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Foreword

Our November edition of the Peace and Security Monitor delves into the most recent tense elections happening in the South Caucasus as well as Western Balkan's attempt to get closer to the EU. The outcome of the most recent US elections has further increased the uncertainties of what the future is going to look like in the region. While the EU is putting pressure and reminding candidate countries that the path to the European Union is not guaranteed, Russia is further consolidating its influence.

As Albania progresses in its long EU accession journey, the recent migrant deal with Italy has raised questions whether the out-sourcing of EU border management to Balkan countries is the right approach. Emily Galley takes a closer look at this agreement and further analyzes what this means for Europe and how this could potentially speed up the EU accession process of Western Balkan countries.

Next year marks the 30 year anniversary of the Dayton Peace Agreement, which ended a brutal three-and-a-half-year war in Bosnia and Herzegovina. A lot has happened since then and much more needs to be achieved. Emma Munnely examines what this agreement looks like for the ethnic minorities co-living in a structurally complex government and how this scheme is not inclusive to all citizens. Taking a slightly different approach, Mia Baxley focuses on the social cohesion aspect by emphasizing the importance of the Youth, Peace and Security agenda as one of the main drivers to peaceful cohabitation.

Elections marred by foreign influence seem to be the theme for both Moldova and Georgia, with the EU candidacy at stake more than ever. Marie Lureau is deconstructing the political situation in the latest presidential election and EU referendum in Moldova and also highlighting the division among people. To close out this issue, JR Wikkerink brings us a full coverage of the parliamentary elections in Georgia by comparing it to the previous election in 2020 and introduces the reader to the powerful people behind the scene.



Border Management and EU Membership: The Western Balkans as the EU's Buffer Zone

Emily Galley

Key Takeaways

- Italy's migrant deal with Albania is a novel exercise in the context of the EU's growing dependency on the Western Balkans to act as guardians of the bloc's eastern borders.
- The EU is expanding its presence on Western Balkan borders through the deployment of Frontex officers and expanded cooperation agreements with domestic agencies.
- While the EU is facing renewed pressures to bring Western Balkan countries into the European bloc, accession of all the region's states is not assured, raising questions regarding the bloc's long-term border security.

Introduction: The Italy-Albania Protocol

In mid-October, sixteen individuals were deposited at the Albanian port of Shëngjin by the Italian Coast Guard. These men – ten Bangladeshis and six Egyptians – had been rescued by the Italian Coast Guard from international waters south of Italy while enroute from Libya. While the women, children, and anyone assessed as ill or vulnerable were brought to the island of Lampedusa for processing and treatment, the men transported to Albania became the first subjects of Italy's most recent experiment in managing irregular migration in the Mediterranean.[1]

Though Italy's intent in removing the rescued men to Albania was to process their claims for asylum without allowing them to set foot on Italian territory, their stay at the new processing facility was short-lived.

On October 18, within days of their arrival in Albania, the Civil Court of Rome ordered that the men be returned to Italy.[2]

A second group of eight men from Bangladesh and Egypt were sent to Albania in early November; as with the first group, the Court swiftly ordered that the men be transferred to Italy to have their asylum claims assessed.[3]

Italy's effort to divert migrants from its shores and return them to their countries of origin is unique in its particulars but not in its goal. The country's Albanian 'experiment' is firmly in-line with the European Union's growing use of agreements with Western Balkan states to manage the bloc's borders and the flow of migration to them. At the same time, there is growing pressure to bring the Western Balkan states into the European fold. What results is a tension between what the EU needs from the Western Balkan states – border security and assistance in managing irregular migration – and the bloc's power to determine the political and economic future of those states through the granting or withholding of membership.



Italian Coast Guard vessel. Source: Francesco Placco, CC BY-SA 4.0, via Wikimedia Commons.

The Western Balkans as EU Border Guards

Agreements that effectively delegate management of the EU's borders to non-member states – part of a practice known as 'externalisation' – are not a recent or novel phenomenon: since the 1990s, EU member states have concluded dozens of agreements with non-EU countries to limit emigration and to guarantee the readmission of individuals denied protection in the EU.[4] More recently, agreements with transit countries like Libya and Tunisia have included support for preventing migrant boats attempting to cross the Mediterranean from entering international waters and reaching European territory.[5]

However, the Albanian protocol represents the first instance of an EU member state engaging in the extraterritorial processing of asylum claims outside of the bloc[6] and other members are watching the protocol's implementation as a potential model for their own management of irregular migration.[7] Several EU countries have expressed interest in similar "return hub" concepts which would allow them to detain individuals denied admission until they can be returned to their countries of origin.[8] Albania signed the protocol with Italy in November 2023 and, despite constitutional challenges in Albania[9] and significant criticism from international non-governmental organisations,[10] Italy has declared its Balkan facilities ready to receive diverted migrants. The use of a Western Balkan state for 'off-shoring' asylum claims is novel; however, the out-sourcing of EU border management to Balkan countries is not.

The Western Balkans – made up of Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo, and Serbia – are strongly associated with emigration. Poor employment opportunities in Yugoslavia fuelled an exodus of workers while the wars of the 1990s created both refugees and emigrants seeking both political stability and improved financial prospects.[11]

In 2020, the countries of the Western Balkans had a collective emigration rate of 21%; nearly as many Bosnians live outside of Bosnia as remain within the country.[12]

However, the region also occupies a unique position vis-à-vis the EU in terms of security and migration: it has been referred to as a 'pre-frontier' area and a 'buffer zone' for the bloc.[13] The Western Balkans Route is one of the main paths for irregular migrants seeking to enter the EU due to its position on the edge of the bloc, its visa-free arrangements with non-EU countries, and its proximity to the heavily trafficked Eastern Mediterranean Route.[14] In 2015, at the height of the so-called Migrant Crisis, over 800 000 irregular crossings were recorded on the Western Balkans route, though the number of actual crossings is likely higher as only an estimated two-thirds of migrants registered in Western Balkan transit countries.[15] This crisis both moved the region to the centre of the EU's efforts to stop irregular migration into the blocs and created a humanitarian crisis in Balkan countries without the resources or policies to manage the massive flow of migrants and asylum-seekers. While crossings via the Western Balkans route have fallen from their late 2010s highs, they remain significant with an estimated 100 000 irregular crossings through the region recorded in 2023.[16]

The EU's Action Plan on the Western Balkans lays out the bloc's priorities of strengthening border management and enhancing return processes through agreements with the region's governments and the new Pact on Migration and Asylum puts a special focus on the role of the Western Balkans in migration management. [17] One European official was cited as declaring that border and migration measures in the Western Balkans must be extensive and severe enough to signal that attempting to enter the EU via the Balkan Route would be "hopeless." [18] To this aim, the EU holds agreements with Albania, Serbia, Montenegro, and North Macedonia to allow the European Border and Coast Guard Agency (more familiarly known as Frontex) to conduct joint operations with domestic

agencies on their borders. As of June 2024, 480 Frontex officers were deployed in the region, principally along the external borders of Albania, North Macedonia, and Montenegro.[19]

The Western Balkan States and EU Membership

Frontex deployments in the Western Balkans are funded through the Instrument for Pre-Accession Assistance (IPA III), an instrument designed to enable states to bring their practices and policies into alignment with the EU's in anticipation of accession to the Union. This, amongst other things, makes the EU's border management arrangements with the Western Balkan states a deeply intertwined part of the accession process for these states: Albania, Serbia, Montenegro, Bosnia and Hercegovina, and North Macedonia are all officially candidates for accession: as the first group of migrants was arriving in Albania on October 15, Albania was receiving the green light to begin negotiations for accession.[20] Engaging with the EU on border and migration issues may be viewed as a way for EU candidate states to curry favour with the bloc and move towards greater integration. In 2016, another candidate for accession, Turkey, agreed to readmit Syrian asylum-seekers from the EU in exchange for loosened Schengen visa conditions for Turkish citizens and restarting membership talks.[21]

Western Balkan states have largely been enthusiastic in their implementation of migration agreements with the EU; only Bosnia and Hercegovina has rejected plans that would only offer Frontex support on internal borders out of fear that Bosnia will become a "dumping ground" for migrants turned back at the Croatian border. [22] This echoes concerns that the Western Balkans have become a 'cul de sac' for irregular migrants bound for the EU, reflecting a short-term policy focus on containment and exclusion rather than on sustainable, long-term solutions tackling the roots of migration.[23]

However, since the Russian full-scale invasion of Ukraine in 2022, the Western Balkans' strategic importance to the EU has become more pronounced.

Economic, political, and social pressures are straining Balkan states already struggling with democratic processes, the rule of law, and weak governance and there is serious concern that, if they are not brought into the European bloc, Western Balkan countries could turn to Russia or China for support and collaboration.[24] Earlier this year, Germany warned that the EU "cannot allow ourselves grey areas anywhere in Europe and must do everything we can to close flanks that Russia can use for its policy of destabilization, disinformation, and infiltration" adding that the admission of the Western Balkan states was critical in the face of "Russia's brutal imperialism." [25]

At the same time, the Western Balkan states have struggled with long accession processes which have, for some, stretched over more than a decade: Serbia first applied for membership in 2012 while Montenegro's application dates back to 2010. The lagging pace of domestic reforms required to bring state policies and practices into alignment with the EU's are a significant contributor to these extended processes. In Albania, serious corruption at all levels of government is an ongoing issue and Bosnia continues to experience high levels of organised crime.[26] Montenegro's new government includes pro-Russian parties, raising concerns about the country's commitment to Europe while North Macedonia's implementation of anti-corruption measure is lagging and recent changes to the criminal code may undermine its ability to prosecute cases of corruption.[27]

Serbia, the largest and most powerful of the Western Balkan states, also remains the most worrisome. The country recently concluded a free trade agreement with China and continues to have warm relations with Russia, something that may cost them their bid for EU membership. [28]

The question of Kosovo remains unresolved: not all current EU members recognise Kosovo as an independent state and, within the Western Balkans, neither Serbia nor Bosnia recognise its independence.[29] Most worryingly, recent public opinion polls in Serbia have shown a decline in support for European integration.[30]

There are also serious concerns surrounding the treatment of migrants along the Balkan Route. Physical violence against migrants on the part of border authorities and theft of migrants' belongings have been recorded by human rights NGOs[31] as well as an increase in systematic push backs across all Western Balkan states.[32] The European Parliament and civil society organisations have expressed concerns regarding their ability to monitor the activities of Frontex and their domestic partners in the Western Balkans as well as regarding their operation outside the reach of EU laws.[33]



Frontex officers (Влада на Република Северна Македонија, Source: Public domain, via Wikimedia Commons).

Conclusion

While the EU is steadily increasing its reliance on the Western Balkan states for border security and migration management, future EU expansion into the region is not assured, complicated by ongoing challenges regarding the rule of law, corruption, human rights violations, and relations with Russia. If any of the region's states fail in their membership bids, the potential for Russian influence in the region could have serious, negative implications for the management of the bloc's southeastern border.

On the other hand, the admission into the EU of states struggling to maintain an acceptable standard of law and order – including the poor treatment of migrants at their borders – would compromise the bloc's ostensible values. Whichever the case, alternative scenarios for the EU's future in the Western Balkans must be seriously evaluated.

Recommendations

- The EU must give serious consideration to the possibility that not all Western Balkan states may be successful in their bids for EU membership and consider what long-term, sustainable border management will look like under such circumstances.
- The EU must evaluate the potential consequences of the failure of Serbia to integrate into the European bloc and the security implications thereof.
- The EU must adopt a long-term approach to border and migration management in the Western Balkans that centres sustainability and adaptability rather than reactive and restrictive measures.
- The EU must not concede to a trade-off between the fundamental rights of migrants seeking to cross EU borders and the bloc's perceived security needs.

Sources

- [1] Angela Giuffrida, 'Italy sends first asylum seekers to Albania under controversial pact' *The Guardian* (Rome, 15 October 2024) <<https://www.theguardian.com/world/2024/oct/14/italy-first-asylum-seekers-albania-pact>> accessed 24 October 2024.
- [2] Lorenzo Tondo, Jon Henley, and Ashifa Kassam, 'Blow to Meloni's Albania deal as court orders asylum seekers' return to Italy' *The Guardian* (Palermo, 18 October 2018) <<https://www.theguardian.com/world/2024/oct/18/blow-to-melonis-albania-deal-as-court-orders-asylum-seekers-return-to-italy>> accessed 24 October 2024.
- [3] Lorenzo Tondo, 'Italian judges strike another blow against Meloni's Albanian asylum deal' *The Guardian* (Palermo, 11 November 2024) <<https://www.theguardian.com/world/2024/nov/11/italian-government-condemns-judges-ruling-to-return-migrants-from-albania>> accessed 12 November 2024.
- [4] Gabriel Echeverria, Gabriele Abbondanza, and Claudia Finotelli, 'The Externalisation Gamble: Italy and Spain at the Forefront of Maritime Irregular Migration Governance' (2024) 13 *Social Sciences* <<https://www.mdpi.com/2076-0760/13/10/517>> accessed 24 October 2024.
- [5] Ibid.
- [6] Satvinder S. Juss, 'How the EU Pact on Migration and Asylum Fails' (2024) 2 *Questione Giustizia Speciale* <<https://www.questionegiustizia.it/speciale/articolo/how-the-eu-pact-on-migration-and-asylum-fails>> accessed 24 October 2024.
- [7] Various 'Joint Letter from the undersigned Ministers on new solutions to address irregular migration to Europe' (15 May 2024) <<https://www.politico.eu/wp-content/uploads/2024/08/27/Joint-Letter-to-the-European-Commission-on-new-solutions-to-address-irregular-migration-to-Europe.pdf>> accessed 25 October 2024.
- [8] Jennifer Rankin, 'EU Considers Offshore Centres for Deportees as it Hardens on Migration' *The Guardian* (Brussels, 17 October 2024) <<https://www.theguardian.com/world/2024/oct/17/clashes-expected-at-eu-summit-as-migration-return-hubs-top-agenda>> accessed 24 October 2024.
- [9] Euronews 'Albania's Constitutional Court rules that migration deal with Italy can go ahead if approved' (29 January 2024) <<https://www.euronews.com/2024/01/29/albanias-constitutional-court-rules-that-migration-deal-with-italy-can-go-ahead-if-approve>> accessed 24 November 2024.
- [10] International Rescue Committee, 'IRC: Proposed Italy-Albania migration deal is "costly, cruel and counterproductive"' Press release (26 January 2024) <<https://www.rescue.org/eu/press-release/irc-proposed-italy-albania-migration-deal-costly-cruel-and-counterproductive>> accessed 24 October 2024.
- [11] Alida Vracic, 'The Way Back: Brain Drain and Prosperity in the Western Balkans' European Council on Foreign Relations (9 May 2018) <https://ecfr.eu/publication/the_way_back_brain_drain_and_prosperity_in_the_western_balkans/> accessed 15 November 2024.
- [12] Sabina de Silva, 'Labour Migrations in the Western Balkans' Foundation for European Progressive Studies (March 2024).
- [13] Yichen Zhong and Helena Carrapico, 'Frontex goes global: A two-level experimentalist governance analysis of Frontex's international action and its role within the externalisation of EU borders' (2024) 2(1) *Contemporary European Politics* <<https://onlinelibrary.wiley.com/doi/full/10.1002/cep4.7>> accessed 11 November 2024; European Council on Refugees and Exiles, 'Balkan Route: EU Interior Ministers Agreed on Deportation Scheme from the Balkans in Secret, Enhanced EU-Serbia Cooperation Amid Increased Violence Towards Migrants, EU Commission Making 600 Million Euro Available to Support Member States with Border Control & Equipment' (24 March 2023) <<https://ecre.org/balkan-route-eu-interior-ministers-agreed-on-deportation-scheme-from-the-balkans-in-secret-enhanced-eu-serbia-cooperation-amid-increased-violence-towards-migrants-eu-commission-making-600-million-e/>> accessed 11 November 2024.
- [14] Migration and Home Affairs, 'EU Action Plan on Western Balkans' European Commission (5 December 2022) <https://home-affairs.ec.europa.eu/document/download/e63e3b92-4f0c-4d95-a7f9-b0aff2dd0efc_en?filename=Western%20Balkans_en.pdf> accessed 11 November 2024.
- [15] Nermin Oruč, 'Emigration from the Western Balkans' Bundeszentrale für politische Bildung (4 April 2022) <<https://www.bpb.de/themen/migration-integration/regionalprofile/english-version-country-profiles/505179/emigration-from-the-western-balkans/>> accessed 15 November 2024.
- [16] Massimo Guglietta, 'Migration management in the Balkans' Osservatorio balcani e caucaso transeuropa (18 July 2024) <<https://www.balcanicaucaso.org/eng/Areas/Serbia/Migration-management-in-the-Balkans-232460>> accessed 11 November 2024.
- [17] Ibid; Migration and Home Affairs, 'EU Action Plan on Western Balkans' European Commission (5 December 2022) <https://home-affairs.ec.europa.eu/document/download/e63e3b92-4f0c-4d95-a7f9-b0aff2dd0efc_en?filename=Western%20Balkans_en.pdf> accessed 11 November 2024.
- [18] European Council on Refugees and Exiles, 'Balkan Route: Commission Increases Support to Tighten Border Control in the Western Balkans amid Increase in violence and Pushbacks' 28 October 2022. <https://ecre.org/balkan-route-commission-increases-support-to-western-balkans-amid-increase-in-violence-and-pushbacks/>
- [19] Directorate-General for Neighbourhood and Enlargement Negotiations, 'EU signs agreement with Serbia to strengthen migration and border management cooperation' European Commission (25 June 2024) <https://neighbourhood-enlargement.ec.europa.eu/news/eu-signs-agreement-serbia-strengthen-migration-and-border-management-cooperation-2024-06-25_en> accessed 11 November 2024.
- [20] Francesco Bortoletto 'EU formally kicks off accession negotiations with Albania' EU News (15 October 2024) <<https://www.eunews.it/en/2024/10/15/eu-formally-kicks-off-accession-negotiations-with-albania/>> accessed 10 November 2024.
- [21] Patrick Kingsley, 'EU-Turkey refugee deal - Q&A' *The Guardian* (8 March 2016) <<https://www.theguardian.com/world/2016/mar/08/eu-turkey-refugee-deal-qa>> accessed 10 November 2024.
- [22] Yichen Zhong and Helena Carrapico (n13).

[23] Ezio Benedetti, 'The Balkan Route of Illegal migration and the Role of the EU in Facing this Emergency: A Stimulus or a Brake for Enlargement?' in Serena Baldin and Moreno Zago (eds), *Europe of Migrations: Policies, Legal Issues and Experiences* (Università di Trieste 2017).

[24] Matteo Bonomi, Luisa Chiodi, and Irene Rusconi, 'New visions for the Western Balkans: EU accession and regional security' Istituto Affari Internazionali (2023) <https://www.esteri.it/wp-content/uploads/2023/08/IAI_New-Visions-for-the-Western-Balkans.pdf> accessed 11 November 2024.

[25] Deutsche Welle, 'Germany urges EU expansion to counter Russia's influence' (4 March 2024) <<https://www.dw.com/en/germany-urges-eu-expansion-to-counter-russias-influence/a-68432835>> accessed 13 November 2024

[26] Julia Kaiser, 'The Commission's annual Enlargement Package: how close are candidate states to EU membership?' *The Parliament* (30 October 2024) <<https://www.theparliamentmagazine.eu/news/article/eu-expansion-how-close-are-the-nine-candidate-states-to-membership>> accessed 13 November 2024.

[27] Frederico Baccini, 'Four candidates to join the European Union enter the Rule of Law Report for the first time' *EU News* (24 July 2024) <<https://www.eunews.it/en/2024/07/24/rule-of-law-report-eu-enlargement/>> accessed 15 November 2024.

[28] Bonini Emanuele, 'EU warns Serbia: "Aligning with Russia contrary to stated goal of membership"' *EU News* (5 September 2024) <<https://www.eunews.it/en/2024/09/05/eu-warns-serbia-aligning-with-russia-contrary-to-stated-goal-of-membership/>> accessed 11 November 2024.

[29] European Parliament, 'The Western Balkans' (April 2024) <<https://www.europarl.europa.eu/factsheets/en/sheet/168/the-western-balkans>> accessed 15 November 2024.

[30] Nikola Radisic, 'MEP: Democratic Serbia in EU would be fantastic news, bu Serbian govt a problem' *NI Belgrade* (22 October 2024) <<https://n1info.rs/english/news/mep-democratic-serbia-in-eu-would-be-fantastic-news-but-serbian-govt-a-problem/>> accessed 15 November 2024.

[31] Luděk Stavinoha, Hope Barker, and Kostas Koukoumakas, 'Frontex officers failing to report migrant abuses on Albania-Greece Border' *Balkan Insight* (28 June 2024) <<https://balkaninsight.com/2024/06/28/frontex-officers-failing-to-report-migrant-abuses-on-albania-greece-border/>> accessed 11 November 2024.

[32] European Council on Refugees and Exiles, 'Balkan Route: Commission increases support to tighten border control in the western Balkans amid increase in violence and pushbacks' (28 October 2022) <<https://ecre.org/balkan-route-commission-increases-support-to-western-balkans-amid-increase-in-violence-and-pushbacks/>> accessed 11 November 2024.

[33] Yichen Zhong and Helena Carrapico (n13).

[34] Luděk Stavinoha, Hope Barker, and Kostas Koukoumakas, 'Frontex officers failing to report migrant abuses on Albania-Greece Border' *Balkan Insight* (28 June 2024) <<https://balkaninsight.com/2024/06/28/frontex-officers-failing-to-report-migrant-abuses-on-albania-greece-border/>> accessed 11 November 2024.

[35] Massimo Guglietta (n16).

Protecting Bosnia's Social Cohesion in 2025

Mia Baxley

Key Takeaways

- The year 2025 in Bosnia–Herzegovina will mark the 30th anniversary of the Srebrenica Genocide in July and the signing of the Dayton Peace Accords in December.
- Throughout 2024, Bosnia made significant advancements towards its European Union membership and international reconciliation with the Srebrenica Genocide. These steps came despite increasing pushback from the leadership of Republika Srpska.
- At a tipping point in modern Bosnia's history, there are several connecting factors in state building and social stability that international stakeholders should understand. Peacebuilding steps should occur simultaneously at all levels of society to create adequate conditions for a pluralistic Bosnia.

Introduction

2025 is set to become a pivotal year in Bosnia–Herzegovina's modern history. Building on critical international developments throughout 2024, 2025 will also mark the 30th anniversary of the Srebrenica Genocide and the signing of the Dayton Peace Agreement (Dayton). In 2024 alone, the United Nations General Assembly passed a landmark resolution recognizing Srebrenica as a genocide, and the European Council moved Bosnia's application for European Union membership to the negotiation stage. While these milestones show improved relations between Bosnia and the core international systems, they have faced significant pushback

from politicians in Republika Srpska and Serb leaders in nationwide positions for years.

The events of 2025 may expose further cracks in the political division of Bosnia's tripartite presidency. Leadership of the presidency in 2025 will be held by Serb representative Željka Cvijanović and Croat representative Željko Komšić, who each hold widely variable views on Srebrenica and Dayton's core principles. Cvijanović, the former president of Republika Srpska, will preside as president during the first International Day of Reflection for Srebrenica. Komšić, in his second four-year term as the Croat president, will preside during the anniversary of Dayton.

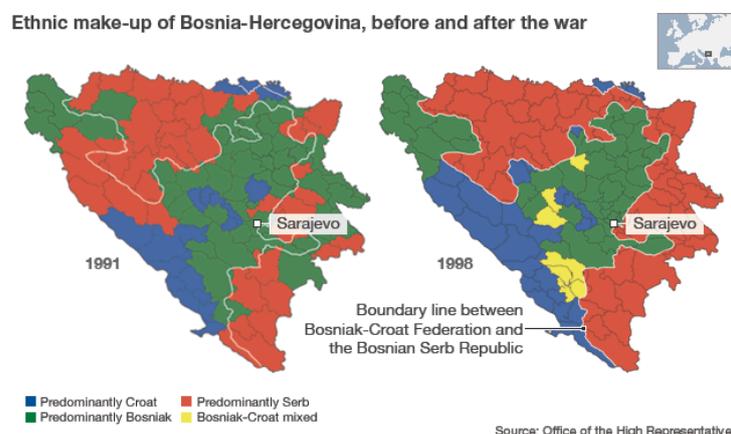
Given the sensitivity of these anniversaries, the following article is a reflection on the events of 2024 and the ways that they may manifest in the political competition of 2025.

Bosnia's post-Dayton status quo

The government established by Dayton was meant to be a temporary solution to end the Bosnian War. Previous peace plans drafted before Dayton all called for varying degrees of ethnic power-sharing and partition, a model that later developed into Bosnia's intra-national entity structure and tripartite presidency.[1] The agreement quickly re-established a political system rooted in ethnic competition. Dayton's inability to push governance development forward has enabled Bosnia's most extreme politicians to damage Bosnia's ability to create a lasting social and civic identity away from ethnic politics.[2]

Some of the DPA's most crucial pieces have been criticised for being rushed. The first elections in September 1996 encountered major security issues and excluded thousands of Muslim and Croat refugees from safely voting in their home municipalities.[3]

Mobs burned the homes of Serb refugees in Sanski Most and Muslim refugees in Prijedor to prevent their return.[4] As thousands of potential voters remained unaccounted for, observers were unable to collect accurate counts on voter turnout and eligibility.[5] Furthermore, Dayton only limited indicted war crime suspects from running for political office. As a result, the first election reinstated dozens of local-level politicians who would later be indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for facilitating or participating in war crimes.[6] These elections also established an ongoing precedent of competition within the presidency, as seen in the current administration of Bečić, Cvijanović, and Komšić.



Maps showing Bosnia's ethnic composition. Left: One year before the war; Right: Three years after Dayton. Source: Office of the High Representative.

Recent developments to note in 2025

Srebrenica Resolution

In May 2024, the UN General Assembly passed Resolution A/78/L. 67/Rev. 1, declaring July 11 as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica.[7]

The resolution passed 84 to 19, with 68 abstentions.[8] Many of the 19 dissenting votes came from outspoken allies of Serbia and Republika Srpska, while Bosnia's other neighbours voted in favour.[9] This was the second resolution on Srebrenica to go to a vote in the UN, the first being a 2015 Security Council resolution vetoed solely by Russia.[10]

Local pro-government newspapers in Serbia defied the vote and ran stories highlighting the 19 votes against as their closest allies against claims of Serbia as a "genocidal nation." [11]

Despite increased threats of violence in Republika Srpska, local genocide memory groups have continued their efforts in combatting denial. Much of the effort is concentrated in calling out glorification for General Ratko Mladić, the military leader of the operation against Srebrenica in July of 1995. One instance was a 10,000 euro fine against Vlade Sladoje, then-mayoral candidate of Mladić's hometown of Kalinovik, for using his platform to glorify Mladić and World War II-era Serbian national groups.[12] As of October, the memory group Association of Victims and Witnesses of Genocide have launched a new reporting website to record and track all forms of denial and exaltation of convicted war criminals. [13]

Transitional justice efforts continue, but at a much slower pace than in previous years. Between the anniversaries in 2023 and 2024, Balkan Insight reported that only two indictments and no verdicts had been issued for suspected war criminals.[14] Burial numbers at the Srebrenica-Potočari Memorial and Cemetery decreased from 51 in 2022 to 14 in 2024.[15] As 800 further victims remain missing, slow legal efforts raise concerns that they may never be found.[16] One hope for the recognition of Srebrenica at the UN is that the international community can take a more forward approach to assisting the legal and forensic effort. It remains to be seen how the denialist movement will evolve to hamper their involvement.

Bosnia's European integration and limits on civil society

Bosnia entered formal negotiations with the European Union for membership in March of 2024.[17] Bosnia's current state of political competition has limited the country's ability to build the strong democratic institutions necessary for future membership.[18]

Leading Bosnian Serb politician Milorad Dodik, a noted Eurosceptic, once proposed BRICS – the multinational economic system composed primarily of Brazil, Russia, India, China, and South Africa – as a membership alternative to the EU.[19] As Republika Srpska's current president, Dodik's government briefly supported a "foreign agents bill" in the vein of a similar law from Russia.[20] Bills of this nature place limitations on the freedom of assembly for civil society organisations, standing in stark contrast to the EU's membership requirements. However, in an atypical move, the bill was shelved by the parliament in May of 2024 in favour of "harmonisation" with Western European standards.[21]

The Council of Europe highlighted shortcomings in the support of media freedom as early as 2017.[22] More recently, the International Press Institute reported in January 2024 that Bosnia's media freedom was in "survival mode" amidst a rise in violence against journalists and public attacks on the media by politicians in both entities.[23] In particular, they have cited Republika Srpska's legal efforts to limit genocide recognition, including the relegalisation of "defamation" against those who accuse others of Srebrenica denial.[24] Online social movements sit at the intersection of internet, media, and organisational restrictions, limiting ways that social media hashtags and groups can raise awareness of ongoing affairs.[25]

More than 50 schools across Bosnia remain separated in a system known as "two schools under one roof," where children of different ethnicities are housed in the same building but taught different curricula.[26]

Through this system, interethnic interactions are implicitly discouraged at an incredibly young age. The system was established as a temporary reconciliation measure after Dayton; as with many other temporary Dayton tenets, the measure did not evolve over time to meet social cohesion needs.[27] Some of these schools developed a national reputation for violence between students and, at one point, were seen as critical peacebuilding failures.[28] In response, the Albania Country Office of UN Women published a report in 2023, in which surveyed youth in Bosnia highlighted "understanding" among the ethnic groups as a crucial building block for social peace.[29] This belief acknowledges the groups' shared trauma from the 1990s war and recognises a desire to commiserate over national affairs regardless of ethnic or religious identity.

Concerns in the Presidential Leadership

Next year's presidential leadership will pose a series of concerns and opportunities as the year progresses. Serb tripartite member Željka Cvijanović, assuming the chair from November to July, was sanctioned in 2023 by the United States Department of the Treasury as one of four "individuals involved in efforts to dismantle the BiH state." [30] As Republika Srpska's president, Cvijanović signed a 2021 decree reversing former High Commissioner Valentin Inzko's ban on genocide denial.[31] Speaking virtually to the Security Council, she called current High Representative Christian Schmidt a "colonial governor" and accused Bosnian political factions of usurping excess power.[32] With ongoing threats of violence from parts of the government of Republika Srpska, Cvijanović's post is set to be a daunting time for Bosnia's stability.

After Cvijanović, Croat member Željko Komšić will take the post until March of 2026. Komšić has long been supportive of measures to unify Bosnia's ethnic communities and combat genocide denial. Most notably, in 2021, he walked out of an interview with a reporter from Serbia who began denying Srebrenica as a genocide. [33]



The current presidents and the constituencies they represent. Sources: from left: 1) European Commission, 2022; 2) European Commission, 2023; 3) Quirinale, 2024.

At the UN General Assembly in April, Komšić warned that Srebrenica denial opens the doors for future genocides to carry out with impunity. [34] Komšić has argued that the system established by Dayton hinders Bosnia's democratic transition and encourages destabilising ethno-political behaviour. [35] He, like Cvijanović, is also critical of the Office of the High Representative in its mandate to facilitate a democratic transition and equally address the intra-national entities. [36] As a moderate, Komšić has been criticised by nationalist factions on allegations of support from Bosnian Muslim voters and for being seen as unsupportive of his own community. [37]

However, this criticism makes him an ideal candidate for diplomatic communications during Dayton's anniversary and beyond.

Conclusion

The international community has made great strides in connecting with Bosnia over the past year. However, the complexity of concerns has had a long-lasting impact on whole-of-state stability. The government's system of ethnic competition reflects the fractured society and absence of common ground between citizens. The absence of a pluralistic civil society limits the freedom of socio-political movement for citizens of the three main groups and erases the individuality of minorities labelled as the "Other." [38] The international community is taking notice of these increasingly visible cracks as 2025 approaches.

At its foundation, Bosnia's political stability and basic civic freedoms rely on support for social cohesion. While government competition garners the most international media coverage, everyday interactions (or lack thereof) between ethnic groups continue to breed resentment and potential violence among average people. Viewing social relations through this lens exposes a cyclical relationship between harmful official rhetoric and accepted social segregation, one which deserves special attention before Srebrenica's anniversary in July and Dayton's anniversary in December.

Recommendations

- States who voted in favour of the Srebrenica resolution should actively engage with next year's memorial activities and support their own Bosnian diaspora communities. This outreach should include opportunities for connection across ethno-religious lines that create a mutual understanding of each other's postwar and immigration experiences.
- International partners invested in Bosnia's security should focus efforts in the first half of the year on mitigating violence during President Cvijanović's leadership. In contrast, partners should seek opportunities during President Komšić's post for peacebuilding and reconciliation efforts.
- A future post-Dayton system requires, among other things, an adequate civic education curriculum. Support for youth peacebuilders can help to identify educational gaps that have historically stunted social development. International development partners should support the Youth, Peace, and Security agenda for Bosnia as outlined in UN Security Council Resolution 2250 (2015).

Sources

- [1] Harland, David. "Never Again: International Intervention in Bosnia and Herzegovina." Center for Security Studies | ETH Zurich, 16 August 2017. <https://css.ethz.ch/en/services/digital-library/articles/article.html/9d2d0261-16db-43d5-877a-5401abf6e016>.
- [2] Pehar, Dražen. "Civic Elements of Compromise and the Crippling of Dayton." Forum Bosnae, no. 15 (2002): 118–36. https://www.academia.edu/846825/Civic_Elements_Of_Compromise_And_The_Crippling_Of_Dayton_2002.
- [3] "Elections in Bosnia-Herzegovina: Introduction and Background." International Crisis Group, 22 September 1996. <https://www.crisisgroup.org/europe-central-asia/balkans/bosnia-and-herzegovina/elections-bosnia-and-herzegovina>.
- [4] Naegele, Jolyon. "1996 in Review: Bosnia's First Year of Peace." Radio Free Europe/Radio Liberty, December 30, 1996. <https://www.rferl.org/a/1082748.html>.
- [5] Riley, Christopher A. "Neither Free nor Fair: The 1996 Bosnian Elections and the Failure of the UN Election-Monitoring Mission." Vanderbilt Journal of Transnational Law 38, no. 5 (November 2005). <https://scholarship.law.vanderbilt.edu/vjtl/vol38/iss5/8/>.
- [6] "The Unindicted: Reaping the Rewards of 'Ethnic Cleansing.'" Human Rights Watch vol. 9, no.1 (January 1997). <https://www.hrw.org/legacy/summaries/s.bosnia971.html>.
- [7] "General Assembly Adopts Resolution on Srebrenica Genocide, Designating International Day of Reflection, Commemoration," United Nations, 23 May 2024. <https://press.un.org/en/2024/ga12601.doc.htm>.
- [8] Ibid.
- [9] Ibid.
- [10] "At Meeting Commemorating Twentieth Anniversary of Srebrenica Killings, Security Council Fails to Adopt Resolution," United Nations, 8 July 2015. <https://press.un.org/en/2015/sc11961.doc.htm>.
- [11] Kurtic, Azem, and Katarina Baletic. "In Serbia and Bosnia, Media Give Divided Verdicts of UN Srebrenica Resolution," Balkan Insight, 24 May 2024. <https://balkaninsight.com/2024/05/24/in-serbia-and-bosnia-media-give-divided-verdicts-on-un-srebrenica-resolution/>.
- [12] Bilajac, Nino. "Bosnian Serb Mayoral Candidate Fined for Glorifying Ratko Mladić," Balkan Insight, 27 September 2024. <https://balkaninsight.com/2024/09/27/bosnian-serb-mayoral-candidate-fined-for-glorifying-ratko-mladic/>.
- [13] Memcic, Lejla. "Bosnian War Survivors Launch Genocide Denial Monitoring Website," Balkan Insight, 2 October 2024. <https://balkaninsight.com/2024/10/02/bosnian-war-survivors-launch-genocide-denial-monitoring-website/>.
- [14] Muslimovic, Admir. "Srebrenica Genocide: Two Indictments, No Verdicts, Since Last Anniversary," Balkan Insight, 8 July 2024. <https://balkaninsight.com/2024/07/08/srebrenica-cases-two-indictments-no-verdicts-since-last-genocide-anniversary/>.
- [15] Milisic, Alma. "Remains of 14 Srebrenica victims buried 29 years after genocide," Al Jazeera, 11 July 2024. <https://www.aljazeera.com/news/2024/7/11/remains-of-14-srebrenica-victims-to-be-buried-29-years-after-genocide>.
- [16] Muslimovic, Admir. "Srebrenica Genocide: Two Indictments, No Verdicts, Since Last Anniversary," Balkan Insight, 8 July 2024. <https://balkaninsight.com/2024/07/08/srebrenica-cases-two-indictments-no-verdicts-since-last-genocide-anniversary/>.
- [17] "Bosnia and Herzegovina," European Commission, n.d. https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/bosnia-and-herzegovina_en.
- [18] Bechev, Dimitar. "Polarization Threatens to Derail Bosnia's EU Ambitions," Carnegie Endowment for International Peace, 30 April 2024. <https://carnegieendowment.org/europe/strategic-europe/2024/04/polarization-threatens-to-derail-bosnias-eu-ambitions?lang=en>.
- [19] Chiappa, Claudia. "Bosnian Serb leader says Bosnia should join BRICS, not EU," POLITICO, 29 August 2023. <https://www.politico.eu/article/bosnia-herzegovina-serbia-milorad-dodik-brics-european-union/>.
- [20] Kurtic, Azem. "Bosnian Serbs Shelve Russian-Style 'Foreign Agents' Bill," Balkan Insight, 29 May 2024. <https://balkaninsight.com/2024/05/29/bosnian-serbs-shelve-russian-style-foreign-agents-bill/>.
- [21] Ibid.
- [22] "Bosnia and Herzegovina: Greater efforts needed to enhance social cohesion and media freedom," Council of Europe Commissioner for Human Rights, 16 June 2017. <https://www.coe.int/en/web/commissioner/-/bosnia-and-herzegovina-greater-efforts-needed-to-enhance-social-cohesion-and-media-freedom>.
- [23] "Report: Media freedom in survival mode Bosnia and Herzegovina," International Press Institute, 25 January 2024. <https://ipi.media/report-media-freedom-in-survival-mode-bosnia-and-herzegovina/>.
- [24] Wiseman, Jamie. "Analysis: Backsliding in Bosnia and Herzegovina as media freedom faces myriad challenges," International Press Institute, 31 October 2023. <https://ipi.media/analysis-backsliding-in-bosnia-and-herzegovina-as-media-freedom-faces-myriad-challenges/>.
- [25] Kurtic, Azem. "Legal Changes Shrinking Online Freedoms in Bosnia, BIRN Report Warns," Balkan Insight, 26 June 2024. <https://balkaninsight.com/2024/06/26/legal-changes-shrinking-online-freedoms-in-bosnia-birn-report-warns/>.
- [26] Stockmans, Pieter. "Bosnian students' long fight against segregated schools," MO*, 21 June 2017. <https://www.mo.be/reportage/54093>.
- [27] Prokscha, Antonio. "An NGO in Bosnia and Herzegovina Circumvents a Discriminatory School System," German Marshall Foundation, 15 July 2022. <https://www.gmfus.org/news/ngo-bosnia-and-herzegovina-circumvents-discriminatory-school-system>.
- [28] Ibid.
- [29] "Voices of YOUTH: Gender Equality and Social Cohesion in the Western Balkans," UN Women Albania, 2023. <https://albania.unwomen.org/en/digital-library/publications/2023/09/voices-of-youth-gender-equality-and-social-cohesion-in-the-western-balkans#view>.

[30] "U.S. Treasury Targets Four Officials in Bosnia and Herzegovina for Undermining the Dayton Peace Agreement," US Department of the Treasury, 31 July 2023. <https://home.treasury.gov/news/press-releases/jy1660>.

[31] "Bosnian Serb Entity's President Reverses International Overseer's Ban on Genocide Denial," Radio Free Europe/Radio Liberty, 13 October 2021. <https://www.rferl.org/a/bosnia-republika-srpska-genocide-denial/31506774.html>.

[32] U.N.S.C. session SC/15688, Security Council Debates General Assembly Initiative to Remember Srebrenica Genocide (30 April 2024). <https://press.un.org/en/2024/sc15688.doc.htm>.

[33] Biogradlija, Lejla. "Protesting genocide denial, Bosnian presidency official breaks off interview with Serbian news agency," Anadolu Agency, 10 November 2021. <https://www.aa.com.tr/en/europe/protesting-genocide-denial-bosnian-presidency-official-breaks-off-interview-with-serbian-news-agency/2417039>.

[34] "Komsic at the UN: Denying the Genocide in Srebrenica is sowing the Seeds of Evil for a new Genocide," Sarajevo Times, 19 April 2024. <https://sarajevotimes.com/komsic-at-the-un-denying-the-genocide-in-srebrenica-is-sowing-the-seeds-of-evil-for-a-new-genocide/>.

[35] "Address by the Chairman of the BiH Presidency, Željko Komšić, at the session of the United Nations Security Council in New York dedicated to the High Representative's Report on the situation in Bosnia and Herzegovina," Presidency of Bosnia and Herzegovina, 2 November 2023. <https://www.predsjednistvobih.ba/gov/default.aspx?id=99199&langTag=sr-SP-Cyril>.

[36] Ibid.

[37] "Bosnian Croats Protest Election of Moderate Komsic for Presidency's Croat Seat," Radio Free Europe/Radio Liberty, 12 October 2018. <https://www.rferl.org/a/bosnian-croats-protest-election-moderate-komsic-bosnian-presidencys-croat-seat/29539328.html>.

[38] Gadzo, Mersiha. "Can Bosnia's Dayton Peace Agreement be reformed?" Al Jazeera, 19 March 2022. <https://www.aljazeera.com/news/2022/3/19/can-bosnias-dayton-peace-agreement-be-reformed>.

Georgian Dream's 2024 Election: Fraud, Foreign Pressure, and the Future of Democracy in Georgia

JR Wikkerink

Key Takeaways

- The 2024 Georgian Parliamentary Election, which resulted in Georgian billionaire Bidzina Ivanishvili's Georgian Dream party holding onto power has been marred by similar accusations of election interference and fraud seen in the 2020 election.
- Opposition parties once again threatened to boycott parliament with both the European Union and Russia attempting to influence the results through different means.
- The Georgian government needs to take steps to develop trust in their electoral system and ensure that the results of future elections cannot be brought into question over integrity.

Background

Georgian Dream and Bidzina Ivanishvili

The Georgian Dream party first came into power in 2012 riding a wave of resentment against the governing National Movement party who had been in power during the August 2008 Russo Georgian War. Georgian Dream was created and financed by the Georgian billionaire Bidzina Ivanishvili, whose wealth represents a quarter of Georgia's GDP.[1] Ivanishvili made his money by founding banking, metals and telecom companies and capitalizing on the chaos that ensued following the collapse of the Soviet Union. Since his foray into politics, he has remained a mysterious figure who maintains a low public presence but is still the kingmaker behind the

party.[2] One of the main factors in Georgian Dream's continued success is the sheer amount of influence that Ivanishvili's businesses combined with political power have over much of the population. There is a general sense that many people inside and outside of the government owe their livelihoods to him and his inner circle given how much power they wield.[3] Another factor has been the stable relationship with Russia since the war with Russia, and Georgia not having any conflicts in over 15 years.

While in power, Georgian Dream has shifted from portraying itself as a pro-western party to one that has increasingly looked to play both sides in Russia and the European Union.[4] The party has increasingly passed laws that are more in line with Russian values and threaten the Georgian Dream's promise of joining the EU by 2030. These include a Russian style foreign agent's law – also drafted into law in Kyrgyzstan under Russian influence – targeting foreign funded NGOs, the takeover of the judiciary as well as an anti-LGBT law.[5] Ivanishvili's rhetoric has matched this turn with his comments becoming increasingly homophobic and transphobic and critical of Europe and the United States.[6]

The 2020 Election

In 2020, the electoral commission declared Georgian Dream the winner with 48% of the vote. Opposition parties immediately rebuked the result, accusing the Georgian Dream of stealing the election.[7] Mikheil Saakashvili – the since imprisoned leader of the opposition National Movement – stated that “There are many precincts where Georgian Dream got three

hundred plus votes where turnout was 50, 60 or less than 70 people. It is all on paper,” and urged a similar popular uprising to the one that sprung up in Kyrgyzstan earlier in the year.[8] Correspondingly, allegations of vote buying, threats against potential voters and observers as well as counting violations were numerous.[9]

The OSCE declared that the election was competitive with overall fundamentals having been respected.[10] However, this did not stop thousands from protesting in Tbilisi against the results of the election and a declaration from the opposition that they would be boycotting parliament. Eventually, European Council President Charles Michel stepped in to initiate talks between the government and the opposition to end the political stalemate. The EU agreed to post bail for the former chair of the National Movement whom Georgian police had arrested for inciting violence at anti-government protests and opposition parties agreed to end the boycott of the parliament.[11]

The Lead Up to October

Leading up to the parliamentary election in October 2024, Georgian Dream and the opposition parties, each looked to frame the election in diverse ways. Georgian Dream promoted a ‘global war party’ theory where foreign actors were attempting to drag Georgia into the War in Ukraine.[12] Ivanishvili reiterated that “We choose peace, not war” to a massive rally held in Tbilisi three days before the election.[13] Further, Ivanishvili called for opposition parties such as the National Movement to be banned from parliament as he claimed they had committed treason in causing the 2008 war with Russia.[14]

The opposition parties, on the other hand, framed the election as a choice between Russia and the EU. Despite Georgian Dream claiming that they were still on track to join the European Union by 2030, the Opposition cast doubt on this assertion. In the weeks leading up to the election, opinion polls suggested that Georgian Dream would win the race, but the four opposition parties combined would beat them.[15]



People protesting in front of Parliament, Tbilisi, Georgia. Source: Ezz Gaber Photography.

Election Legitimacy and Future Instability

On the day of the election, the election commission announced that contrary to opinion polling, Georgian Dream had achieved a majority with almost 54% of the vote amid a higher voter turnout than 2020.[16]

Immediately, accusations emerged of a large-scale, complex rigging scheme by local observers with international observers also pointing out flaws before and during the polling day. On election day, there was a climate of fear especially in rural regions. There were complaints of intimidation of civil society groups in the country, reports of vote buying like the election in 2020 and of physical altercations.[17,18] The International Society for Fair Elections and Democracy (ISFED) found that physical and verbal conformations were documented at 11% of voting precincts.[19]

Following election day, democracy watchdog Europe Elects stated that its findings showed that in addition to election integrity violations reported by observers, there was widespread tampering in favour of the government.[20] This was visible through the detailed official result counts, which showed that some rural municipalities saw abnormally high vote shares for Georgian Dream, much higher than would be otherwise expected by their modelling.[21] ISFED also found abnormalities in the amount of male and female voters with certain polling stations

exceeding 100% in male voter turnout.[22] Furthermore, MyVote – a coalition of 30 NGOs – noted that there were violations in over half of the 1200 polling stations observed including through systemic observer obstruction at 160 polling stations and violations of ballot secrecy recorded at 365 polling stations.[23]

After complaints of these abnormalities, the Georgian Prosecutor General's Office opened an investigation into alleged rigging of the election at the behest of the Central Election Commission [24]. This request was undercut by the election commission's citing of positive remarks from both the OSCE/ODIHR as well as an American auditing company who monitored the election. [25]

Future Unrest

Moving forward, there will be unrest for the near future as the opposition parties have stated that they will be boycotting the parliament in a similar move to 2020 and have organized regular protests in Tbilisi against the results.[26] Further, negotiations between Georgian Dream and opposition parties will continue happening under the shadow of increased foreign pressure both from the EU and Russia. However, this foreign pressure coupled with the lack of public trust in Georgian election integrity and the lack of an independent judiciary will continue to destabilise Georgian elections and politics.

Following the election, EU ambassador Pawel Herczyński released a statement that criticized the Georgian government for stopping the accession process and moving away from the EU, its values, and its principles.[27] He highlighted backsliding on fighting against disinformation, political polarization, election integrity and human rights as well as most notably on judiciary and fundamental rights, which he stated as unprecedented for a country seeking to join the EU[28]. If Georgian Dream is still set on joining the EU by 2030 as claimed, there would need to be a meaningful change in its approach to these key areas which will most

likely attempt to be countered by Russia.

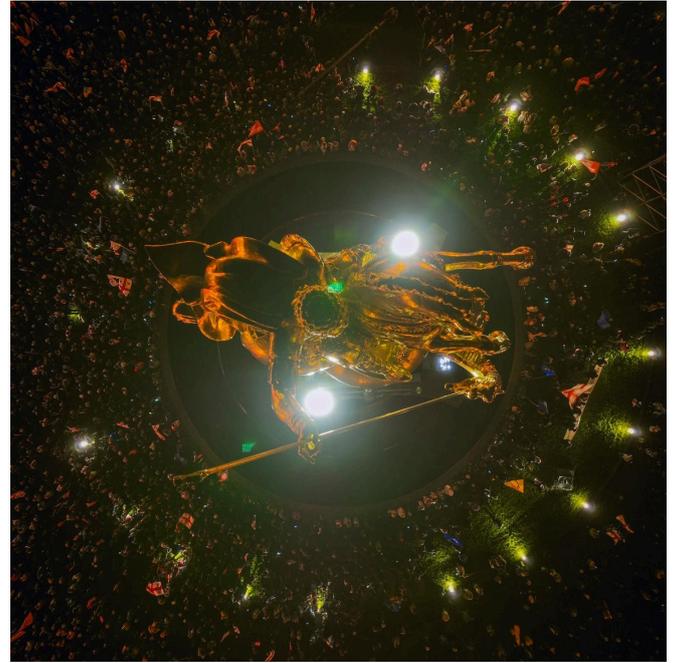
Russia will continue to pressure Georgia to remain more in its own orbit rather than embrace the EU. After the election, the Russians supported the election of Georgian Dream with Deputy Chair of Russian Security Council Dmitry Medvedev going as far as calling for the arrest of President Salome Zurbishvili because of her refusal to accept the election results.[29]

This is consistent with prior Russian rhetoric including a warning from Russia's SVR foreign intelligence service warning that the US could prepare a coup to stop Georgian Dream from winning.

Furthermore, like the Moldovan elections earlier this year, Russia has had a hand in running a disinformation campaign against political parties supporting further integration with the European Union.[30] Election analysts have noted that, unlike Moldova, this Russian misinformation is confounded by disinformation from high-ranking Georgia officials.[31] However, this influence should not be taken as the Georgian Dream being owned or run purely by Russia, rather Ivanishvili and the party are playing both sides like Viktor Orban in Hungary. [32]

Policy Recommendations

- Measures should be taken to increase public trust in Georgian elections including but not limited to the continued digitization of ballots being fully implemented, stricter control over actors who engage in election meddling through bribery and intimidation and increased security measures – especially in rural areas – need to be taken to ensure that people cannot have their voting decisions perversely influenced.
- The independence of the judiciary and removal or lessening of the influence of money from Georgian politics would improve election integrity and political stability by lessening the outsized power that specific individuals are able to wield over people due to power both politically and through people's livelihoods.
- Ensuring there are checks and balances in place to prevent disinformation from government sources would help in ameliorating opposition concerns around disinformation and vote rigging.



People protesting at Freedom Square, Tbilisi, Georgia.
Source: Ezz Gaber Photography.

Sources

- [1] Parulava D, Hartog E and Gavin G, 'The Man Who Bought a Country' (POLITICO, 25 October 2024) <<https://www.politico.eu/article/bidzina-ivanishvili-georgia-election-2024/>>
- [2] Sauer P, 'Who Is Bidzina Ivanishvili, the Shadowy Billionaire behind Georgia's Pivot to Russia?' (The Guardian, 27 October 2024) <<https://www.theguardian.com/world/2024/oct/27/who-is-bidzina-ivanishvili-the-shadowy-billionaire-founder-of-georgian-dream>>
- [3] Parulava D, Hartog E and Gavin G, 'The Man Who Bought a Country' (POLITICO, 25 October 2024) <<https://www.politico.eu/article/bidzina-ivanishvili-georgia-election-2024/>>
- [4] Yu M, Shapiro A and Jarenwattananon P, 'What's at Stake in the Upcoming Election in the Country of Georgia' (NPR, 24 October 2024) <<https://www.npr.org/2024/10/24/nx-si-5159958/whats-at-stake-in-the-upcoming-election-in-the-country-of-georgia>>
- [5] Kirby P, 'Georgian Election: Ivanishvili Holds Mass Rally before Crucial Vote' (BBC News, 23 October 2024) <<https://www.bbc.com/news/articles/c3wpw016434o>>
- [6] Sauer P, 'Who Is Bidzina Ivanishvili, the Shadowy Billionaire behind Georgia's Pivot to Russia?' (The Guardian, 27 October 2024) <<https://www.theguardian.com/world/2024/oct/27/who-is-bidzina-ivanishvili-the-shadowy-billionaire-founder-of-georgian-dream>>
- [7] euronews with AP, 'Georgia's Ruling Party Wins Parliamentary Vote, Opposition Cries Foul' (euronews, 31 October 2020) <<https://www.euronews.com/my-europe/2020/10/31/georgia-s-ruling-party-claims-victory-in-parliamentary-vote>>
- [8] Ibid.
- [9] Al Jazeera, 'Thousands Rally in Georgia's Tbilisi against Election Results' (Al Jazeera, 14 November 2020) <<https://www.aljazeera.com/news/2020/11/14/thousands-rally-in-tbilisi-to-protest-election-results>>
- [10] euronews with AP, 'Georgia's Ruling Party Wins Parliamentary Vote, Opposition Cries Foul' (euronews, 31 October 2020) <<https://www.euronews.com/my-europe/2020/10/31/georgia-s-ruling-party-claims-victory-in-parliamentary-vote>>
- [11] Agence France-Presse in Tbilisi, 'EU Posts Bail to Free Jailed Georgia Opposition Leader' (The Guardian, 8 May 2021) <<https://www.theguardian.com/world/2021/may/08/eu-posts-bail-to-free-jailed-georgia-opposition-leader-nika-melia>>
- [12] Kirby P, 'Georgian Election: Stark Choice for Georgians Seeking Future as Part of Europe' (BBC News, 25 October 2024) <<https://www.bbc.com/news/articles/c0lp8wen9zgo>>
- [13] Kirby P, 'Georgian Election: Ivanishvili Holds Mass Rally before Crucial Vote' (BBC News, 23 October 2024) <<https://www.bbc.com/news/articles/c3wpw016434o>>
- [14] Ibid.
- [15] Ibid.
- [16] Gabritchidze N, 'Official Results of 2024 Vote: What They Show' (Civil Georgia, 27 October 2024) <<https://civil.ge/archives/631386>>
- [17] Ibid.
- [18] Kirby P, 'Georgian Election: Ivanishvili Holds Mass Rally before Crucial Vote' (BBC News, 23 October 2024) <<https://www.bbc.com/news/articles/c3wpw016434o>>
- [19] Transparency International Georgia, 'Combined Assessments by - ISFED, My Vote, and Gyla'
- [20] Civil.ge, 'Int'l Watchdog Detects Signs of Alleged Wide-Scale Elections Rigging' (Civil Georgia, 29 October 2024) <<https://civil.ge/archives/632310>>
- [21] Ibid.
- [22] Transparency International Georgia, 'Combined Assessments by - ISFED, My Vote, and Gyla'
- [23] Ibid.
- [24] Civil.ge, 'Prosecutor Launches Investigation into Election Fraud Allegations, Summons President for Questioning' (Civil Georgia, 30 October 2024) <<https://civil.ge/archives/632523>>
- [25] Ibid.
- [26] Megrelidze S, 'Thousands Rally Again in Georgia to Protest the Parliamentary Election They Say Was Rigged' (AP News, 5 November 2024) <<https://apnews.com/article/georgia-election-protest-opposition-eu-russia-9620f502bf500de38f32c148c657fc4c>>
- [27] Press and information team of the Delegation to Georgia, 'Statement by the EU Ambassador Pawel Herczynski at the Press Conference, Following the Publication of the 2024 Eu Enlargement Report on Georgia' (EEAS, 30 October 2024) <https://www.eeas.europa.eu/delegations/georgia/statement-eu-ambassador-pawel-herczynski-press-conference-following-publication-2024-eu-enlargement_en>
- [28] Ibid.
- [29] Civil.ge, 'Prosecutor Launches Investigation into Election Fraud Allegations, Summons President for Questioning' (Civil Georgia, 30 October 2024) <<https://civil.ge/archives/632523>>
- [30] Yu M, Shapiro A and Jarenwattananon P, 'What's at Stake in the Upcoming Election in the Country of Georgia' (NPR, 24 October 2024) <<https://www.npr.org/2024/10/24/nx-si-5159958/whats-at-stake-in-the-upcoming-election-in-the-country-of-georgia>>
- [31] Yu M, Shapiro A and Jarenwattananon P, 'What's at Stake in the Upcoming Election in the Country of Georgia' (NPR, 24 October 2024) <<https://www.npr.org/2024/10/24/nx-si-5159958/whats-at-stake-in-the-upcoming-election-in-the-country-of-georgia>>
- [32] Sauer P, 'Who Is Bidzina Ivanishvili, the Shadowy Billionaire behind Georgia's Pivot to Russia?' (The Guardian, 27 October 2024) <<https://www.theguardian.com/world/2024/oct/27/who-is-bidzina-ivanishvili-the-shadowy-billionaire-founder-of-georgian-dream>>; [33] Wikkerink J, 'Viktor Orbán's Peace Mission: Political Strategy or Substantive Peace?' (Platform for Peace and Humanity, August 2024) <<https://peacehumanity.org/peace-and-security-monitor-south-east-europe-black-sea-region-issue-13-august-2024/>>

Bosnia and Herzegovina: Dayton Peace Agreement, Ethnic Divisions and a Failing Democracy

Emma Munnelly

Key Takeaways

- The Dayton Peace Agreement ended the Bosnian War and established the Bosnian Constitution. This set out the country's political institutions, which focus on political power-sharing and equal rights to the 'constituent peoples' – Bosniaks, Croats and Serbs. Non-constituent peoples, referred to as 'others', do not enjoy the same political rights, and are ineligible to run for certain political offices.
- Bosnia and Herzegovina (BiH) has a complex structure of governance. It consists of a multi-layered institutional system at both a state and entity level, including ethnic veto powers, making political consensus and decision making difficult.
- The European Court of Human Rights (ECtHR) has ruled that the BiH Constitution is discriminatory and violates European Human Rights Law and international standards.

Introduction

Thirty years ago, on 21 November 1995, the Dayton Peace Agreement was negotiated in Dayton, Ohio. The US-brokered peace deal ended a brutal three-and-a-half-year war in BiH.[1] While praised for achieving peace, the Dayton Agreement has received criticism for its part in maintaining and facilitating ethnic divisions in the country. This article will examine the constitutional provisions established in Dayton, the discriminatory political landscape it has created and its role in a failing democracy.

The Dayton Agreement and BiH Constitution

The BiH Constitution established in the Dayton Agreement is structured around the theory of 'consociational democracy', a political theory of power-sharing. The theory was pioneered by a Dutch American political scientist Arend Lijphart. The main purpose of this theory is to guarantee equal rights and representation in state institutions to ethnic groups, while also including a mutual veto and ethnic autonomy.[2]

The Constitution of BiH is outlined in the Annex 4 to the Dayton Agreement. It outlines the country shall consist of two entities: the Bosniak-Croat Federation of Bosnia and Herzegovina and the Serb Republika Srpska.[3] Dayton established a constitutional system which affords superior rights to the 'constituent peoples' – Bosniaks, Croats and Serbs.[4]

The BiH Constitution makes a distinction between 'constituent peoples' and 'others.' The category of 'others' refers to non-constituent citizens, this includes national minorities, those with mixed backgrounds, and those who do not identify with an ethnically defined community. Under the BiH Constitution, 'others' are BiH citizens, but have limited political rights and are not entitled to run for certain public offices.[5] Dayton established a multifaceted political system, it is neither a presidential or parliamentary system, but rather a hybrid of both.[6] At state level, representation of the three 'constituent peoples' are mandated in the BiH executive, the constitutional court, and in the tripartite presidency. While 'constituent peoples' have a 'vital national interest' veto in the presidency and in both legislative chambers. At an entity level, both the Federation of BiH and Republika Srpska have significant autonomy, making both entities a powerful force.[7][8]

BiH Political Institutions

To better understand the democratic landscape in BiH, it is worth examining the political system created by the BiH Constitution and Election Laws. At a state level, BiH has a tripartite Presidency. Article V of the Constitution outlines that the Presidency of BiH shall consist of three members, one from each 'constituent peoples' – one Bosniak and one Croat from the Federation of BiH, and one Serb from Republika Srpska.[10] The members of the Presidency are directly elected from the entities in a first past-the-post system. They are elected for a four-year term and rotate every eight months to stand as Chairman. The Presidency is mainly responsible for conducting foreign policy, proposing annual budgets and nominating the Chair of the Council of Ministers. [11] The Presidency makes decisions based on consensus, however, a member of the Presidency may veto a decision if it is deemed to be against 'vital interests.' Therefore, cooperation and decision making are difficult.[12] The Parliamentary Assembly of BiH comprises two chambers, the House of Representatives and the House of Peoples. According to Article IV the House of Representatives consists of 42 members who are directly elected by the citizens of BiH via a proportional representation voting model: 28 members from the Federation, 14 from Republika Srpska.[13]



Ursula von der Leyen meeting the Presidency of Bosnia and Herzegovina. Source: European Union 2024 via Wikimedia Commons.

The House of Peoples consists of 15 delegates from the constituent peoples' – Bosniaks, Serbs, and Croats. Article IV of the BiH Constitution sets out the electoral procedure for the House of Peoples. The seats are made up of 5 Bosniaks, 5 Croats, and 5 Serbs. The designated Bosniak/Croat delegates are selected by the Bosniak and Croat members of the Federation House of Representatives. The designated Serb delegates are selected from the Republika Srpska National Assembly.[14]

As a result, the delegates to the House of Peoples are indirectly elected by the entities' parliaments. The House of Peoples of BiH expressly represents the interests of the 'constituent peoples,' with ethnic representation directly linked to entity affiliation.[15] Therefore, the ethnic interests of the Serbs from the Federation of BiH and Bosniaks and Croats from the Republika Srpska are not represented in the House of Peoples of BiH. These citizens have neither the right to be elected to nor to vote for delegates of the House of Peoples from among their constituent people. It is important to note that members of other ethnic minorities are not represented in the House of Peoples of BiH.[16]

The Council of Ministers of BiH operates as the state-level government, with the Chairmen of the Council effectively acting as the Prime Minister. Article V (4)(b) of the BiH Constitution outlines that the Chairman of the Council of Ministers of BiH is nominated by the Presidency and approved by the House of Representatives. The Chairman of the Council then nominates ministers and their deputies who are also approved by the House of Representatives.[17]

At an entity level, both the Federation of BiH and the Republika Srpska have significant autonomy. [18] Both the Federation and Republika Srpska have their own constitutions and government systems. The Federation of BiH's government is decentralised, with the parliament consisting of two chambers: the House of Representatives and the House of Peoples. The Federation also consists of ten cantons, which are further divided into municipalities. Republika Srpska is

centralised and has one government. The directly elected parliament of Republika Srpska is called the National Assembly. The Republika Srpska also has a Council of Peoples, although not a proper chamber of parliament, it oversees laws adopted by the National Assembly and ensures the protection of national interests.[19] Both entities have a Prime Minister and ministries, and their parliaments have authority over areas such as healthcare, education and agriculture.[20]

Another important institution to note is the Office of High Representative (OHR). The OHR is an international institution created in the Dayton Agreement to manage the implementation of the peace agreement and support the country's progression into a peaceful democracy.[21]



European Court of Human Rights. Source CherryX via Wikimedia Commons

Decisions of the European Court of Human Rights

The BiH political institutions are for the most part structured around representation of the three ethnic groups, creating a system which alienates 'others' from participating in some aspects of BiH's democratic process. The BiH Constitution along with the country's Election Laws have been successfully challenged at the ECtHR.

In 2009, in the Sejdić and Finci case, the applicants Dervo Sejdić and Jakob Finci – a Roma and a Jew respectively, both citizens of BiH,

brought a case to the ECtHR on the grounds they were ineligible to run for election to the Presidency or House of Peoples because of their ethnicity. The ECtHR ruled that the exclusion of citizens not belonging to the three 'constituent peoples' from being elected to the Presidency violated Article 1 of Protocol No.12, which provides for equal treatment without discrimination. The ECtHR also found that the exclusion from the House of Peoples violated Article 14 of the European Convention of Human Rights (ECHR), in conjunction with Article 3 of Protocol No. 1, which prohibits discrimination in the right to free election.[22]

In 2014, in the Zornić v. Bosnia and Herzegovina case, the applicant Azra Zornić did not declare affiliation to any ethnic group and therefore, was unable to run for election to the Presidency or House of Peoples. The ECtHR ruled in favour of the applicant and reaffirmed that granting special political rights to particular ethnic groups to the exclusion of minorities or citizens is discriminatory.[23]

Several other cases have followed the same line. The ECtHR ruled in favour of Šlaku, a citizen of BiH who belonged to Albanian ethnic minority.[24] In the case of Pilva, the ECtHR ruled in favour of the applicant who challenged his inability to run for election to the Presidency from the territory of the Republika Srpska as he declared affiliation with Bosniaks.[25] In the case of Pudarić, the applicant identified as Serb but lived in the Federation of BiH, and therefore, was unable to run for the Presidency. The ECtHR again ruled in favour of the applicant.[26]

In 2023, the most recent case Kovačević v. Bosnia and Herzegovina, a citizen of BiH who did not declare affiliation to any of the constituent peoples and resides in the Federation of BiH. This case differed from the previous cases as it related to voter rights, the applicant argued he was unable to vote for the candidates that best represented his political views because they were not from the right entity or right ethnic group. The ECtHR ruled in favour of the applicant and

found that the territorial and ethnical requirements amounted to discriminatory treatment in violation of Article 1 of Protocol No.12. [27]

Aftermath of European Court of Human Rights Rulings

The decision in Kovačević was consistent with the previous Court verdicts which found the Constitution of BiH to be in violation of the ECHR. The Kovačević ruling underscores the right to vote as a fundamental aspect of democracy. [28] The Court made some strong assertions in the Kovačević judgement, stating BiH was not a true democracy but an “ethnocracy.” [29] Responding to justification for the current system, the Court outlined that even if a method of ethnic representation is maintained in some practice, “it should be secondary to political representation” and “should not discriminate against ‘Others’ and citizens of Bosnia and Herzegovina.” [30]

The Court’s decision in Kovačević was met with positive reaction from supporters of reform in BiH, including the Troika, an alliance of Social Democratic Party, People and Justice party and Our Party. [31] However, ethnic Serb and Croat parties were critical of the Court’s decision, including Croat nationalist HDZ party (Croatian Democratic Union of Bosnia and Herzegovina).



High Representative, Christian Schmidt. Source via Wikimedia Commons

They stated it was a “radical political agenda” for Bosniaks to rule a unitary BiH and impose their representatives on to Croatian people. [32]

In December 2023, the Kovačević decision was appealed by the BiH government and referred to the ECtHR Grand Chamber. [33] In October 2024, Christian Schmidt, the High Representative in BiH, made a written submission to the Court, where he echoed the arguments of HDZ. [34] Schmidt claimed that upholding the ruling in Kovačević will be divisive and threaten the “precarious and fragile situation” in Bosnia. [35] Schmidt’s decision to speak out on this case is unusual, a High Representative had never spoken out in opposition to an ECtHR ruling. Additionally, he had not received support from the international steering board, which oversees his office, to engage in the appeal. [36]

Schmidt’s actions were met with backlash, and in October of this year, rights groups protested outside his office in Sarajevo demanding his resignation. There was widespread anger over Schmidt’s involvement in the case, specifically the prospect he could address the ECtHR hearing as a third party, raising major concerns over the impartiality of the High Representative. [37] However, the OHR has confirmed Schmidt will not address the Grand Chamber, and despite media reports, his personal participation in the case was never planned. [38] The ECtHR hearing of the Kovačević case before the Grand Chamber was on 20 November 2024, but the ruling had not yet been announced at the time of writing this article. [39]

A Failing Democracy?

Dayton arranged the political landscape in BiH to appease the opposing parties of the Bosnian war, preserving sectarian tensions and ethnic-based control of territory. [40] The BiH Constitution and Electoral Laws promote a system where minorities suffer as second-class citizens. An estimated 400,000 Bosnians, 12 percent of the population, cannot run for the President or House of Peoples because of their

ethnicity, where they live, or because they do not wish to declare an ethnic identity.[41]

Despite six rulings by the ECtHR, no attempts have been made by politicians to implement a democratic post-Dayton constitutional and electoral arrangement. This indicates those in power favour utilising the Dayton system to their partisan advantage, over risking the privileges of power through adopting a fair and equal democratic system.[42]

Conclusion

While Dayton did bring peace to BiH, in terms of progress, the country is at a standstill due to a weak central government, a lack of cooperation across the ethnic groups and a discriminatory democratic process. With the Kovačević case due this month before the ECtHR, the fate of democracy in BiH rests with the Grand Chamber. To align with its own established case law, the Court should uphold its original ruling. The judgement will not only be significant for BiH, but also on a broader scale for democracy across Europe. If the Court rules in favour of Kovačević, it will reaffirm European democratic values, however, if it were to rule against, it could send BiH into a state of uncertainty. This has the potential to be a landmark judgement, which could advance the necessary constitutional reforms needed for BiH to progress towards a Euro-Atlantic future.

Recommendations

- The government of BiH should ensure all citizens are treated fairly and equitably. BiH should implement the measures outlined in the ECtHR judgements to amend the BiH Constitution and Electoral Laws. (In the cases of Sejdic and Finci, Zornic, Šlaku, Pilav, Pudari, Kovačević of the ECtHR).
- BiH should ensure all levels of government are in full compliance with international human rights standards, to promote and uphold a contemporary democratic society.

Sources

- [1] Dino Jahic, 'Dayton Accords 25 Years Later: Bosnia Got Blueprint for Peace but not for Its Future' (Voice of America, 22 November 2020) <<https://www.voanews.com/a/europe-dayton-accords-25-years-later-bosnia-got-blueprint-peace-not-its-future/6198692.html>> accessed 3 November 2024.
- [2] Viktor Gunnarsson Popović, 'Who is Bosnian?: Ethnic Division in Bosnia and Herzegovina and its Implications for a National Identity' (2020).
- [3] Bosnia and Herzegovina Constitution, Article 1 (3).
- [4] Bosnia and Herzegovina Constitution, Preamble.
- [5] 'Collateral Damage of the Dayton Peace Agreement: Discrimination Against Minorities in Bosnia and Herzegovina, Twenty Years On' (Minority Rights Group, 2015) <<https://minorityrights.org/app/uploads/2023/12/mrg-brief-bosnia-eng-decl15.pdf>> accessed 3 November 2024.
- [6] Anja Vujakovic, 'Bosnia and Herzegovina's Political System: It's Complicated' (Magazine of the Diplomatic Academy of Vienna, 8 January 2019) <<https://www.poleemics-magazine.com/europe/bosnia-herzegovinas-political-system-complicated>> accessed 6 November 2024.
- [7] Majda Ruge, 'Hostage state: How to free Bosnia from Dayton's paralysing grip' (European Council on Foreign Relations, 18 November 2020) <<https://ecfr.eu/publication/how-europe-and-the-us-can-take-bosnia-beyond-dayton-25-years-later/>> accessed 6 November 2024.
- [8] Majda Ruge, 'Hostage state: How to free Bosnia from Dayton's paralysing grip' (European Council on Foreign Relations, 18 November 2020) <<https://ecfr.eu/publication/how-europe-and-the-us-can-take-bosnia-beyond-dayton-25-years-later/>> accessed 4 November 2024.
- [10] Bosnia and Herzegovina Constitution, Article V.
- [11] Damir Banović, Marinha Barreiro and Saša Gavrić, 'The Political System of Bosnia and Herzegovina. Institutions – Actors – Processes' (2013) Sarajevo Open Centre.
- [12] *ibid.*
- [13] Bosnia and Herzegovina Constitution, Article IV.
- [14] Bosnia and Herzegovina Constitution, Article IV.
- [15] Zlatan Begić and Zlatan Delić, 'Constituency of peoples in the constitutional system of Bosnia and Herzegovina: Chasing fair solutions' (2013) International Journal of Constitutional Law 11(2) 447–465.
- [16] *ibid.*
- [17] Bosnia and Herzegovina Constitution, Article V (4) (b).
- [18] Alberto Nardelli, Denis Dzidic and Elvira Jukic, 'Bosnia and Herzegovina: the world's most complicated system of government?' (The Guardian, 8 October 2014) <<https://www.theguardian.com/news/datablog/2014/oct/08/bosnia-herzegovina-elections-the-worlds-most-complicated-system-of-government>> accessed 9 November 2024.
- [19] *ibid.* (n 11).
- [20] *ibid.* (n 18).
- [21] Lucy Claridge, 'Discrimination and political participation in Bosnia and Herzegovina: Sejdić and Finci v. Bosnia and Herzegovina' (2010) Minority Rights Group International.
- [22] Sejdić and Finci v. Bosnia and Herzegovina (Applications nos. 27996/06 and 34836/06) (ECtHR, 22 December 2009).
- [23] Zornić v. Bosnia and Herzegovina (Application no. 3681/06) (ECtHR, 15 July 2014).
- [24] Šlaku v Bosnia and Herzegovina ((Application no. 56666/12) (ECtHR, 26 May 2016).
- [25] Pilva v Bosnia and Herzegovina (Application no. 41939/07) (ECtHR, 9 September 2016).
- [26] Pudarić v Bosnia and Herzegovina (Application no. 55799/18) (ECtHR, 8 December 2020).
- [27] Kovačević v. Bosnia and Herzegovina (Application no. 43651/22) (ECtHR, 29 August 2023).
- [28] 'Working group for BiH calls for protection of human rights: Will Bosnia uphold or undermine democratic values?' (NI Bosna i Hercegovina, 21 October 2024) <<https://niinfo.ba/english/news/working-group-for-bih-calls-for-protection-of-human-rights-will-bosnia-uphold-or-undermine-democratic-values/>> accessed 18 November 2024.
- [29] *ibid.* (n 26) (para 44).
- [30] *ibid.* (n 26) (para 74).
- [31] 'Polarized reactions in Bosnia and Herzegovina following the ruling of the European Court of Human Rights' (European Western Balkans, 30 August 2023) <<https://europeanwesternbalkans.com/2023/08/30/polarized-reactions-in-bosnia-and-herzegovina-following-the-ruling-of-the-european-court-of-human-rights/>> accessed 18 November 2024.
- [32] *ibid.*
- [33] Joseph Marko, 'The Kovačević Case Revisited' (Verfassungsblog, 28 March 2024) <<https://verfassungsblog.de/the-kovacevic-case-revisited/>> accessed 18 November 2024.
- [34] Jasmin Mujanović, 'With the upcoming Kovačević ruling, let justice be done for Bosnia's democracy' (Euronews, 12 November 2024) <<https://www.euronews.com/2024/11/12/with-the-upcoming-kovacevic-ruling-let-justice-be-done-for-bosnias-democracy>> accessed 18 November 2024.
- [35] Kurt Bassuener, 'European Court Intervention by Bosnia's International High Representative Risks Limiting the Country's Potential' (Just Security, 16 October 2024) <<https://www.justsecurity.org/104015/european-court-human-rights-bosnia/>> accessed 18 November 2024.
- [36] *ibid.* (n 34).

[37] 'Hundreds of protesters gather in Sarajevo, demanding Schmidt's resignation' (NI Bosna i Hercegovina, 17 October 2024) <<https://niinfo.ba/english/news/hundreds-of-protesters-gather-in-sarajevo-demanding-schmidts-resignation/>> accessed 18 November 2024.

[38] 'Schmidt will not address the European Court of Human Rights in the "Kovačević" Case' (Sarajevo Times, 13 November 2024) <<https://sarajevotimes.com/schmidt-will-not-address-the-european-court-of-human-rights-in-the-kovacevic-case/>> accessed 19 November 2024.

[39] 'Forthcoming Hearing' (European Court of Human Rights, 30 October 2024) <<https://www.echr.coe.int/w/forthcoming-hearing-10>> accessed 17 November 2024.

[40] Julia Schiwal, 'Beyond the Dayton Accords: Resolving Bosnia-Herzegovina's Frozen Conflict' (United States Institute of Peace, 23 October 2024) <<https://www.usip.org/publications/2024/10/beyond-dayton-accords-resolving-bosnia-herzegovinas-frozen-conflict>> accessed 10 November 2024.

[41] 'Bosnia and Herzegovina: Ethnic Discrimination a Key Barrier' (Human Rights Watch, 12 December 2019) <<https://www.hrw.org/news/2019/12/13/bosnia-and-herzegovina-ethnic-discrimination-key-barrier>> accessed 10 November 2024.

[42] *ibid* (n 35).

The Moldovan Elections and Referendum: A Contrasted Future for the Country

Marie Lureau

Key Takeaways

- The Moldovan elections and referendum on an EU amendment have become the stakes of an international dispute for influence between Russia and the West.
- The elections were marred by foreign influence from pro-Russian actors.
- Although the results of the referendum favoured the EU amendment, the win was slim and reveals divisions in the Moldovan population.

The Elections

On 20 October, 2.8 million Moldovans, or a turnout of 36% of the electorate, voted in the first round of presidential elections, in a particularly tense context for this former Soviet country whose neighbour Ukraine is currently fighting a war with Russia. Moldovans were also asked to vote for a referendum on an amendment to the Constitution with a view to the accession of Moldova to the European Union (EU). This article would effectively enshrine a path towards the EU for the country, regardless of government changes.

Incumbent President Maia Sandu's decision to hold this referendum on the same day as the presidential election fed into this election being a symbol of the country's choice for the future: the West or Russia. The international press and analyses widely relayed that idea. [1][2]

Indeed, the former Soviet country, though it stayed in Moscow's sphere of influence, has sought to develop relations with Western Europe since its independence. A strong advocate for joining the EU, Maia Sandu and her Party of Action and Solidarity (PAS) accelerated this trend. The invasion of Ukraine by Russia further pushed the leaders to make clear and drastic decisions for the future of the country.

However, not all agree on the right path to take. In addition to Sandu, ten other candidates hoped to get elected on hugely different platforms, including pro-Russian ones. Only one other candidate had a real chance of getting elected: Alexandr Stoianoglo of the Party of Socialists. His nomination came as a surprise, as former President Igor Dodon voluntarily backed away from the election and gave his support to Stoianoglo.[3]

A former Prosecutor-General of Moldova, Stoianoglo was suspended and eventually dismissed on anti-corruption charges in 2023 by Sandu's government which had been elected on a platform of anti-corruption. Stoianoglo took the fight to the European Court of Human Rights which deemed that his right to a fair trial had been violated by the Moldovan government.

Often presented as the pro-Russian alternative to Maia Sandu's Western ambitions, his position towards Moscow is more nuanced than it may seem. Though part of a party with historical ties to the Russian government, he has spoken of balance between the different regional and international stakeholders.[4] Stoianoglo, however, is strongly opposed to the EU amendment of the Constitution.

Before the elections, polls noted a comfortable majority for the “yes” vote in the referendum.[5] The opposition accused Sandu of cynically appropriating a popular issue and linking it to her campaign to ensure reelection. However, what was to be a sure victory came out to rest on just 10,000 votes: only 50.35% voted in favour, with analysts remarking on the decisive impact of the votes of Moldovans abroad. As for the first round of the presidential elections, incumbent President Sandu obtained 42% of votes, more than Stoianoglo’s 25%, but not sufficient to prevent her from a second round.

This very slim victory on both the presidential and the EU front shows that despite the strong moves of the pro-Western government towards the EU, the population is strongly divided on which path is the best for Moldova.

The Breakaway Territories

Since the 1990s, Moldova has been twice divided with two breakaway territories: Transnistria at the southern border with Ukraine, and Gagauzia further south of the country. Both territories, though with vastly different situations, have always been largely pro-Russian – a fact partly due to the presence of a strong Russian speaking minority.[6] These elections were no exception.

The increasing polarisation is unsurprising since little was done in the past months to change the trend, and relations between the Moldovan government and the authorities in both territories have worsened. Transnistria, and to a lesser extent Gagauzia, is in a much weaker position since the beginning of the war between Russia and Ukraine, and the subsequent closure of their border with the country. Their trade with Russia shrank by 7 percent in 2022 and by further 39 percent in 2023.[7] They therefore are now more dependent on European trade routes, and on the Moldovan government. This emboldened Sandu’s government to remove favourable tax arrangements in the name of conforming to EU standards, but in this way seriously threatening the territory’s economy.[8]

This led its de facto leaders to engage in similar retaliatory action, like suppressing favourable terms for Moldovan farmers in Transnistria, and to further turn to Russia.

In Gagauzia, the elected governor since May 2023, Evghenia Gutul, was projected into office by Ilan Shor. A divisive figure, this pro-Russian billionaire left the country due to his conviction in a massive fraud and money laundering scandal in 2014. However, he is still exercising a strong influence, including through the party he created and which Gutul is part of, the Victory Block. Officially banned by the Moldovan government, it sees Gutul as Shor’s puppet and therefore refuses to engage in any dialogue with the authorities.

As a result of the increasing tensions, both regions voted heavily against the EU referendum: 69% against in Transnistria [9], and 95% in Gagauzia.[10] Unsurprisingly, they also both voted against a second presidency of pro-Western Maia Sandu. However, as noted by analysts, Moldova will need to lower tensions with the two territories, both because it is also dependent on energy passing from Russia through Transnistria, and because a divided country could become a major issue on the path to EU membership.[11]



The President of Moldova, Maia Sandu, at the 2024 Ukraine Peace Summit. Source: president.ge.

Elections marred by foreign interference

These two elections took place within the broader context of the war in Ukraine, which further polarised the nation. Indeed, part of the “no” vote to the EU amendment comes from a fear held by a part of the population that attempts to get away from Russia will lead them to suffer the same fate as Ukraine.[12] Another part of the nation saw this as another reason to accelerate their move towards the West. The country has been suffering economically since the start of the conflict, which brought in waves of Ukrainian refugees and led to major power cuts throughout the country, Moldova being particularly sensitive energy-wise, still being in great part dependent on the energy from Russia, crossing through to Ukraine, and resting on a deal nearing its end date.[13]

In this context, Moldova has become the ground for a battle between those looking to keep the country in Russia’s orbit, and those hoping to leave it as soon as possible. In its preliminary report on the 20 November polls, the OSCE noted that numerous concerns of “foreign interference” marred the electoral process, with certain civil society actors and analysts calling a “razboi hibrid” or “hybrid war” from Russia on Moldova. [14]

To that end, Moldova not only suffered cyber-attacks, but several massive disinformation campaigns were linked to Russian stakeholders. For example, videos claiming President Sandu forbade the collection of rosehips, an important ingredient in Moldovan traditional tea.[15] Other campaigns threatened that the EU was considering opening camps for undocumented immigrants to the EU in Moldova, about EU mandatory “sexual education” or the obligation of adopting gay marriage.[16][17]

Even more seriously, in late September, several public buildings in Chisinau were vandalized. The police announced that some of those arrested had been trained in Russia to ignite protests and destabilise the country and received payment for those actions [18].

Police determined that a group of 20 men had been sent to Russia for training. In a later press conference in October, the police said as many as 300 men were trained in Russia. Other reports of young Moldovans going abroad for training specifically aimed at disrupting the country, stated that Ilan Shor organised it through a nonprofit called Evrazia.[19] The Moldovan fugitive, now settled in Russia, is allegedly involved in increasingly more serious attempts at corruption. Last spring, the Moldovan government intercepted planes with several passengers carrying just short of 10,000 euros, the legal amount needing to be declared. In total, over 900,000 euros to be used by anti-Sandu actors for vote-buying were seized.[20] Some attempts at calculating Russian influence estimated that bribery attempts could have reached up to 10% of the electorate.[21]

A polarised situation at the national and international level

On the EU side, bringing Moldova closer is important, first because it is geographically strategic, situated between Ukraine and Romania, an EU member. Chisinau obtained the EU candidate status in June 2022, and securing the Constitution amendment is a crucial step for the Western friendly President Sandu to ensure the country eventually joins the union.

Western powers took a strong interest in the elections, which became a further ground for polarisation. A draft resolution in the European Parliament even denounced “provocations and attempts to destabilise” Moldova and asked the members to offer all means necessary to counter them.[22] Canada, the United Kingdom, and the United States have also issued a statement warning of Russia’s disinformation tactics.[23] Moldova has already been collaborating with Western partners to increase its resilience to disinformation.[24]

Conclusion

Overall, on the international level, this election has shown a further polarisation of EU and Russia, a dynamic that may take place again in Eastern European states where allegiances have yet to be determined.

Although the elections have become mainly discussed as an East versus West game, and a good part of disinformation and corruption played a part in its results, real concerns of Moldovans regarding the European Union should not be entirely dismissed. Moldova is still highly dependent on Russia for its energy supply going through Ukraine, and the population is understandably frightened that they may end up in the same situation as their Eastern neighbour.

Moreover, indirect consequences of the war have seriously damaged the country's economy, which is causing a growing dissatisfaction with the government. In the face of this and the mitigated results of the referendum, Maia Sandu will need to address that discontentment if she wishes to trace a path to EU membership for her country.



The Speaker of Parliament, Igor Grosu, voting in the presidential elections and the constitutional referendum on integration into the European Union. Source: Parliament of the Republic of Moldova via Flickr.

Sources

- [1] Ibragimova G, 'Who is the Kremlin backing in Moldova's presidential election?' (2024). Carnegie Politika. <https://carnegieendowment.org/russia-eurasia/politika/2024/10/moldova-elections-russia-influence?lang=en> accessed 28 October 2024.
- [2] RFE/RL's Moldovan Service, 'Results Show Moldovans Determined to Continue on Way to Europe, Sandu Says' (2024).. Radio Free Liberty. <https://www.rferl.org/a/moldova-vote-sandu-russia-meddling-european-union-passes/33165749.html> accessed 28 October 2024.
- [3] RFE/RL's Moldovan Service, 'Dodon Says He Won't Run in Moldovan Presidential Election, Backs Ex-Prosecutor-General' (2024) Radio Free Europe <https://www.rferl.org/a/moldova-stoianoglo-dodon-sandu-election-eu-socialists/33026909.html> accessed 28 October 2024
- [4] Ibragimova G (n1).
- [5] Serebrian O, 'Moldova Divided: Easing Tensions as Russia Meddles and Elections Approach' (2024) Crisis Group. <https://www.crisisgroup.org/europe-central-asia/eastern-europe/moldova/b97-moldova-divided-easing-tensions-russia-meddles> accessed 22 October 2024.
- [6] Ibid.
- [7] Ibid.
- [8] Ibid.
- [9] RFE/RL's Moldovan Service, 'Moldovan Official Accused of Treason Placed in Preventive Custody' (2024) Radio Free Liberty. <https://www.rferl.org/a/treason-chisinau-creanga-kelov/33061215.html> accessed 21 October 2024.
- [10] Colesnic V, 'Moldova's Gagauzia region remains largely pro-Russia' (2024) DW. <https://www.dw.com/en/moldovas-gagauzia-region-remains-largely-pro-russia/a-70658570> accessed 01 November 2024.
- [11] Serebrian O (n5).
- [12] Youngblood S & Rupert J, 'Russia's Disinformation Targets Moldova's Ties with Europe' (2024) United States Institute of Peace <https://www.usip.org/publications/2024/07/russias-disinformation-targets-moldovas-ties-europe> accessed 21 October 2024.
- [13] Serebrian O (n5).
- [14] Youngblood S & Rupert J (n12).
- [15] Orenstein M, 'Russia's Information War in Moldova' (2024) Foreign Policy Research Institute <https://www.fpri.org/article/2024/10/russias-information-war-in-moldova/> accessed 27 October 2024.
- [16] RFE/RL's Moldovan Service, 'EU, Chisinau Reject Reports of Plans to Open 'Deportation Hub' In Moldova ' (2024) Radio Free Liberty <https://www.rferl.org/a/moldova-deportation-hubs-eu/33156187.html> accessed 23 October 2024.
- [17] Wilfore K, 'Battle for Moldova's future: Gendered disinformation is Russia's secret weapon' (2024) POLITICO.eu <https://www.politico.eu/article/moldova-elections-gender-russia-maia-sandu-europe-democracy/> accessed 21 October 2024.
- [18] RFE/RL's Moldovan Service, 'Moldova Accuses Moscow in Wave of Vandalism in Capital Ahead of Vote' (2024) Radio Free Liberty <https://www.rferl.org/a/moldova-vandalism-russia-trained/33138585.html> accessed 22 October 2024.
- [19] Lozovsky I, 'Young Moldovans Trained to Destabilize Country by Russian Instructors, Police Say ' (2024) OCCRP <https://www.occrp.org/en/news/pro-russian-moldovans-trained-by-wagner-instructors-to-destabilize-country-police-say> accessed 27 October 2024.
- [20] Safi M 'Moldova's razor-thin EU referendum result' (2024) Today in Focus, The Guardian. <https://www.theguardian.com/news/audio/2024/oct/22/moldova-eu-european-union-referendum-result-podcast> accessed 28 October 2024.
- [21] Lautman O, 'Russia's Remorseless Moldova Campaign Nears a Crescendo' (2024) CEPA <https://cepa.org/article/russias-remorseless-moldova-campaign-nears-a-crescendo/>
- [22] RFE/RL, 'EU Summit Draft Strongly Backs Ukraine, Moldova, Chastises Georgia' (2024) Radio Free Liberty <https://www.rferl.org/a/eu-draft-elections-moldova-ukraine-georgia/33149339.html> accessed 22 October 2024.
- [23] Orenstein M (n15).
- [24] Serebrian O (n5).

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