



Weekly Briefing

**Bosnia-Herzegovina political briefing:
The outlook for BiH Politics in 2024**
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The outlook for BiH Politics in 2024

Summary

Bosnia and Herzegovina is facing a difficult year, full of potential political minefields, difficult state decisions, accumulated social problems that need to be solved, and reform measures expected by international partners from the West.

We should not forget that 2024 is also the year in which local elections will be held, and the parties of the position and the opposition will fight for supremacy in the most important cities such as Sarajevo, Banja Luka, Mostar, Tuzla and Zenica. All these local environments have their own specificities, but at the same time they are inevitably also a litmus test for policies created by the government at a higher level. The loss of trust at the local levels for the government usually also means an alarm bell.

Introduction

From January 9 to December 14 every year in BiH, there are heated debates between the political elites in BiH concerning, so to say, *the factory settings of the state of BiH*. On January 9, the entity Republic of Srpska commemorates the day when in 1992 the Serbian councilors from the BiH Assembly made a decision to declare the Republic of the Serbian People of BiH. The Constitutional Court of BiH declared that date unconstitutional twice¹, but the Serbian leaders from the RS continue to celebrate it pompously², with the resignation of the Bosniaks and the ambivalence of the Croats. The international community is mostly against this commemoration³, but they don't even know what to do with this Serbian celebration and how to prevent it.

1 PRESIDENT OF THE CONSTITUTIONAL COURT OF BIH VALERIJA GALIĆ: "Celebrating January 9 as the Day of the RS is unconstitutional". https://www.slobodna-bosna.ba/vijest/335152/predsjednica_ustavnog_suda_bih_valerija_galic_obiljezavanje_9_januara_kao_dana_rs_je_neustavno.html

2 The seven-year sentence for celebrating the unconstitutional RS Day does not apply. <https://www.slobodnaevropa.org/a/dan-rs-bih-ustav-proslava/32762823.html>

3 US Embassy in Bosnia and Herzegovina: The problematic date is January 9, not the celebration. <https://www.nezavisne.com/novosti/bih/Ambasada-SAD-u-BiH-Problemican-je-datum-9-januar-a-ne-proslava/809697>

December 14 is the date when in Paris in 1995 the leaders of Bosnia and Herzegovina, Croatia and Serbia signed the Peace Agreement, previously ratified in Dayton, with the mediation and pressure of the United States of America⁴. Today, more than ever, the political elites in BiH disagree on the essence of that peace agreement, and it seems that many are ready to declare it null, void, or at least obsolete. Between these two dates there are at least a dozen other dates on which the current elites in BiH do not agree and on which they look differently in a symbolic and real context.

Be that as it may, the perspectives of 2024 will be marked by the political challenges facing the current authorities. Then, since 2024 is the year of local elections, it will be marked by the pre-election battle of political parties for power in the most important cities in BiH. Finally, in the context of all these political battles, it will be challenging to solve the accumulated social problems such as poverty, corruption and emigration.

Challenges to authorities

The authorities in BiH are expecting numerous challenges in 2024. The first challenges concern the reform interventions that must be undertaken on the way to membership in the European Union. These are laws related to 14 priorities that the European Commission put before BiH several years ago, which BiH needs to complete before negotiations on admission to the EU officially begin. We wrote about the tasks related to 14 priorities in previous reports⁵, and there will be more mentions in the following ones, given that the deadline by which BiH should make significant progress (in at least some of the 14 priorities) is March 2024. Then we will know the trends and dynamics of BiH's Euro-Atlantic route. However, it is important to note that the Euro-Atlantic path is at the same time a first-rate domestic political issue, as it implies significant constitutional reforms and other structural changes, which presupposes a broad, general social consensus of representatives of various ethnic elites - which is nowhere in sight.

4 28 years ago today: The Dayton Peace Agreement was signed in Paris. https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/na-danasnji-dan-prije-28-godina-u-parizu-potpisan-dejtonski-mirovni-sporazum/525025#google_vignette

5 EC Report on BiH Progress: Not green, not red, but yellow light. <https://china-cee.eu/2023/12/18/bosnia-herzegovina-external-relations-briefing-ec-report-on-bih-progress-not-green-not-red-but-yellow-light/>

Croatian nationalist political elites in BiH (grouped around the Croatian Democratic Union – *Hrvatska demokratska zajednica* – HDZ, but also other parties from the center right and right-wing spectrum) insist on changes primarily through the electoral system in BiH, which will bring more ethnicity to BiH parliamentary life. In particular, they insist on changes concerning the election of members of the BiH Presidency, as well as the rules for election to the houses of the peoples of the entities of the Federation of BiH and the State of BiH. Bosniak parties, as well as nominally multi-ethnic parties based in Sarajevo, frustrated by numerous blockages in the functioning of political life in BiH, are skeptical of such solutions, fearing that they will only deepen existing blockages and lead to new blackmail. Through future constitutional reforms, more civil democracy and less ethnic blockades would suit them. For years, Serbian parties from the entity of the RS have mostly insisted on preserving the existing relationship, and they respond to requests from Sarajevo for "more states" with moves towards "more sovereignty for the RS". Therefore, in this constellation, it will be difficult to expect compromises with which all three parties will be equally satisfied and dissatisfied.

This expecting failure will reflect on other important issues. Not resolving the electoral legislation will be a weight around the neck of the ruling coalition composed of the Croatian bloc led by the HDZ of BiH, the Serbian led by the Alliance of Independent Social Democrats (*Savez nezavisnih socijaldemokrata - SNSD*), and the Bosniak-Bosnian bloc of the "Troika" parties (Social Democratic Party of BiH - SDP, Our Party – *Naša stranka* and People and Justice - *Narod i Pravda*). Precisely because the HDZ BiH insists on these changes, it is to be expected that the pressure will also go through neighboring Croatia, which is also ruled by the right-wing conservative HDZ.

Problems in judiciary

Is the judiciary in BiH part of the problem or part of the solution? A question posed like this may sound very strange. But when the facts start to line up, it turns out that the question is completely legitimate. For example, the President of the Court of BiH, Ranko Debevec, is in custody, after being detained together with the former head of the Intelligence and Security Agency, Osman Mehmedagić. They are charged with suspicion of abuse of office, related to

illegal wiretapping of judges of the Court of BiH⁶. They were sentenced to one month's detention, which, according to everything, will be extended⁷.

This case is only the tip of the iceberg of problems that burden the judiciary in BiH. The media speculate that in this process, at least part of the illicit connections that politics has with the judiciary will be revealed. And that these connections are more the rule than the exception, is also shown by previous cases in which the chief prosecutor of the Prosecutors Office of BiH, Gordana Tadić (who also ended up on the black list of the USA), the president of the Judicial and Prosecutor's Council (HJPC) Milan Tegeltija (who then settled in the cabinet of the President of Republika Srpska Milorad Dodik), then the Deputy Chief Prosecutor of the Prosecutor's Office of BiH Dijana Kajmaković (suspended and ended up on the US blacklist). All these leading people of the judicial power in the country maintained (and maintain) certain contacts with the political parties in power in order to influence certain processes. In 2024, it is expected that under the pressure of a foreign factor (most notably the US Embassy in Sarajevo), the Debevec case will receive a judicial epilogue.

BiH Constitutional Court

A slightly different problem is related to the Constitutional Court of BiH. This highest judicial instance in BiH, as we have already mentioned, twice declared RS Day unconstitutional, but also declared unconstitutional some other laws passed by the assembly of the RS entity. The Constitutional Court of BiH consists of nine judges, six of whom are local, citizens of BiH, and three are appointed by the President of the Human Rights Court in Strasbourg. Of the six nationals, four are elected from the Parliament of the Federation of BiH and two from the NSRS⁸. The previous rule was that two Bosniaks and Croats were elected from FBiH and two Serbs from NSRS, but this was not explicitly written down anywhere. In

6 Confirmed for N1: Arrested Ranko Debevec and Osman Mehmedagić Osmica.
<https://n1info.ba/vijesti/uhapseni-predsjednik-suda-bih-ranko-debevec-i-nekadasnji-direktor-osa-e-osman-mehmedagic/>

7 Ranko Debevac and Osman Mehmedagić were sentenced to one-month detention, and arrived at the Vojkovići prison.
<https://n1info.ba/vijesti/ranku-debevacu-i-osmanu-mehmedagicu-odredjen-jednomjesečni-pritvor-stigli-su-u-zatvor-vojkovici/>

8 Constitutional Court of BiH, official webpage. <https://www.ustavisud.ba/bs/ustrojstvo>.

connection with the election of new domestic judges of the Constitutional Court of BiH and in connection with the issue of international judges, discussions have been ongoing for several years, and are expected to continue during 2024. outraged by decisions that, they believe, go against the interests of the RS⁹. NSRS refuses to appoint two judges to this Court in order to fill the composition after the retirement of two judges from RS¹⁰.

Also, the FBiH Parliament needs to appoint one missing judge, but there is also a problem with the candidate. Thus, there are currently five out of nine judges in the BiH Constitutional Court, which is enough to make decisions. The Serbian political elite from the RS entity believes that international judges should no longer sit in the Constitutional Court, and have included its reform among the 14 priorities that BiH should fulfill before starting negotiations on EU membership. It seems that this position is shared by the Croatian political elites from the entity Federation of BiH, while the political parties based in Sarajevo believe that international judges should leave the Constitutional Court of BiH only after the political threats of dissolution that come from the entity RS, most specifically those that negate the decisions, have stopped. of the Constitutional Court. This was briefly sublimated by the president of the NiP party and the Minister of Foreign Affairs of BiH, Elmedin Konaković: "Attacking the Constitutional Court of BiH, denying its competences, not electing judges and at the same time asking for foreign judges to leave is an unreasonable process that will never receive our support."¹¹

Local elections

Local elections are expected in BiH in October, where citizens of 142 local communities - municipalities and cities, of which 79 in the Federation BiH and 64 in the entity RS - will elect local councils and heads, that is, mayors. Unfortunately, the elections themselves are burdened with certain political issues. At the end of the year, the high representative of the international community in BiH, Christian Schmidt, issued an ultimatum to the Parliament of BiH to adopt

9 Decisions of the Constitutional Court of Bosnia and Herzegovina will not be applied in the RS, the entity parliament decided. <https://www.slobodnaevropa.org/a/parlament-rs-nepostivanje-odluka-ustavni-sud-bih/32477735.html>

10 There is no agreement on the Constitutional Court and courts in Bosnia and Herzegovina. <https://www.dw.com/hr/nema-dogovora-o-ustavnom-sudu-i-sudovima-u-bih/a-67280229>

11 Games around the Constitutional Court of Bosnia and Herzegovina. <https://www.dw.com/hr/igre-oko-ustavnog-suda-bih/a-67900277>

technical changes to the Election Law of BiH, which would allegedly reduce the influence of political subjects on the election process. The German diplomat said that, if the BiH Parliament does not do so, he will impose changes¹².

As a response from the RS entity, whose leaders do not recognize Schmidt as a high representative nor his decisions, there was an announcement and concrete steps towards changes to the entity election law. According to those changes, the implementation of the election process at almost all levels would be taken away from the Central Election Commission (CEC) of BiH and given to the entities. By doing so, the elections in BiH would be organized according to different rules. All general and local elections in the entire territory of BiH, from the adoption of the Election Law of BiH in 2001 until today, were conducted by the BiH CEC. According to the BiH Election Law, which is above entity laws, the jurisdiction of the entity election commission is determined by the CEC of BiH¹³.

This, in fact, means that another political battle is coming between Dodik and the RS and Schmidt and the Western embassies. How it will end is difficult to predict, but it will affect voter mobilization. When it comes to the RS entity, the most important points around which the battle will be fought are the cities of Banja Luka, Bijeljina, Doboj and Trebinje. Banja Luka is the largest city in the entity of the RS and the administrative center of this entity (although the capital of the RS is East Sarajevo). Most entity institutions and some state institutions are located in Banja Luka. After the last elections in Banja Luka, the opposition candidate Draško Stanivuković (Party of Democratic Progress – *Partija demokratskog progresu*) won the race for the post of mayor, defeating the candidate of Dodik's SNSD and the former mayor of Banja Luka, Igor Radojičić. Since then, Stanivuković has been trying to manage Banja Luka without the support of the majority in the City Council, in which the SNSD has the majority seats. In this entity, the battle for Banja Luka will be the biggest and most important political match, and it is not yet known who will challenge the current mayor on behalf of SNSD.

12 Schmidt: If you don't change the Electoral Law, I will! <https://www.dw.com/hr/schmidtov-ultimatum-ako-vi-ne-promijenite-izborni-zakon-ja-%C4%87u/a-67772550>

13 The ruling party in Republika Srpska agreed on a 'working' version of the entity election law. <https://www.slobodnaevropa.org/a/izborni-zakon-republika-srpska-bosna-hercegovina/32765912.html>

Apart from Banja Luka, it will be interesting to follow what will happen in Bijeljina, a city in the extreme north-east of the RS entity, along the very border with Serbia. In this city, the opposition to the sovereign has held the position of mayor for many years. The SNSD will certainly try to conquer this opposition stronghold, as it conquered larger cities in the RS, Doboj and Trebinje, where organized attempts by the united opposition to win the victory can be expected. However, this will be difficult to achieve, and the opposition will have to be content with remaining in power in those local communities where they currently hold power, such as the city of Teslić, where the mayor is Milan Miličević, who is also the president of the opposition Serbian Democratic Party (*Srpska demokratska stranka* - SDS).

When it comes to the Federation of BiH, several local communities will be the focus of the October elections. Significant political battles will be fought in the city municipalities in Sarajevo, four of them: Stari Grad, Centar, Novo Sarajevo and Novi Grad. There will be a battle between candidates from the "Troika" parties and the current opposition led by the Party of Democratic Action (*Stranka demokratske akcije* – SDA) and its partners. However, the "Troika" parties are not unique and each local community has its own specificities and local tensions. Who are the favorites?

Among those more confident in his mandate is the current mayor of the municipality of Stari Grad (Old Town) Sarajevo, Irfan Čengić from the SDP. Last year, in the extraordinary elections, he sovereignly defeated his opponent from the SDA, and it is difficult to expect him to lose the elections this year. In the Center of Sarajevo, the situation is different. The current mayor, Srđan Mandić, as a candidate of the second party from the "Troika", Our Party, does not enjoy the trust of the third party from the coalition, People and Justice. Without these votes, it will be much more difficult for Mandić to defeat the opposition candidate, especially if all the opposition unites around one. In the third municipality, Novo Sarajevo (New Sarajevo), the former joint candidate, current mayor Hasan Tanović, cannot count on the support of Our Party and the People and Justice, but only the SDP. Even his candidacy is questionable. In the end, the mayor of the Municipality of Novi Grad (New City), Semir Efendić, the president of the Party for BiH, is the favorite to remain for the next four years in the position of the first man of the most populous municipality in BiH, which he has been in office since 2012. The mayor of City Sarajevo is elected indirectly. It is elected by councilors who are delegated by these four municipalities to the City Council. It is expected that the SDP will be interested in leaving its vice president, Benjamina Karić Londre, in this position.

Other larger cities in BiH are also interesting, such as Mostar, Tuzla, Zenica and Bihać. In Mostar, as in Sarajevo, the mayor is elected indirectly, by the councilors of the City Council. It is very likely that the current mayor, Mario Kordić, will be the candidate that the HDZ will propose for a new mandate. HDZ, by all accounts, will be an unavoidable factor for the formation of the government in Mostar. The opposition SDA will try to win at least one of the other three cities with majority Bosniak voters, but it is difficult to predict where the task will be more difficult. Tuzla is home to Zijad Lugavić from SDP, who maintains good relations with conservative circles as well. SDA has never had a mayor of Tuzla, and that will hardly change this year. In Bihać, the mayor Elvedin Sedić is in power, who comes from a local party more or less close to the “Troika” parties, but the SDA does not seem to have a worthy opponent. On the other hand, in Zenica, the mayor is former SDA member Fuad Kasumović, who created his own local party a few years ago. Given that the SDA together with its partners are in power in the Zenica-Doboj Canton (ZDK), the most uncertain fight is expected in this city.

The general rule is that the ruling (city) mayor does not lose elections, and there are really rare exceptions to that rule.

Social problems

In parallel with the political negotiations that should resolve some of the difficult issues that burden the state and the local elections that will reveal the trends of the citizens' political preferences, Bosnia and Herzegovina will be burdened in 2024 by the same social problems that burdened it in 2023. This, above all, relates to the problems arising from the bad economic situation. BiH is one of the poorest countries in Europe, and at the same time corruption is a widespread phenomenon in all segments of society. This also contributes to the sad fact that Bosnia and Herzegovina is at the top of the list of countries losing population due to emigration.

Conclusion

BiH will get new local government bodies in 2024, and that is what is most certain. The expected changes to the electoral law must take place by the end of March, in order to be implemented in the current elections. This means that in the next two to three months it will be known whether there will be changes to the Election Law and what they will be. As for problems such as poverty, corruption and emigration from BiH, maybe some moves by the government will lead to a slightly better economic situation. Perhaps during 2024 some major cases of corruption will be finally prosecuted. However, these are all long-term problems that cannot be solved in three months, or during a year.