Vladimira Vučić	National Democratic Institute	Banja Luka
Ms. Miroslava Lukajić	OSCE Mission to BiH	Banja Luka

Ms. Bojana Trninić	Perpetuum Mobile	Banja Luka
Mr. Srdjan Ostojić	Perpetuum Mobile	Banja Luka
Ms. Jovana Kljajić	Pod Lupom	Sarajevo
Mr. Dario Jovanović	Pod Lupom	Sarajevo
Mr. Azhar Kalamujić	The Centre for Investigative Reporting	Sarajevo
Mr. Adem Kurić	The Organized Crime and Corruption Reporting Project	Sarajevo
Mr. Drew Sullivan	The Organized Crime and Corruption Reporting Project	Phone Call
Ms. Ivana Korajlić	Transparency International	Banja Luka
Mr. Damir Kapidžić	University of Sarajevo	Sarajevo
Ms. Jovana Dučića	U.S. Embassy	Banja Luka
Mr. Edward Gallagher	U.S. Embassy	Banja Luka
Mr. Ken Zurcher	U.S. Embassy	Sarajevo
Mr. Ross Johnston	U.S. Embassy	Sarajevo
Ms. Sutton Meagher	U.S. Embassy	Banja Luka

SERBIA

Name	Organization	Location
Mr. Ivo Čolović	Center for Free Elections and Democracy	Belgrade
Mr. Bojan Klačar	Center for Free Elections and Democracy	Belgrade
Mr. Brian Martin	U.S. Embassy	Belgrade
Mr. Jeffrey Sharin	U.S.AID	Belgrade
Ms. Jelena Manić Petronikolos	United Nations Development Programme	Belgrade
Mr. Marko Savković	Belgrade Fund for Political Excellence	Belgrade
Ms. Jelena Milić	Center for Euro-Atlantic Studies	Belgrade
Mr. Marco Djurišić	Social Democratic Party of Serbia	Belgrade
Mr. Predrag Marković	Serbian Socialist Party	Belgrade

Ms. Nataša Spasojević	Center for Applied Nonviolent Action and Strategies	Belgrade
Mr. Raša Nedeljkov	Center for Research, Transparency, and Accountability	Belgrade
Mr. Pavle Dimitrijević	Center for Research, Transparency, and Accountability	Belgrade
Mr. Marko Ivković	National Democratic Institute	Belgrade
Ms. Mahsuma Petrović	National Democratic Institute	Belgrade
Ms. Tanja Maksić	Balkans Investigative Reporting Network, Serbia Team	Belgrade
Ms. Nada Kolundžija	Democratic Party	Belgrade
Mr. Ivan Ninić	Enough Is Enough Party	Belgrade
Mr. Vladimir Orlić	Serbian Progressive Party	Belgrade
Ms. Anja Rović	Serbian Progressive Party	Belgrade
Mr. Nemanja Šarović	Serbian Radical Party	Belgrade
Mr. Miljan Damjanović	Serbian Radical Party	Belgrade
	European Union Delegation to Serbia	Belgrade
Ms. Lusine Badalyan	OSCE/ODIHR	Warsaw
Ms. Elizabeth Saam	National Democratic Institute	Phone Call
Mr. Nate Schenkkan	Freedom House	Phone Call
Mr. Miloš Damjanović	Freedom House	Phone Call
Mr. Mark Tervakoski	U.S. National Security Council	Phone Call

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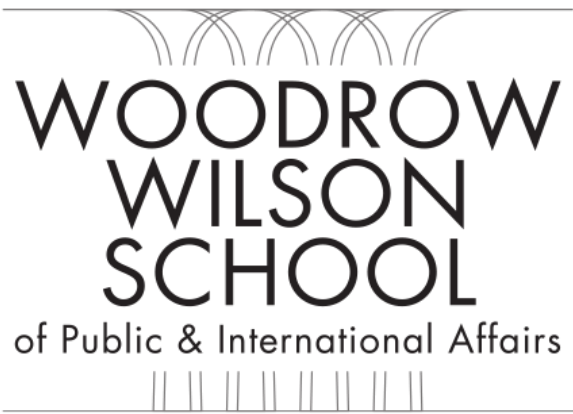
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