

**ELECTORAL SECURITY ASSESSMENT — SERBIA**  
*Presidential Election, 2017*

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GOVT 552 Electoral Violence  
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## EXECUTIVE SUMMARY

The Security Assessment Report concerns the 2017 Presidential Election of Serbia. The precise dates are yet to be unannounced. The incumbent president, Tomislav Nikolić (founder of the Serbian Progressive Party) is seeking a re-election while his party heads the ruling coalition in the federal government, which was formed after Serbia concluded a recent, parliamentary election in April 2016.

Serbia, being a unitary parliamentary republic with a president serving as head of state, enjoys considerably high-levels of democracy in comparison to many post-communist and post-authoritarian democracies that emerged in the 1980s and 1990s. Yet, it is combatting with the challenge of ethno-national violence – a challenge it has been winning in the recent years. The presidency, which is up for election, has a constitutionally specified two-term limit. That said, members of parliament, as well as the president serve a four-year term. And much like every other parliamentary system, the *de facto* executive power lies with the Prime Minister and his cabinet.

The opposition is lead by Socialist Party of Serbia (SPS). Once identified as a nationalist party, under the rule of Slobodan Milosevic, the Socialists (since 2000s – the fall Milosevic’s rule) have stayed away from such identification, although factions still remain.

Being a parliamentary democracy, the vulnerability in electoral cycles seems to be higher in the legislative elections rather than the presidential one. In fact, both the 2012 and 2014 Parliamentary Elections were actually snap elections as the ruling elites sought to consolidate/renew their mandate due to simmering political tensions.

Accordingly, the assessment reflects historical and contextual factors that have caused clashes in both elections in the past. That being said, in the recent past, parliamentary elections have had fewer incidents of violence (since the exit of Milosevic) while the presidential elections have been traditionally been peaceful.

But the nature of contention, as this report talks of later, is also the absence of effective enforcement mechanism (in political finance, for example) and the lack of clearly spelled out regulatory and legislative provisions (particularly in cases such as media or post-election grievance remedial services).

A unique challenge and opportunity that Serbia presents is its paradoxical, geopolitical relationship between Russia and the European Union – two global forces that have polar opposite expectations on many issues: which includes the task of resolving the nearly two-decade old Kosovo-Serbia dispute which (again, as this assessment explores) is the principal source of contention in Serbia’s social and political stability.

## CONTEXTUAL ANALYSIS: VULNERABILITY AND EARLY CONFLICT SIGNS

The vulnerability and early indications of potential conflicts during the election cycle can be identified in the contextual analysis of this assessment report. This analysis is categorized chiefly into political, security, social and economic factors (with sub-categories among each of these factors).

### Political Factors

For a non-EU European country, Serbia has relatively a greater measure democracy, with many academic indicators noting it so. For example, the 2015 Polity IV scores give Serbia a high score of 9 (out of 10) and remarks that the regime has high levels of political liberalization and pluralism<sup>1</sup>.

Similarly, the Freedom House (in its 2016 Freedom in the World) gives it a low score of 2<sup>2</sup> (on a scale from 1-7; 1 being most free and 7 as the least). Yet, this is a broad generalization of the vulnerability to violence due to political conditions and context. The next few factors unpack the amorphous nature of the political systems.

**1. POLITICAL FACTORS (Electoral, Executive and Political Party Systems):** The Serbian parliamentary elections for its 250-member strong legislature are conducted using a closed party list proportional representational system, from which the Prime Minister (head of the government) is elected. The 2006 Serbian Constitution provides for a parliamentary system with a president, who serves as a separate head of state.

The de facto executive power lies with the Prime Minister and his cabinet while the President is left with largely a constitutionally ceremonial role. The presidency has a two-term limit, limited by constitutional provisions. Members of Parliament as well as the President serve for a four-year term.

The President of Serbia is elected by popular vote and, if no candidate wins a *majority* of the popular vote, there is a run-off election held between the two candidates who are placed first and second. While this ensures that the winning candidate has the popular mandate, given the nature of Serbia's party system, the design might be potentially contentious.

As noted in Freedom House country report<sup>3</sup>, the Serbian multiparty system is highly permissive for new players and actors to enter the political theatre with its five-percent vote threshold for electoral participation. This threshold, however, is waived for parties representing ethnically minority communities, allowing more space for parties with ethnic-centered platforms to proliferate in a country that is dealing with broader ethno-nationalist challenges.

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<sup>1</sup> Polity IV Country Report 2010: Serbia. (<http://www.systemicpeace.org/polity/Serbia2010.pdf>)

<sup>2</sup> Serbia. Country Report. Freedom in the World 2015. (<https://freedomhouse.org/report/freedom-world/2015/serbia>)

<sup>3</sup> *Ibid.*

This leaves the political system vulnerable for clashes induced by actors and political elites with an ethno-nationalist agenda to abuse the system, perpetuate violence to intimidate minority communities in order to secure victory and establish a majoritarian rule in the country.

2. **POLITICAL FACTORS (Free Speech and Civil Liberties):** As Freedom House’s 2016 Freedom of the Press (Serbia) reports, there is unofficial — yet strong — attempts by the ruling party in the government to sway the direction of the press and media in the country, effectively purging upon its independence.

In addition to that, the capital that is required to sustain media outlets is concentrated in the hand of a few political/economic elites, creating a media oligarchy. The government of Prime Minister Aleksandar Vučić has sought to discredit and delegitimize the media outlets/organizations that are even remotely critical of the government<sup>4</sup>.

In such a circumstance (what is later termed as “media Clientelism<sup>5</sup>”), with the absence of a fair platform to exercise and disseminate free speech and information, political (and ethnic) tensions have the tendency to quickly escalate into conflict and violence.

3. **POLITICAL FACTORS (Corruption and Administrative System):** By the standards and measures of Transparency International<sup>6</sup>, Serbia has been ranked as the 71st least corrupt in the world (out of a total of 168) with a score of 40 (100). In other words, with a transparency rank that is 52nd percentile, the Serbian political system finds itself plagued with systemic corruption that affects the relationship of the state (bureaucracy), society (people) and organizations that seek linkages between the two (including, but not limited to, political parties, civil societies, and media houses).

In fact, Transparency International public perception index finds political parties being perceived as most corrupt, followed by the legislators: both factors which can lead to the plausible inference that state resources get used by ruling party/coalition to create an uneven electoral advantage.

This, coupled with the absence of a genuinely independent media, leaves the electorate and politics highly polarized, incentivizing the potential winners to resort to coercive and violent tactics to ensure the necessary ends.

### *Security Factors*

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<sup>4</sup> Serbia. Country Report. Freedom of the Press, 2015. (<https://freedomhouse.org/report/freedom-press/2015/serbia>)

<sup>5</sup> “*Media Clientelism Index Presented in Brussels*” in FairPress.eu. (<http://www.fairpress.eu/blog/2016/03/07/media-clientelism-index-presented-in-brussels-croatia-behind-serbia/>)

<sup>6</sup> Transparency International. Corruption Perception Index – Global Corruption Barometer 2013. ([http://www.transparency.org/country#SRB\\_PublicOpinion](http://www.transparency.org/country#SRB_PublicOpinion))

1. **SECURITY FACTORS (Conflict Environment):** Serbia's history is dotted with armed nationalists/secessionists demanding creation of separate nation-states. And keeping in line with such historical legacies, Serbia continues to experience ethno-national conflicts, particularly in the south. Following independence of Croatia, Slovenia and Bosnia-Herzegovina, Slobodan Milosevic (a Serb nationalist politician) ascended to power.

Milosevic, in tune with his nationalist agenda, had his administration began to political be on the offensive with the developing southern Albanian resistance. By 1998-99, armed conflict hard commenced between the Kosovo-Albanian community and the Serbian internal security forces in the southern region, which ended with the intervention NATO and giving an advantage to the Kosovo-Albanian community<sup>7</sup>.

While NATO diffused the situation and forced both sides to stand down, a full settlement was never reached that would have answered the question of sovereignty for Kosovo. After many different attempts of UN-led negotiation in 2005, 2006 and 2007, the issue of Kosovo independence remained unresolved.

In 2008, the Kosovo assembly declared itself as an independent state, but that declaration refused to be recognized — not only by the Serbian government, but many members of the international community. This contentious move (while not reactivating the armed conflict) has certainly increased the levels of tensions.

Not only does this raise the issue of election administration in Kosovo, Serbia and the inter-regional spillover effects it is bound to cause, but one must also consider the possibility of Kosovo rebel groups attempting to destabilize/undermine Serbian elections to further their own cause — given the stalemate.

2. **SECURITY FACTORS (Russian Sphere of Influence):** Serbia has cordial diplomatic relationship with the Russian Federation. Russia, fully intent on using every available geo-political opportunity to check the influence of the NATO and the EU (particularly in its own backyard), uses it diplomatic channels with Serbia to do so by endorsing and accepting its position on Kosovo's independence.

The fact that Serbia is dependent on Russian supply of gas for meeting its energy needs makes it easier for Russia have a bigger role in Serbian domestic and foreign policy. And while this does not have a straightforward impact, it certainly complicates the situation and aggravates the vulnerability given the provocative nature of Russia's position<sup>8</sup>.

### **Social Factors**

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<sup>7</sup> UCDP – Uppsala Conflict Data Program. Serbia (Yugoslavia). (<http://ucdp.uu.se/#/actor/49>)

<sup>8</sup> “In Serbian Politics, Current Problems Hail From the Past” in Stratfor Enterprises. (<https://www.stratfor.com/analysis/serbian-politics-current-problems-hail-past>)

Since the death of Joseph Tito, the Communist ruler who ruled Yugoslavia till the 1980s, the nationalist sentiments that were suppressed under his authority re-emerged and activated the hidden fault lines of ethno-nationalist sentiments. By 1990s, the multinational state started to witness rapid secessionist movements that, through 1990s and 2000s, lead to the creation of new nation-states with some of them having residual nationalist movements.

Serbia is the quintessential example of such a nation state, with its ongoing (and tense) relationship with the Republic of Kosovo increasing the complexity of social harmony and cross-ethnic relations. Serbia has a population of over 7 million, going by the recent census data<sup>9</sup>. Overwhelming majority of this population are ethnically Serbs, who are geographically spread all over the country.

Parts of the country in the North have ethnic Hungarian present in significant concentration. And much of the southern part of the country (including the disputed Kosovo territory) has a Muslim majority. The principle social/ethnic tension in the region is between the Serbs and the Kosovars. These disputes typically fan out in the form of ethno-nationalism. As of date, there are ongoing tensions and dispute between Kosovars and Serbs over the legality, validity and acceptability of Kosovo's declaration as an independent state. Extremist by-product of this sentiment (insurgents, secessionists) could be a source of conflict.

## **HISTORICAL CONFLICT FACTORS: PROFILING & EARLY CONFLICT DYNAMICS**

The Presidential Elections in Serbia have been held once every five years, since 1992. And since then every election has been without any remarkable incident taking place.

Yet, with parliamentary elections (particularly under Milosevic), accusations of election rigging sparked mass demonstration in the streets. Given that the presidency<sup>10 11</sup> carries limited political prize and more of a ceremonial, constitutional duty, the analysis also considers disputes and violence during parliamentary elections<sup>12 13 14</sup> (where the political stakes are higher).

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<sup>9</sup> World Bank. (Population, Dataset, Serbia). (<http://data.worldbank.org/indicator/SP.POP.TOTL>)

<sup>10</sup> OSCE Limited Election Observation Mission Report [2008 Serbian Presidential Election] (<http://www.osce.org/odihr/elections/serbia/33214?download=true>)

<sup>11</sup> OSCE Limited Election Observation Mission Report [2012 Serbian Presidential & Parliamentary Election] (<http://www.osce.org/odihr/elections/serbia/92509?download=true>)

<sup>12</sup> OSCE Limited Election Observation Mission Report [2008 Serbian Parliamentary Election] (<http://www.osce.org/odihr/elections/serbia/33212?download=true>)

### **Pre-Election Phase**

Based on the observer reports of the most recent parliamentary elections (May 2016), the ruling party and its functionaries have been exerting (or coercing) voters while attending official public functions. This ambiguity created between partisan and public duties and responsibilities create accusations of bias from the non-governing coalitions. It also amounts to voter intimidation and, depending on the context of the activity and the identity of the individual voter, even voter depression.

Further, while the levels of transparency have been at respectable standards during previous elections, the 2016 legislative elections faced the criticism that updated voter registration list were never publicly available for scrutiny. This, coupled with existing allegation media manipulation and voter intimidation, leaves the impression that the incumbent elected officials are abusing state resources for partisan gains. Also, the absence of any checks and balances in government-media relations has resulted in the media having a biased, partial coverage of elections and political affairs. And while campaign finance laws exist and are technically sound, enforcement of these laws remain the key challenge.

### **Election Day Phase**

Election day activities are largely coordinated in peace by the REC, across various administrative levels. Of course, on matters of auditing and reporting, questions on transparency and regulatory consistency were raised (chiefly due to the absence of regulatory mechanisms) creates the brief bubble of criticism that dissipates away, depending on the outcome of the elections. Case in point: the 2008 Parliamentary elections when some of the REC's decisions were perceived to be outside the ambit of the legislative framework.

Physical acts of violence, on Election Day, have not been reported – at least since 2006. Any intimidation/manipulation/depression of voter is largely a subtle, coercive exercise through state resources, public funds or media manipulation.

### **Post-Election Phase**

The most recurring challenge, based on an assessment of the elections held in past 15 years, is the absence of a transparent grievance remedial mechanism. While the provisions exist the REC and the Administrative Court providing guidelines for addressing post-election complaints, regulatory shortcomings (yet, again) give the opportunity and incentive for the potential losers to agitate and resort to non-judicial means.

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<sup>13</sup> OSCE Limited Election Observation Mission Report [2014 Serbian Parliamentary Election] (<http://www.osce.org/odihr/elections/serbia/11968?download=true>)

<sup>14</sup> OSCE Limited Election Observation Mission Report [2016 Serbian Parliamentary Election] (<http://www.osce.org/odihr/elections/serbia/256926?download=true>)

For example, in the 2016 Elections, the deadline for filing election-related complaints was perceived to be too short, giving the complainants a very narrow window to get its voice through.

OSCE reports for several of the elections since 2006, typically conclude that the REC's regulatory framework is either insufficient to tackle post-election challenges, outside the legislative ambit or inconsistent. Each of these criticism, when repeated over a period of time, can lead to political frustration, increase in distrust of the institutions and opens up new avenues for political aggression or violence.

## STAKEHOLDER ANALYSIS

The numerous stakeholders have been classified into three categories: state, non-state, and international. For each of these stakeholders, analysis done includes the establishment of their relationship with Serbia, their objective and/or interest in seeing a stable and peaceful Serbia and the mechanisms in which they can coordinate with the state and society in order to mobilize their resources to achieve mitigation of vulnerabilities and violence.

### 1. *State Stakeholder*

1. **REPUBLIC ELECTORAL COMMISSION (REC):** The Electoral Management Body for Serbia is the Republic Electoral Commission (REC). All decision-making powers are vested with the seventeen members of the Commission. Members of this commission are required to have a minimum of a bachelor's degree in law, following they would have been subject to a fairly stringent process before getting appointed to the Commission.<sup>15</sup>

The independent nature of REC, and the ability to regulate the political parties particularly during electoral cycles, provides it both the mandate and the platform to ensure that the acts of voter intimidation, voter depression, unfair use of state resources and media manipulation is not carried out.

2. **REGULATORY:** Serbia has one of the best laid out campaign finance laws in the developing world. According to International Institute for Democracy and Electoral Assistance (IDEA), Serbia bans foreign contribution, corporations having active interests in government contracts/projects, direct tapping in of state funding (through bureaucratic coercion or otherwise) and also requires all political candidates to disclose their sources of funding<sup>16</sup>.

And while this sets out a phenomenal framework, the challenge lies in ensuring that the enforcement is done appropriately and to the fullest letter and spirit of law. If campaign

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<sup>15</sup> Organizational Structure of the Republic Electoral Commission, Republic of Serbia. (<http://rik.parlament.gov.rs/english/komisija-organizaciona-struktura.php>)

<sup>16</sup> International Institute for Democracy and Electoral Assistance. Serbia – Political Finance Data. (<http://www.idea.int/political-finance/country.cfm?id=190>)



finance laws take its full effect, corruption in political party as well as media Clientelism discussed above can be minimized. This, at the very least, creates an even ground for political competition between parties with competing ideologies and representations.

3. **SECURITY FORCES:** Serbian military and internal security forces have, in the past couple of decades, enjoyed rather unpleasant experience with Kosovo-Albanian community. Yet, given their primary responsibility to defend the state and their principle allegiance to the civilian-operated defense department, the resources of the security forces can be employed and directed by a government run by a party which is not overly reactionary to the demands of the Kosovo independence rebels. Thus, instead of going on the offense, the government can employ the security forces to *secure* the electoral installation until the elections conclude.

Additionally, based on the Transparency International Global Barometer of Corruption (2013), the military enjoys the status of being least corrupt among the various state institutions. This gives them much needed public support to seek cooperation among society to facilitate a stable, less vulnerable electoral environment.

## 2. *Non-state Stakeholder*

1. **DOMESTIC CIVIL SOCIETY ORGANIZATIONS:** This is one of the situations where civil society organizations have both the interests in maintaining social and public order and also the ability to mitigate any potential threats that could disrupt the same. Much of the civil society organizations (focused on education, party development, human rights, community-capacity building, women's empowerment, etc.) rely on stable, democratic environments to further their own agenda and achieve their stated objectives.

At the same time, the vulnerabilities to the elections in Serbia is (unlike few other countries) not stemmed by an overtly authoritarian leader trying to undermine the system by perpetuating violence on his political opponents. Given the nuances in the nature of potential violence (dominantly the fear of ethnic clashes), civil society organizations can directly participate as the intermediaries to mitigate the apprehensions and distrust over the state and its authorities, expressed by parties and groups representing minority community.

The unique relationship between the state and the society positions civil society organizations in a position like this, allowing them to provide supplementary support. Organizations like the Global Peace Operations Initiative (GPOI) can provide its resources to train security professionals and volunteers such that they can take part in insulating the electoral process from external (or internal) threats of violence<sup>17</sup>.

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<sup>17</sup> Engaging Civil Society in Peacekeeping. United Nations Department of Peacekeeping Operations. ([https://www.pksoi.org/document\\_repository/Lessons/Engaging%20Civil%20Society%20in%20Peacekeeping-LMS-642.pdf](https://www.pksoi.org/document_repository/Lessons/Engaging%20Civil%20Society%20in%20Peacekeeping-LMS-642.pdf))

Additionally, civic education provided to voters can help mitigate voter intimidation or depression tactics that might have been employed by certain violent/extremist groups<sup>18</sup>.

2. **RELIGIOUS ORGANIZATIONS:** Religious organizations are categorized differently as a stakeholder, separate from the civil society organizations. Conceptually, this assessment understands CSOs to have developmental and/or economic objectives. Religious organizations do not factor into such a classification. Further, these organizations do not typically align themselves with or against state interests and are constitutionally left outside the realm of the political sphere.

However, these organizations certainly have an active stake in ensuring that the electoral process is devoid of violence and/or abuse of individuals and communities — keeping in line with many of their doctrinal values and traditions that advocate peace. Much like civil society organizations, these socio-cultural institutions also have a revered status in the society and their actions can have colossal impact<sup>19</sup>.

3. **SOCIAL MEDIA ORGANIZATIONS:** The advent of technology and social networking websites has allowed the society to enter an age where an individual can instantly live broadcast even the most mundane events one's life. Social media (as an industry) relies on regimes that champion democracy and free speech.

Nations engaged in conflict, war and martial law are, naturally, corrosive to the economic and community interests of such organizations. And despite the platform being misused for spreading conspiracies and rumors, in-built mechanisms (such as “verification of official accounts”, “spam reporting”, etc.) allows social media organizations to separate the “signals” from the “noise”.

Therefore, employing social media tools (such as Facebook Live, Twitter) can allow rapid dissemination of authentic information on large-scale, without having to rely on public infrastructure (such as radio, TV stations, etc.).

### 3. *International Stakeholder*

**EUROPEAN UNION, UNITED NATIONS AND OSCE:** The European Union (EU) is one of the most consequential, international stakeholder in this assessment. A more secure and prosperous Serbia would mean a more stable neighborhood. Therefore, EU seeks a partner in Serbia.

And Serbia, too, seeks not just a partnership, but also a membership with EU. However,

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<sup>18</sup> Serbia's Growing Role as a UN Peacekeeping Troop Contributor. Department of State, US Government. (<http://blogs.state.gov/stories/2014/03/09/serbia-s-growing-role-un-peacekeeping-troop-contributor>)

<sup>19</sup> International Religious Freedom Report 2015. Department of State, U.S. Government (<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>)

the EU has (as part of its qualification for membership) has asked for increased stability in Serbian-Kosovo relationship but has not asked for a full-blown resolution, yet<sup>20</sup>. This creates an incentive for Serbia to soften its own standing — while placating Kosovo leaders — resulting in a plausible situation where the two states can resolve its dispute.

The EU can, in turn, use opportunities like this to act as a catalyst for such a dispute resolution. By combining its available resources and political objectives with the resources of United Nations Development Program and the Organization for Security and Co-operation in Europe (OSCE), the EU can ensure smooth and risk-averse elections with a lateral objective of creating a more conducive atmosphere for peace talks between the governments of Pristina and Belgrade.

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<sup>20</sup> European Neighbourhood Policy and Enlargement Negotiations (Serbia).European Commission. ([http://ec.europa.eu/enlargement/countries/detailed-country-information/serbia/index\\_en.htm](http://ec.europa.eu/enlargement/countries/detailed-country-information/serbia/index_en.htm))