

**Is Substantial Political Reform in
Bosnia and Herzegovina
Possible through the Ballot Box
in October 2014?**

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by Valery Perry

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IS SUBSTANTIAL POLITICAL REFORM IN BOSNIA AND HERZEGOVINA POSSIBLE THROUGH THE BALLOT BOX IN OCTOBER 2014?

Two comments are often (and increasingly) heard about politics, elections and citizens in Bosnia and Herzegovina (BiH):

1. "If citizens want political change, they should vote for political change"¹
2. "BiH needs more political accountability from its elected leaders at all levels, (but *without* difficult, substantial, politically impossible changes to the constitutional structure or election system)."

Few would doubt the apparent truth behind these statements. A core element of a functioning, accountable democracy is the regular possibility for the alternation of power, as citizens vote out, and vote in, different leaders and parties that offer different platforms for the future. Voters should be able to use the election system to force politicians to deliver and to be accountable. Nothing is standing in the way of BiH's path to a more prosperous, reform-oriented, Euro-Atlantic future other than citizens voting for new leaders who can bring this vision to reality.

However, based on the experience of the past 18 years, is this a realistic approach to politics in a post-Dayton, pre-EU BiH?

This paper considers whether there are incentives in the BiH electoral and political system that promote a relationship based on accountability between the electorate and the elected, and whether it is likely that a country that purports to be hungry for reform and progress, and tired of the same old faces in politics, can or will demonstrate this interest through their choices in the general elections in October. Why does it seem like every election in BiH is meant to be "pivotal," while in reality little seems to change?

¹ See for example Dan Serwer's blog, March 4, 2014, in which he notes the following: "Sure elections can bring changes, provided Bosnians vote differently. But if they continue to return the same tired nationalists, reform is unlikely. Democracy doesn't guarantee change. It only provides the opportunity for it." Available at www.peacefare.org. High Representative Valentin Inzko said that BiH citizens have their own form of the Bonn Powers, and should determine their destiny through the ballot box. Inzko, Valentin. "Glasaj 12. oktobra! Iskoristi svoju krajnju moć i odredi sam svoju sudbinu!" *Vijesti.ba*. 12 August 2014. Available at <http://www.vijesti.ba/kolumne-komentari/231776-Glasaj-oktobra-Iskoristi-svoju-krajnju-moc-odredi-sam-svoju-sudbinu.html>. See also *Bosnia's Future*. International Crisis Group Europe Report No. 232, July 10, 2014. Available at <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/232-bosnia-s-future.aspx>; and Bieber, Florian. "Why Constitutional Reform Will Not Solve the Bosnian Blockade." *Transconflict*. 30 July 2014. Available at <http://www.transconflict.com/2014/07/why-constitutional-reform-will-not-solve-the-bosnian-blockade-307/>

1. Consociation or Integration?

First, to begin to understand why BiH's political system is the way it is, it is useful to review very briefly two broad schools of thought in the debate on *power-sharing* in divided, heterogeneous societies, as such principles have had an impact on the current political and constitutional structure in BiH, as well as on thinking about options moving forward.

The first of the two schools of thought on how best to structure divided or heterogeneous societies is presented by Arend Lijphart.² He proposed *consociational* power-sharing systems that acknowledge the need for group rights within systems built around four key features,³ and - this is key - a presumed interest and agreement among the ruling elites to make the system work. Switzerland, Belgium and Canada are often noted as prime examples of consociational systems. Donald Horowitz, on the other hand, has argued for an *integrative* approach which seeks to encourage moderate politics and integration through systems that cut across ethno-national divides.⁴ The integrationist school of thought suggests that "the institutional framework of a multinational state should not enhance further separation but should enhance and favor co-operation between different national groups."⁵

Lijphart's consociational power-sharing approach - often via federalism - seems to enjoy an advantage in terms of having been implemented in several divided societies. Northern Ireland and BiH are prime examples, and the approach has likewise been mooted for Iraq and other fragile states. (This could naturally reflect the presence of ruling elites at negotiating tables where they are able to push their self-interested preference for ethno-national structural solutions; but that is a topic for another brief or, more likely, a book.)

2. Power Sharing - or Power Allocation - in BiH

Next, it is useful to look at the impact of the selected power-sharing model on the BiH political system. Post-Dayton BiH broadly reflects Lijphart's approach to consociational power-sharing. The constitutional structure - a result of the 1994 peace agreement between Bosniaks and the Croats (who joined together into a Federation to ensure a more effective fighting force against the Serbs), as well as the 1995 Dayton Peace Agreement - can be described as a hybrid due to the asymmetric and lopsided two-entity structure, combining both *de jure* and *de facto* territorial and ethnic power-sharing elements at various levels of government.

The constitution provides the framework for the state: one state, two entities, three constituent peoples (and others). It also provides for the structure of the government, and the broad outline of the powers of the state and the entities (Article III). Republika Srpska (the RS), with a population that is

² Lijphart, Arend. *Democracy in Plural Societies*. New Haven: Yale University Press, 1977; Lijphart, Arend. "Constitutional Design for Divided Societies." *Journal of Democracy*. Vol. 15, No. 2, April 2004, pages 96-109.

³ Grand coalition; segmental autonomy; proportionality; minority veto. See Lijphart (1977).

⁴ Horowitz, Donald. *Ethnic Groups in Conflict*, 2nd Edition. Los Angeles: University of California Press, 2000; Horowitz, Donald. "The Cracked Foundation of the Right to Secede." *Journal of Democracy*. Vol. 14, No. 2, April 2003, pages 5-17.

⁵ Keil, Soeren. *Multinational Federalism in Bosnia and Herzegovina*. Ashgate, 2013. p. 43.

overwhelmingly Serb, enjoys *both* territorial and ethnic autonomy, while the more heterogeneous Federation enjoys a certain territorial autonomy at the levels of the ten cantons (which, with the exception of two mixed cantons, have either secure, but hardly absolute, Bosniak or Croat majorities). Neither the BiH constitution nor the Federation constitution defines the number or composition of the Federation's cantons. Brčko, a district formally established in 1999, is held "in condominium" by both entities and in many ways enjoys powers akin to those of the entities. (It is interesting to note that while they do not reside in either entity, residents of Brcko must declare an entity citizenship to vote in the general elections.)

Soeren Keil suggests that BiH is an example of a *new kind of federalism* – an externally imposed federalism that contains some of the structural features of classic federalism, but without any explicit internal agreement that the country should be organized federally.⁶ Rather, its internal structures reflect both the nature of the war and the peace agreement ending it.

When power was allocated among the warring parties at Dayton, each got something: the Serbs got legitimization of their war-forged entity; the Bosniaks got the promise of refugee return that, in theory, could reverse wartime ethnic cleansing; and the Croats secured constituent status that would cushion them in spite of their much smaller numbers relative to BiH's other two nations. However, while the Dayton constitution was a part of the agreement needed to end the war, the lack of any thoroughgoing agreement on its interpretation and likely longevity gave rise to a critical lack of will among national-political elites to make the country function as a normal, stable democratic system. Redundant power-sharing principles embedded into the Dayton constitution, unchecked by other necessary and vital elements of a functioning democracy (e.g., independent media, issue-based political party platforms, functioning mechanisms to engage civil society in public life and the legislative process, the proven failure of established coordination mechanisms, a lack of social trust, etc.) provide the framework for the stalemate BiH is experiencing nearly two decades since the end of the war.

3. The Resulting Electoral Straitjacket

Other than noting the composition of the BiH Presidency and the BiH House of Peoples (the institutions at the heart of the ongoing Sejdić-Finci debate), neither the Dayton Agreement nor the BiH constitution provide detailed guidance on elections. This is defined by the Election Law of BiH, first adopted in 2001 and revised on numerous occasions, but with few truly coherent or thorough progressive ideas integrated into the Law (this is considered more below). The Law reflects the political and ethno-national divisions of the country, and candidates rarely need to attract support from voters of "another" national group. The electoral system thus mirrors the country's constitutional structure, and provides the hardwiring within which electoral dynamics play out. The political party system – itself a vestige of the emergence of national parties in 1990 – has been both inculcated within and perpetuated by the development of the election law. It has naturally profited from the rules put in place by the evolving election law.

⁶ Keil, 2013.

John Hulseley notes the result, whether in general or in explaining BiH's large number of political parties: "The most important institutional characteristic of Bosnia's party system is the bifurcation of the electorate by entity for the purposes of elections to state-level institutions and the further subdivision of the Federation of Bosnia and Herzegovina into 10 cantons. In concert with the importance of elections to entity and canton-level legislatures, the sub-divisions of the electorate creates 'local party systems' that serve as seats of power for parties that would otherwise have an incentive to merge with similar parties in state-level elections."⁷ These local party systems play a role not only in electoral politics, but in bloated public administration systems sustained by local patronage networks.⁸

Having in mind the constitutional structure and the electoral system, it is next useful to consider the role of voters in the electoral process.

Technically, there is nothing preventing BiH voters from voting for completely new political leaders. Voters throughout BiH *could* choose to vote for a brand new political option. Similarly, there is nothing technically preventing voters in the US from voting in the first "Green Party" president. However, this does not happen. Two theories can shed light on why this is the case.

First, one should consider Duverger's Law. At its most basic, this law suggests that in any democratic county the number of major political parties is determined by the electoral structure of the country. For example, the first-past-the-post single member district system in the US favors a two-party system, in two ways. First, the two leading parties collude to ensure the system favors them, including registration requirements for third-party or independent candidates. Further, American voters who might want to vote for a third party (Greens, the Tea Party) will likely strategically choose to instead vote for the Democrats or Republicans (respectively) to enhance the likelihood of that larger party winning and being best able to represent their interests. A third party vote is seen as a wasted vote.⁹ ***The electoral system affects voter choice.***

Second, it is useful to review the concept of "ethnic outbidding," a phenomenon often evident in divided societies. "Places deeply divided by ethnic cleavages often develop sharply opposed ethnic political parties."¹⁰ Further, "once an ethnic party system is fully mobilized, the ethnic outbidding thesis predicts a contagion of extremist politics which destabilizes and ultimately prevents conflict regulation within a

⁷ Hulseley, John. "Party Politics in Bosnia and Herzegovina." Keil, Soeren and Valery Perry (Eds.). *Statebuilding and Democratization in Bosnia and Herzegovina*. Farnham and Burlington: Ashgate, 2015 (forthcoming).

⁸ Kurtovic, Larisa. "Nationalist Order and Party Patronage in Post-Dayton Bosnia-Herzegovina." *IREX Scholar Research Brief*. October 2013. Available at

<http://www.irex.org/sites/default/files/Kurtovic%20IREX%20Short%20Term%20Research%20Brief%202013.pdf>;

Foreign Policy Initiative BH (FPI). *Governance Structures in BiH: Capacity, Ownership, EU Integration, Functioning State*, 14 (2007). Available at http://www.vpi.ba/upload/documents/eng/BiH_Governance_Structures.pdf

⁹ In a recent discussion on the gridlock in Washington D.C., journalist Chuck Todd noted, "...what's happened here is we don't have an electoral system where swing votes matter." *Meet the Press*. 10 August 2014. Transcript available at <http://www.nbcnews.com/meet-the-press/meet-press-transcript-august-10-2014-n177216>

¹⁰ Mitchell, Paul, Geoffrey Evans and Brendan O'Leary. 'Extremist Outbidding in Ethnic party Systems is not Inevitable: Tribune Parties in Northern Ireland.' *Political Studies*. Vo.57, 2009, p. 397.

democratic framework.”¹¹ In a divided society with a divided electoral system and divided electoral units, it makes sense to abandon moderation, and campaign to the extremes.

When one combines voter strategy considerations with the dynamics of a system based on rewarding ethnic outbidding, a classic prisoner’s dilemma is evident. The “prisoner’s dilemma” is a conceptual game that demonstrates why two individuals might not cooperate on something even if it is in their best interests to do so. Mujkić and Hulseley demonstrate how this dilemma plays out time and again in BiH elections, concluding that ***even among moderate voters, choosing nationalist parties/candidates is less risky than voting for more moderate candidates***. Just as an American voter might prefer the green or tea party candidate, BiH voters, often prodded by both fear and the incentives of patronage, tend to support the apparently less preferable status quo: “...it is possible for Bosnian voters to prefer a change from the current context and desire to remove ineffective politicians but still find it in their best interest to vote for incumbent nationalist because of their belief that the other side will vote nationalist.”¹² In the absence of structural incentives to reward moderate parties, to mitigate the existential fear of losing an election, or to incentivize voter risk-taking in support of moderate parties, the same nationalist parties continue to dominate the BiH political sphere.

4. Electoral Engineering - Past and Present

As noted above, some observers will note that electoral engineering aimed at incentivizing moderation *has* been tried in BiH.¹³ The direct election of mayors was perhaps one of the most important of such reforms, as it vested more power of choice with voters, and took steps to reduce party influence at the local level. Still, with the short-lived exception of a coalition called “the Alliance for Change” (which, as a reminder, included the SNSD) from 2001-2002, the main nationalist parties comprising the SDA, SDS (later supplanted as the Serb nationalist torchbearer role by the ostensibly social democratic SNSD) and HDZ have remained in power. However, a quick review of the engineering to date demonstrates that these changes have been mostly cosmetic tweaks that, while producing the illusion of reform, are largely irrelevant in the face of the persistent and overwhelming systemic drivers that permeate the constitutional and electoral structure of BiH. While not unimportant limited innovations, they were integrated against a system built on ethnic electoral units and the absence of incentives for cross-ethnic

¹¹ Mitchell et. al, citing *Politics in Plural Societies: A Theory of Democratic Instability*, by Rabushka, A. and Shepsle, K.. Columbus OH: Charles E. Merrill, 1972.

¹² Mujkić, Asim and John Hulseley. “Explaining the Success of Nationalist Parties in Bosnia and Herzegovina. *Politicka Misao*. Vol., 47, no. 2, 2010, p. 151.

¹³ For example, preferential voting was introduced for the RS Presidency in 2000, changes in the election of the Federation House of Peoples were introduced, and some power-sharing was introduced for municipal elections to ensure minimal minority representation where possible. See Keil (2013) pages 116-121; see also Manning, Carrie. “Elections and Political Change in post-war Bosnia and Herzegovina.” *Democratization*. Vol. 11, No. 2, 2004, pages 60-86. The latest idea being mooted to try to ameliorate electoral politics while remaining on the edges of reform is to synchronize municipal and general elections so they are held at the same time. In theory, this would reduce the constant campaigning of political parties, and reduce the costs of administering elections. However, it would do nothing to address the core problem of the incentives built into the election system, and instead, it would take away *any* possibility for voters to seek *any* changes in mid-term elections, empowering winning parties for a full four years.

group campaigning or pre-election coalition building.

BiH's election system – and, in turn, its political system – continues to be characterized by:

- Electoral units that broadly mirror the country's constitutional and administrative divisions;
- Little direct accountability between supra-municipal level office holders and a defined constituency, so allowing for greater party control and less citizen representation;
- No risks to candidates for campaigning to the extremes by ethnic outbidding tactics, and no incentive to moderate platforms to attract swing voters;
- No incentives for voters to vote for moderate, let alone cross-cutting, trans-ethnic, or civic parties; and,
- No incentives for moderate pre-election coalitions.

In addition, BiH is an unconsolidated democracy, with feeble institutions, a captured media, weak civil society and a large, expensive political employment and patronage system that helps to maintain control over voters. The evidence of 18 post-war, post-Dayton years reveals little change in political party platforms; little improvement in the political (as opposed to the security) environment; little real political reconciliation; and little domestically-generated reform. This is in spite of numerous new-party development (and old-party redevelopment) efforts that have received significant external support and funding. (One of the most successful new post-war parties is in fact the SNSD, originally supported by international bodies to provide an alternative to the wartime Serb party, the SDS. Within the existing system, and reflecting the existing incentives, SNSD was able to fairly quickly transform from a potential moderate option into the ideological heir of the SDS that many had hoped to supplant.) There is therefore little evidence to sustain the hope that citizens might one day vote their way out of the current political impasse and latent crisis by electing a wholly new crop of leaders with new and positive visions for reform.

5.unless you short-circuit the system

There are, however, two possible exceptions.

One exception could be the impact of an organized and well-crafted protest vote or “white ballot” campaign. If voters believe that *none* of the options on the ballot have or can lead to real change, they have three options. First, they can stay home. Second, they can hold their noses and vote for the least bad option. Third, they can show their dissatisfaction for the entire menu of options - and the system that created it – by intentionally spoiling their ballot.

Protest votes can take different forms depending on a country's electoral laws. Formal options can include having a “none of the above” option on the ballot.¹⁴ In systems without this option, intentionally

¹⁴ David F. Damore, Mallory M. Waters, & Shaun Bowler. “Unhappy, Uninformed, or Uninterested?:

spoiling one's ballot can indicate voter dissatisfaction. Formal or informal write in options offer an additional avenue of protest.¹⁵ A white vote, or blank vote, can also show voter discontent, with voters intentionally failing to mark their ballot.¹⁶ Different states or election jurisdictions have different approaches to considering and counting such ballots. An interesting regional example of protest voting occurred in Serbia, where a civic initiative led to a high number of such protest voting in the 2012 elections, with 4.3% of voters casting white ballots.¹⁷ In a generally literate state such as BiH, a high number of blank or spoiled ballots would very likely indicate either organized fraud, or a significant sign of voter discontent.

Advocates of such an approach would argue that this option could energize citizens who either genuinely do not see a viable option on their ballot, including youth who very often elect to stay home and not vote. They would challenge opponents of protest voting by explaining that energy spent mobilizing citizens around a new candidate, party or coalition have failed to produce real change to date, and that as a reaction to the trends of the past, and to the lack of any sense of emerging democratic, political maturity among existing parties, a "negative" campaign is required to send a stronger signal of broad citizen dissatisfaction with the system as a whole.

Detractors of such an approach would argue that such an act would amount to minimal social theater, pulling votes away from potentially viable options and likely having the effect of strengthening the dominant parties dissenters purport to protest. They would argue that activists would better spend their time working within the current system to try to change the current system; demanding and supporting new parties, independents or new pre-election coalitions. They would point to efforts such as GROZD, the 2005-2006 network that developed a civic platform and expectations for political candidates aimed at shifting the debate in the 2006 general elections and focusing on issues rather than ethno-national politics.¹⁸

Understanding "None of the Above" Voting." *Political Research Quarterly* Vol. 1, No. 2. 201. Available at <http://faculty.unlv.edu/dfdamore/Publications/Nevada%20NOTA%20Final.pdf>.

¹⁵ Finnish voters have a predilection to write in Donald Duck as their candidate of choice when dissatisfied with the options on offer. "Spoiled Ballot Papers Reveal Write-in Favorites." *UUTISET*. 2 June 2012. Available at http://yle.fi/uutiset/spoiled_ballot_papers_reveal_write-in_favourites/5297235.

¹⁶ Orr, Graeme. "The Choice Not to Choose: Commonwealth Electoral Law and the Withholding of Preferences." *Monash University Law Review*. Vol. 23, No. 2. 1997, pages 285 – 311. Available at <http://www.austlii.edu.au/au/journals/MonashULawRw/1997/19.pdf>

¹⁷ Barlovac, Bojana. "Social Networks Organize Army of 'White' Voters." *Balkan Insight*. 18 May 2012. Available at <http://www.balkaninsight.com/en/article/social-networks-mobilise-army-of-white-voters>

¹⁸ GROZD (*Gradansko organizovanje za demokratiku* - Citizens Organized for Democracy) brought together approximately 400 NGOs under the coordination of four large NGOs, with support from USAID and the Open Society Fund in BiH. Their Civic Platform included 12 priorities for a new government. The Platform was sent to political parties, of whom 36 parties accepted it, while 11 (including many of the larger nationalist parties) did not. GROZD assessed that SDP and NSRzB (*Narodna Stranka Radom za Boljitak*) best included their civic demands in their platforms. SNSD and HDZ each rejected the platform, and won most Serb and Croat support respectively. SBiH had accepted the platform but broadly ignored it, and won more support than in previous elections. SDP won 1 Parliamentary seat more than they held from previous elections. See Vuletic, Davor and Ana Bukovac, "Interpretation of the results of General elections in Bosnia and Herzegovina – October 2006." Friedrich Ebert Stiftung office in Sarajevo.

A second exception operates on the assumption that you can't change the politicians unless you change the voters, either by encouraging more people to register to vote, or seeking to otherwise influence the voter register. Technically it would be possible to unblock the current stalemate in the state-government by changing the balance of power among the 14 representatives in the House of Representatives coming from the territory of the RS. If non-Serb and non-Serb party representatives received sufficient votes from voters in the RS to capture five seats, then there would be a numerical possibility to prevent the use of the RS "entity veto", thereby destroying a potent weapon often used by RS MPs to block state-level reforms and legislation.¹⁹ This outcome might be achieved in two ways: by increasing the number of non-Serb voters on the electoral rolls in the RS and/or by bringing together non-Serb parties and candidates into a united opposition. Such a scenario might have been the natural result of a truly successful and sustainable post-Dayton return process, which would have diversified the electorate in every election unit; however, while property return was generally successful, the number of actual returnees returning to and staying in their pre-war communities – particularly in the RS - has been rather limited.²⁰

This is the strategic approach that has been taken by the March 1st initiative, and the related *Domovina* coalition in the RS.²¹ This is an interesting approach that seeks to "short-circuit"²² the existing electoral and structural reality. However, success would be far from certain. Not only is the RS explicitly taking steps to prevent such an outcome (changing laws on residence and related entity voting rights),²³ but it

¹⁹ See Bahtic-Kunrath, Birgit. "Of Veto Players and Entity-Voting: Institutional Gridlock in the Bosnian Reform Process." *Nationalities Papers*. Vol. 39, No. 6, November 2011, pp. 899-923.

²⁰ Philpott, Charles and Rhodri C. Williams. "The Dayton Dialectic; The Significance of Property Deprivation and Repossession in the Context of Ethnic Cleansing." *Deconstructing the Reconstruction: Human Rights and the Rule of Law in Postwar Bosnia and Herzegovina*. Dina Francesca Haynes (Ed.). Aldershot and Burlington: Ashgate, 2008. Pages 149 – 176; Toal, Gerard and Carl T. Dahlman. *Bosnia Remade: Ethnic Cleansing and its Reversal*. New York: Oxford University Press, 2011.

²¹ The March 1st coalition (<http://www.prvimart.ba/>) aims to get voters – potentially from any part of BiH - to register to vote in the RS to hopefully change the votes rolls enough to be able to change the electoral outcome. It was modeled after the success "I Will Vote for Srebrenica" campaign aimed at securing more Bosniak (or more precisely, non-Serb) voters in the 2012 municipal elections. Jukic, Elvira. "Bosniaks Rally to Srebrenica Voting Campaign." *Balkan Insight*. 14 June 2012. Available at <http://www.balkaninsight.com/en/article/srebrenica-voting-campaign-supported-by-bosniak-parties>. A number of pro-Bosnian parties have joined together in the "Domovina" (Homeland) coalition for the October 2014 elections. "Sve probosanske stranke zajedno u koaliciji 'Domovina!'" *BalkanPost*. No date. Available at <http://www.balkanpost.net/clanak.php?id=1699&naziv=sve-probosanske-stranke-zajedno-u-koaliciji-%E2%80%9Cdomovina%E2%80%9D->

²² Thanks to Kurt Bassuener for this turn of phrase.

²³ Throughout 2013 and 2014 the RS has sought to change residency laws and requirements to make it more difficult for possible "false" residency documentation and subsequent voter registration. In July 2014 the BiH Constitutional Court issued its decision on a case challenging the RS's right as an entity to regulate residence registration issues, which the claimants argued is a state competency. The Court found that this issue is indeed a state competency. (4 July 2014; Court session summary available at <http://www.ccbh.ba/eng/press/index.php?pid=7439&sta=3&pkat=506>). RS President Milorad Dodik subsequently said that if an entity law is found unconstitutional, then the same issue will be regulated by the RS by other means, including through decisions or rules. "OHR Calls for Republika Srpska to Solve Residency Issue." *SETimes*. 25 July 2014. Available at http://www.setimes.com/cocoon/setimes/mobile/en_GB/features/setimes/features/2014/07/25/feature-01

is unclear whether an opposition party coalition (such as *Domovina*) could in any set of circumstances capture sufficient votes to make this vision a reality.

Moreover, this approach could prove self-defeating. Although it would represent a logical response to the *realpolitik* of the current system, it would also be an inherently confrontational, “us vs. them” approach that would do little to build a true social consensus for change or reform, let alone a shared vision for the common state. It assumes Serb voters in the RS are an immutable bloc, and that non-Serb voters are a preternatural constituency. In the current climate, if this effort were successful and managed to neutralize the cherished entity veto, there is a strong chance that the move could backfire, with Banja Luka politicians calling it quits, announcing that the RS cannot and will not abide by such electoral engineering, and seeking either to a) actually hold the secession referendum they have threatened for years or b) withdrawing from all state-level engagement until such time as the state is explicitly reconfigured as a confederation, including a cast-iron right for confederal units to secede.²⁴

Finally, and perhaps more importantly, there is nothing to suggest that such an electoral victory would increase the democratic accountability so notably absent from the system as a whole. Again, the lack of political accountability in the current system can be explained by a number of factors:

- Electoral units have been broadly crafted to ensure that no party *ever* needs to seek votes across ethno-national lines. This promotes campaigning to the poles and eviscerates moderation, even within parties that may beat the odds and initially come to power on a platform of relative moderation (e.g., SNSD). It also hampers the development of any notion of a shared vision either for the present or future, and so prevents the birth of any sense of shared citizenship.
- With the exception of the direct election of mayors introduced in 2004, there is *no real personal connection* between voters and candidates/officials that can enforce or ensure accountability and (re)election based on delivered results. The combination of straight party list voter options and indirect elections for many positions provides a convenient cloak of party impunity to individuals unwilling to make needed decisions. It is not surprising that many parties would like to return to closed lists – and to more indirect elections (for example, of mayors, as is the case in Serbia), to weaken further potential civic agency and strengthen party discipline and control. Nor is it surprising that many people, already skeptical and distrustful of political parties (e.g., 2014 civic plenum participants, non-voting citizens), find little reason to engage in such a system.
- The constitutional dysfunction provides a built-in opportunity for electoral campaigns based on fear and patronage every two years, reinforcing the prisoner’s dilemma in which voters make broadly rational choices to vote for “their own” [i.e., the devil they know] since the odds are

²⁴ Threats at secession have been a constant; see Toal, Gerard. “‘Republika Srpska Will Have a Referendum:’ The Rhetorical Politics of Milorad Dodik.” *Nationalities Papers*. Vol. 41, No. 1, 2013, pp. 166-204. The threat to pull out of state institutions was effectively wielded in spring 2011 in response to justice sector reforms. Hadzovic, Eldin. “Bosnia: Dodik Agrees to Drop Disputed Referendum.” *Balkan Insight*. 13 May 2011.

overwhelming that the other peoples will vote for “their own.”²⁵

In light of the above, it is difficult to find any reason for optimism that political stalemate can be unblocked – or accountability strengthened – within the current electoral system built according to the constitution’s ethnic parameters. If there is any residual interest among those foreign policymakers whose countries helped make both the war and the peace in belatedly addressing the political and constitutional stalemate rooted in Dayton, then efforts should be focused on increasing internal incentives for accountable representation, promoting electoral reforms that enhance direct representation and reward moderation at all levels; and provide voters with more opportunity to see legislative reform through direct democracy and civic initiatives.

²⁵ Mujkic and Hulsey.