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Parliamentary Boycotts in the Western Balkans

Western Balkans
Democracy Initiative



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1. INTRODUCTION	page 3
2. CASE STUDY: ALBANIA	page 7
2.1 Introduction	page 10
2.2 A brief background on the history of parliamentary boycotts from 1991 to 2019.....	page 12
2.3 Boycotting in Albania: A final analysis of issues and bottlenecks	page 19
2.4 Conclusions	page 29
3. CASE STUDY: BOSNIA AND HERZEGOVINA	page 30
3.1 Background	page 33
3.2 Parliaments in Bosnia and Herzegovina	page 34
3.3 The Bosnian boycott paradox	page 48
3.4. October 2018 election results and aftermath.....	page 49
3.5 Conclusion.....	page 50
3.6 Appendix A: Decision-making process in state and entity parliaments.....	page 51
4. CASE STUDY: KOSOVO	page 53
4.1 Introduction	page 56
4.2 Parliamentary system and political parties in Kosovo.....	page 56
4.3 Parliamentary boycott in Kosovo: Causes	page 58
4.4 Effects of parliamentary boycotting in Kosovo	page 62
4.5 Conclusion.....	page 66
5. CASE STUDY: MONTENEGRO	page 68
5.1 Introduction	page 71
5.2 Montenegro in enduring political crisis	page 71
5.3 Effects on public perceptions.....	page 79
5.4 Conclusions	page 86
6. CASE STUDY: REPUBLIC OF NORTH MACEDONIA	page 88
6.1 Introduction	page 89
6.2 Executive summary.....	page 91
6.3 The political system in Republic of North Macedonia.....	page 92
6.4 Instances, effects, causes, durations and intensities of parliamentary boycotts.....	page 93
6.5 Challenges of the Macedonian democratic system in the period before 2000, representative model vs single party .	page 96
6.6 Challenges in the work of parliament after the Ohrid Framework Agreement (2002-2006)	page 98
6.7 The change of power and the new coalition between the VMRO-DPMNE and the DPA (2006-2008).....	page 99
6.8 The VMRO-DPMNE - DUI coalition (2008-2011).....	page 100
6.9 24 December 2012 - Black Monday	page 101
6.10 Causes and effects of the 2014 political crisis	page 102
6.11 Political consequences of the release of the wiretapped conversations in 2015	page 104
6.12 Singing of the Prespa agreement and the law on the usage of languages	page 106
6.13 Conclusions	page 107
7. CASE STUDY: SERBIA	page 108
7.1 Introduction	page 111
7.2 The boycotts, 1990-2016.....	page 111
7.3 The 2016 parliament.....	page 114
7.4 The 2019 boycott.....	page 117
7.5 The 2019 boycott reasons.....	page 118
7.6 The 2019 boycott effects.....	page 120
7.7 Conclusion.....	page 121

Introduction

Parliamentary boycotts have become an increasingly common occurrence in parliamentary life in the Western Balkans. The practice of official or unofficial boycotts of the work of the main legislative institution, the key representative institution for citizens, has become a norm in political life in Western Balkan countries.

In recent years, or even decades in some cases, parliamentary boycotts of some sort and with limited or extended duration have taken place in Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo and Serbia. These have ranged from boycotting a single vote to boycotting parliament as a representative institution altogether for an extended period of time. They have contributed to political and electoral crises in Western Balkan countries. Often the decision to boycott parliament seems to have reflected an opposition view that it is being sidelined and it has limited or no influence on decision-making and lawmaking, or minimal opportunities for parliamentary oversight.

In situations when parliaments have been boycotted there has been a deterioration of the main parliamentary functions, mainly oversight and representation. Legislative practices in Western Balkans countries when there have been no opposition parties present have enabled MPs to negatively influence regulatory environments and change the processes through which parliaments function (mainly through changes in parliamentary rules of procedure). Boycotts have contributed to negative tendencies in the relations between independent institutions and parliaments. Citizens' interests have not been represented and boycotts have contributed to extended electoral and political crises.

In order to better understand the phenomenon and its potential implications for governance support projects for parliaments in the Western Balkans, the Westminster Foundation for Democracy (WFD) commissioned this research study on the causes and effects of parliamentary boycotts. The objectives of this research study were:

- To better understand the causes of parliamentary boycotts, especially the political context in which they have taken place and are taking place.
- To better understand the effects of parliamentary boycotts on political practice and culture.
- To understand the effects parliamentary boycotts have had on legal and regulatory frameworks in Western Balkans countries and the operational environment in which parliaments function.
- To understand the effect parliamentary boycotts have had on the relationship between parliaments and independent institutions (for example: state audit offices, fiscal councils, ombudsman's offices).
- To understand the effect parliamentary boycotts have had on the representation of citizens in parliament.

For the purpose of this research study a parliamentary boycott was defined as any of the following:

- Political parties or MPs choose to abstain from voting on specific issues to make a political statement.
- Political parties or MPs choose to abstain from participating in committee or plenary sessions but continue to perform some types of parliamentary function (representation).
- Political parties or MPs participate in plenary or committee sessions only on specific issues and, although parliament is formally functional, the limited frequency of work creates a *de facto* boycott.
- Political parties or MPs choose to abstain from entering parliament at all for any amount of time to make a political statement.
- Political parties or MPs announce certain political, electoral and/or legal preconditions which must be met before participating fully in parliamentary life.

In conducting the research, this study sought to answer questions on the *causes of boycotts*:

- In which political circumstances have boycotts occurred in the country?
- What were the primary motives for opposition politicians/parties/MPs to engage in some form of boycott of parliament in the country?
- Which actions from governing parties tended to have triggered opposition boycotts?
- Which political practices did boycotting parties/MPs attempt to address with boycotts?
- How frequently and on how many occasions have there been various forms of boycott in the country?
- How has the phenomenon developed over time? Has there been a radicalisation or escalation of forms and durations of boycotts?
- Which power dynamics do opposition parties object to in order to justify a boycott?

The study also sought to analyse what were *the effects of boycotts*:

- What direct or indirect effects of the boycotts can be seen on:
- Regulatory and legal environments (have laws been passed through emergency procedures and how many over which period of time).
- Operating environments in parliaments (have rules of procedure of parliaments changed and has there been a significant change in parliamentary practices which has reduced opportunities for opposition parties upon their return to parliament).
- Have there been changes in election legislation as a result of boycotts and if so what type of changes?
- How have ruling parties responded to boycotts in the country? What kinds of laws have been passed in the absence of the opposition?
- What kinds of changes to the institutional setting have been implemented in the absence of the opposition (changes in judicial institutions, prosecutors, executive branch institutions, independent institutions or media regulatory frameworks)?
- How have opposition boycotts of parliament affected public perceptions of politics and of political parties?
- What has been the perception and does boycotting parliament generally create a perception of opposition parties being stronger or weaker?
- How effective has boycotting parliament been as a political instrument if measured by changes in government following a boycott?
- How effective has boycotting parliament been as a way to draw attention to certain issues?
- Which visible gains have been made in legal, electoral and political terms as a result of boycotts of parliament?

We hope that the study will contribute towards a wider discussion on parliamentary reform in the Western Balkans and an improved understanding of the causes and effects of parliamentary boycotts.

This regional study is a compilation of country-based studies on Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. The Westminster Foundation for Democracy would like to thank the following for working on the completion of the country studies and the regional study: Afrim Krasniqi from the Institute for Political Studies from Albania; Damir Dajanovic, Researcher from Zasto NE in Bosnia and Herzegovina; Artan Murati from the Kosovo Democratic Institute; Milica Kovacevic from the Centre for Democratic Transition in Montenegro; Darko Aleksov, Rosana Aleksoska, Zlatko Dimitrioski, Lidija Daniloska-Jurukoska and Aleksandra Jurukoska from Citizens Association MOST from North Macedonia; and Vujo Ilic, Tamara Brankovic, Tara Tepavac from CRTA Serbia.

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Parliamentary Boycotts
in the Western Balkans

Case Study: Serbia

CONTENTS

EXECUTIVE SUMMARY

- 1. INTRODUCTION**
- 2. THE BOYCOTTS, 1990-2016**
- 3. THE 2016 PARLIAMENT**
- 4. THE 2019 BOYCOTT**
- 5. THE 2019 BOYCOTT REASONS**
- 6. THE 2019 BOYCOTT EFFECTS**
- 7. CONCLUSION**

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EXECUTIVE SUMMARY

This case study describes the boycotts of parliament in Serbia since the multi-party elections in 1990, with a special focus on the 2019 boycott, as well as the main reasons behind and the effects of these boycotts. The research used: the data from the literature and newspapers about the parliamentary boycotts from 1990 to 2019, the Open Parliament Initiative data on the conditions in parliament in the current session, as well as the original data obtained on the 2019 boycott through a survey of MPs and opinion polling.

Our study shows that boycotts in Serbia are not a frequent phenomenon. The ethnic minority parties first started boycotts of parliament as early as the first multi-party elections in 1990. The first boycott of parliament by a nationwide group of opposition parties was in 1995 and was caused by the ending of live broadcasts of parliamentary sessions. On two occasions a single opposition party boycotted parliament for a prolonged period of time in 2000 and 2005. Finally, the 2019 boycott of parliament is only the fourth identified boycott, and the most radical since 1995.

Due to the importance and the relevance of the ongoing boycott, we focus on the conditions in the 2016 parliament, especially the blocking of the minority's role in the legislative and oversight functions of parliament, as well as the specific phenomenon of majority filibustering, effectively disabling the debate about the laws, which became a permanent feature in parliament from December 2017.

The 2019 boycott was in the making since the “boycott of warning” in May 2017; however it accelerated from autumn 2018 in the context of mass protests and the formation of a coalition of opposition parties. Out of 88 opposition MPs, 55 MPs participate in the boycott. They explain their decision in terms of dissatisfaction with parliament's performance and the reaction to the demands of the protesters. Their primary stated aim is to put pressure on the majority and change practices in parliament. However, polling in March 2019 showed that support for the boycott is not as widespread in the general public.

Boycotts in Serbia usually occur in circumstances of pronounced power asymmetry between the majority government and the opposition minority. Boycotts are primarily a means for the minority to resolve the inability to communicate their messages to their voters through parliament. They usually happen in conjunction with other political developments, such as elections, mass protests and the formation of opposition party coalitions. As such, they are a product of the need to attain both internal (fixing parliamentary procedures) and external (mobilising voters) goals. In the Serbian experience they usually lack a clear strategy and do not escalate over time.

As for the effects, in the short term, the effects on the legal/regulative environment are not significant. The boycotts might however have some effects in institutional terms, particularly on the legitimacy of appointees by parliament. The majority usually responds initially to the boycotts with disdain, however it might ultimately respond to the demands of the minority. The support for the boycotts is mixed in the electorate, and very low among international political actors. Finally, if prolonged/escalated, or continued into an election boycott, the boycott of parliament might lead to either further marginalisation of opposition actors or of parliament itself.

1. INTRODUCTION

Parliamentary boycotts are becoming increasingly common in the Balkans. In Serbia they are not a frequent instrument of political conflict; however they have occurred in different forms ever since the introduction of the multi-party system in 1990. The current boycott of parliament which started in February 2019 by the MPs from several opposition groups is only the second one of that kind, and is the most drastic form of boycott since the democratic changes of 2000.

Having in mind the political relevance of these ongoing events, the main purpose of this paper is to offer systematically collected data on the latest developments in the current boycott. The primary sources of data are interviews with almost half of the MPs who are not part of the ruling majority, which included representatives of all political groups. The interviews focused on the reasons for the boycott, which primarily pointed to the situation in parliament, and the MPs' perspectives on the possible effects of the boycott. This data is supplemented with the polling done in March 2019 which offers an insight into public support for the boycott as an instrument of political struggle.

The paper also offers a detailed analysis of the events and circumstances that preceded the boycott of parliament. In doing so, it builds upon the data collected by the Centre for Research, Transparency and Accountability (CRTA) and the Open Parliament Initiative and tracks the deterioration of parliamentary procedures in the last several years. Finally, the paper takes a longer look back into the 1990s and 2000s in order to establish the patterns in which similar boycotts have happened before. In doing so, it relies on news databases and literature on parliaments and political chronologies.

The structure of the paper is chronological. It starts with an analysis of previous parliamentary boycotts, followed by the analysis of the context in which the current boycott occurred, proceeding into the analysis of the causes and effects of the current boycott, and closing with the analysis of the boycotts in Serbia as a phenomenon.

2. THE BOYCOTTS, 1990-2016

As in most democracies, parliament has been a common focus of political struggle in Serbia. The conflicts between the majority and minority revolved around the boycott of elections and of the work of parliament on more than one occasion. Boycotts of elections and of the institution are often interconnected, and they resurface when street protests raise the tensions between the governing and the opposition parties.

The debate about boycotts marked the first multi-party elections of 1990.¹ The newly founded opposition parties were faced not only with the electoral law which introduced a two-round majoritarian electoral system, likely to favour the incumbent Socialist Party of Serbia (SPS), but also that party's overwhelming organisational structure and strong grip on the media. The opposition parties disagreed on whether to boycott the elections or participate hoping to win at least some voice in parliament. The argument of proponents of a boycott was that a unified opposition stance would delegitimise the new regime, whereas the opponents argued the new parties should participate in the campaign and expose the illegal actions of the ruling party in the process.² These arguments have been a constant in all ensuing debates about boycotts. The parties which advocated participation in 1990 finally prevailed, and the other opposition parties joined the elections in order to avoid marginalisation. In spite of winning 46 per cent of the popular vote, the Socialist Party of Serbia won an overwhelming majority of members of the parliament (194 of 250). The unified opposition front could not under the existing conditions confront the advantages the governing party had.

The first boycotts were a feature of ethnic minority parties. The 1990 elections were boycotted by the Albanians in Kosovo which also continued to be a regular feature. On the other hand the Albanians from Southern Serbia participated in the 1990, 1993 and 1997 parliamentary elections,³ however they boycotted the following elections and continued to do so until 2007.⁴ The first instance of a partial boycott of parliament is registered by another minority party. The Bosniak minority Party of Democratic Action (SDA) participated in the 1990 elections, winning three seats, their leader coming fourth in the presidential elections. However, with the political crisis in neighbouring Bosnia impeding and tensions in Sandžak region rising, the MPs left the National Assembly in 1991.⁵

During the same year, Belgrade was hit with the largest mass demonstrations against the government which demanded the opening of the media. In the midst of the wars and economic sanctions in 1992, a new country, Federal Republic of Yugoslavia, was formed. The elections for the federal assembly were the first boycotted by the opposition in Serbia. This was done because of the disagreement with the undemocratic way the new federation was formed, and again because of the electoral system, which this time was a specific mix of proportional and majoritarian systems. The boycott was not successful as more than half of registered voters turned out; however, it had a partial effect in terms of the perceived legitimacy of the government, and a political crisis led to two new rounds of elections (under different electoral conditions) occurring in 1992 and 1993 in which the opposition participated.⁶

The 1993 parliament was the stage for the first boycott by national political parties. The SPS had formed a government with a slim majority, including one of the parties which had run in the elections as part of the opposition coalition. The opposition in parliament was numerous and increasingly challenged the majority party. When in July 1995 the majority voted to cease live broadcasts of sessions, the opposition parties left parliament and did not return in the same full capacity until the end of the mandate.^{7,8,9} The winter of 1996-1997 was another instance of mass mobilisation in Serbian cities, when citizens protested against what they said was attempted electoral fraud at the 1996 local elections. An attempt to create a “parallel parliament” with the Serbian Radical Party nevertheless failed.¹⁰ The opposition parties were not united about boycotting the upcoming general elections either, and in the end the opposition block dissolved with the Democratic Party, the Democratic Party of Serbia and the Civic Alliance boycotting the 1997 elections, a first instance of the relevant opposition parties boycotting the general elections, while the Serbian Renewal Movement, Serbian Radical Party and the others ran.^{11,12}

The 1997 elections were once more won by the Socialist Party of Serbia which stayed in power until its defeat in December 2000.¹³ During this time another violent conflict in Kosovo occurred and, after a mostly unified opposition stood in the 2000 federal elections and mass demonstrations occurred on 5 October, the Socialist Party of Serbia government was replaced. In this period, there was a second instance of a parliamentary boycott. The Serbian Renewal Movement, which participated in the 1997 elections that most of the other opposition parties boycotted, left the plenary sessions of parliament in January 2000, while still participating in the work of the committees¹⁴ where they were trying to negotiate the improvement of electoral conditions.¹⁵ The same party was calling for the boycott of the federal elections of 2000,¹⁶ but ran their candidate in the end, splitting the vote of the unified opposition. After the transition of power in 2000, the political circumstances had stabilised for a while, at least compared to the tumultuous 1990s, and boycotts of both elections and parliament became rarer.

However, instances of boycotts of elections and parliaments did occur after 2000. After the assassination of the Democratic Party Prime Minister Đinđić in 2003, the Democratic Party of Serbia led by Vojislav Koštunica formed the majority in 2004, with the outside support of the Socialist Party of Serbia. Already in June 2004, Democratic Party candidate Tadić won presidential elections, leading to a period of cohabitation. After the Democratic Party lost two mandates in parliament due to administrative decisions, the party of President Tadić had left parliament, symbolically perhaps, on 5 October 2005, and did not return until 21 November 2005.^{17,18,19} This was the only instance of a major national opposition

party leaving parliament for a long period of time between 2000 and 2019. As the situation with electoral conditions was in general considered adequate in the period, the elections were not boycotted in this period either. The only instance of an organised boycott by several political parties was recorded in 2006 during the constitution referendum.²⁰

Throughout this time, from 1990 to 2019, sittings were boycotted by some MPs on numerous occasions. In the early years of the multi-party parliament, political tensions were often high, with both the ruling majority and the opposition abusing the rules of procedure. Opposition MPs often lost their mandates (Democratic Party in 1992, Serbian Radical Party 1993, Serbian Renewal Movement 1996-1997, League of Social Democrats of Vojvodina 1998 etc.)²¹ and the electoral rules were constantly changed.²² The rules of procedure at the time allowed numerous amendments and long speeches which favoured filibustering. The marathon sessions were usually forced to end by the opposition leaving parliament.²³ This was most often scorned by the ruling majority. In 1993 when opposition MPs left the session to protest the new electoral law, the Speaker told them to “please close the doors after you leave”.²⁴ When the opposition left parliament in 1995, the Speaker commended their act saying that parliament will be more efficient without their obstruction.²⁵

After 2000 there were also many instances of MPs leaving the sittings of parliament, either plenary or in committees, as a form of protest against the majority’s actions or because of external events. For example, In 2001 MPs of the Socialist Party left parliament while Milošević was being arrested.²⁶ In 2009 the MPs of the Radical Party, which were already protesting the way the majority Democratic Party was leading parliament,²⁷ left the administrative committee in protest against the health of their party leader being discussed.²⁸ In 2012, when the Serbian Progressive Party won the presidential election and created the new majority, opposition MPs boycotted the inauguration of the new president.²⁹ The list of these instances grew, and in the coming years, especially from 2014: Democratic Party in 2014,³⁰ Radical Party 2016,³¹ 2017,³² 2018,³³ 2018,³⁴ Enough is Enough 2016,³⁵ even the majority MPs of Social Democratic Party of Serbia left the parliament in 2018 in protest against the verbal abuses of the MPs of the Radical Party.³⁶

To sum up, the boycotts in Serbia since 1990 had happened in different forms. Partial boycotts in which single parties boycotted different aspects of parliamentary life happened throughout this period. However to the best of our knowledge only on three occasions did non-minority parties boycott the work of a plenary for a prolonged period of time. Twice it was a decision of only one party: Serbian Renewal Movement in 2000 and Democratic Party in 2005. The boycott of 1995 was more complex and it has some similarities – but also a few differences – with the current boycott of 2019. The 1995 boycott was a decision of four opposition parties: Democratic Party, Serbian Renewal Movement, Serbian Radical Party and Democratic Party of Serbia. It was caused by a long-lasting misuse of parliamentary procedures and electoral disadvantages, primarily in the sphere of media availability. It happened at a period of heightened political polarisation: the opposition was developing a strategy of building parallel institutions (with a limited success), mobilising voters for demonstrations in 1996 and continuing with the boycott of elections in 1997. On the other side was the ruling majority which controlled the media, resources and the electoral process, and which was working on an image of “guarantee of stability” in the region.

The major effect of the boycott strategy in the late 1990s was to open space for the rise of the Serbian Radical Party.³⁷ The absence from parliament of any moderating voices meant that many laws which later proved to have profound effects for society were passed without significant opposition in parliament. In 1998 parliament enacted the notorious Information Law which led to the closure of many outlets critical of the government, and the University Law which led to the diminishing of its autonomy and the sacking of many academics. The same parliament organised a referendum in 1998 which rejected any foreign mediation in the accelerating crisis in Kosovo. The calamitous path towards the war in Kosovo started in this period, and the lack of participation of the whole opposition in parliament and the elections made that path at least a little bit steeper.

3. THE 2016 PARLIAMENT

In order to grasp the wider context in which the most recent parliamentary boycott was launched, the following section provides a brief overview of the functioning of parliament and the main circumstances that preceded the boycott. The practice of the majority misusing parliamentary procedures in order to ease the decision-making process or ensure the preferred outcome of a vote was more or less present throughout the previous years. Yet, despite its prevailing strong and stable majority, the ruling Serbian Progressive Party engaged for the first time in abusing the rules of procedure in order to limit parliamentary debate and reduce the visibility of opposition MPs in the plenary.

The ongoing 11th legislature of the National Assembly, which began on 3 June 2016 is marked by increasingly frequent filibustering, abuse and obstruction of parliamentary procedures and mounting political tensions between the ruling majority and the opposition, which culminated in late 2018. The analysis of the functioning of parliament shows trends toward the deterioration of its effectiveness, influence and accountability. The manner and amount in which parliament is performing its legislative and oversight functions illustrate the key challenges and patterns of reducing parliament's role to a mere "voting machine" without substantial influence in decision-making.

The government became the almost exclusive proposer of the laws adopted by parliament – it proposed 97 per cent (344/354) of laws adopted in the 11th legislature by the end of 2018. The remaining 10 adopted laws were proposed by MPs from the ruling party and the National Bank of Serbia. The other proposers of law, including opposition MPs, were *de facto* impeded from exercising their right to propose laws as guaranteed by the constitution, as the ruling majority ignored their proposals, by using a gap in the current Rules of Procedure which do not state a deadline by which a submitted law proposal must be included in the agenda.³⁸

The period from 2016 to 2019 was characterised by a trend of increased legislative activity (218 laws in 2018 compared to 89 in 2017 and 47 in 2016). However despite the significant role parliament should play in the legislative process, throughout recent years its work has been characterized by a lack of substantive debate and the prominent use of urgency procedures.

An analysis of the laws adopted by the urgency procedure reveals that throughout the current parliament the regular procedure is predominantly used for adopting ratifications of international agreements, while more than 70 per cent of new legislation, amendments and supplements to laws were adopted by the urgency procedure (graph 1). It should be noted that some of the MPs from the ruling majority justify the overuse of the urgency procedure as the consequence of the process of European integration.³⁹

Graph 1:
Urgent and regular procedure
2016-2018



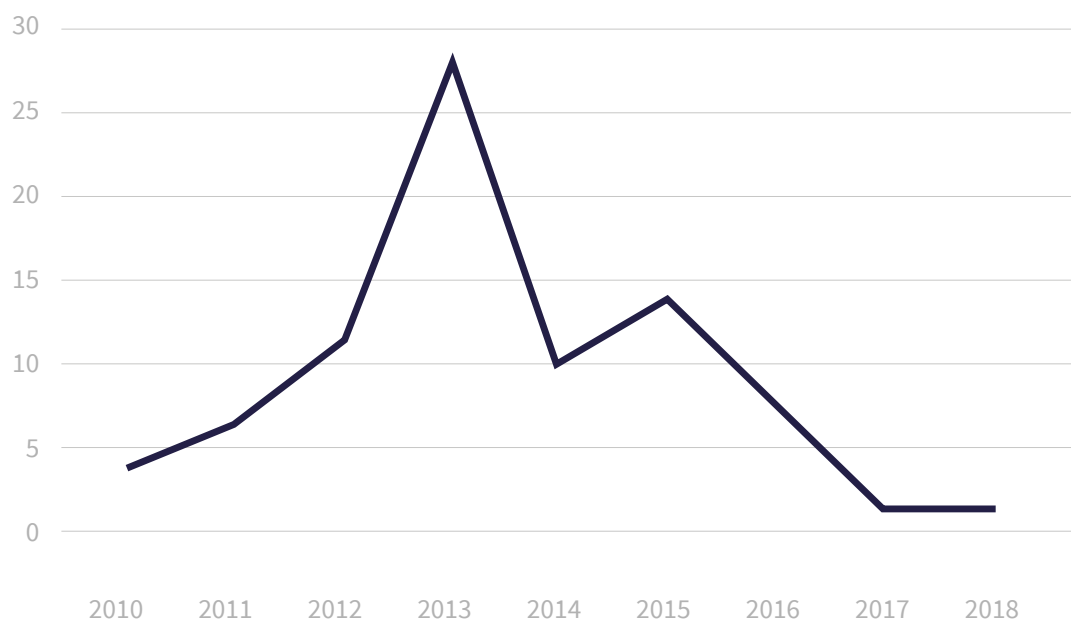
Tensions between the ruling and opposition parties intensified from 2017 with the regular abuse of the procedural rules in the plenary by the ruling majority. The ruling majority MPs engaged extensively in lengthy discussions which exhausted most of the time allocated for plenary debate. The possibility to consolidate parliamentary debate became increasingly misused by the ruling majority's MPs by combining dozens of different items in a joint discussion or submitting hundreds of amendments without relevant content. The cross-party debate in the plenum was *de facto* prevented throughout 2018. The most prominent example was the adoption of the Budget Law for 2018, adopted in December 2017 together with 29 other laws in consolidated debate, as the sixth of the 31 items on the agenda. By proposing 436 amendments on the first two items of the agenda the ruling majority's MPs used all 10 hours available for debate and later withdrew most amendments. This practice continued through 2018, ending the year with the adoption of the Budget Law in the same manner, as the fourth of 62 diverse items on the agenda.

The Rules of Procedure have not been changed at any time to allow for this majority filibustering. Instead it was solely the misuse of existing rules by the majority MPs condoned by the Speaker.

This unusual case of majority filibustering had significant effects on parliament. When the majority started using this mechanism, opposition MPs became reluctant to attend the discussions on amendments as they were left without time to discuss their proposals. In return, the majority then used the absence of opposition MPs from the plenary sessions to accuse them of disinterest and laziness. Such a lack of genuine cross-party dialogue not only undermined the quality of legislation, but the overall legitimacy of parliament. The lack of time for MPs from the opposition to present their views and proposals in the plenary, both to the parliament as well as to the citizens following the public broadcasting of plenary sessions significantly contributed to the boycott. The majority MPs ceased the practice of submitting hundreds of amendments when the opposition MPs engaged in the boycott. The majority MPs submitted 368 amendments to the first item on the agenda of a sitting in December 2018, in comparison to only four amendments to the first items on the agenda in February 2019 when the boycott had started. Such a change strengthened the argument of the boycotting MPs that the purpose of the amendments was only filibustering.

The analysis of parliament’s oversight role reveals more disturbing trends. There is a lack of substantive cooperation by parliament with the independent, supervisory and regulatory bodies which are designed to be an “extended arm” of parliament ensuring efficient and effective parliamentary oversight. The annual reports of these bodies, providing an overview of the key areas of the executive’s work, have not been considered in the plenary since 2014, despite being regularly submitted. The use of public hearings, once praised as an example of good practice in the Serbian parliament, sharply declined. In comparison to 28 public hearings in 2013, only eight public hearings were organised from 2016 to 2019 (Graph 2).

Graph 2:
Public hearings
2010-2018



The mechanism of “MP question time”, providing MPs the right to ask the government or the competent minister a question on the last Thursday of the month, was also used less often than in previous legislatures. More precisely, during the current 11th legislature it was used eight times (once a year in 2016 and 2017, five times in 2018, and once in 2019), in comparison to 18 times during the 8th legislature (11 June 2008 - 31 May 2012). Moreover, the allocated time for questions from MPs is in practice predominantly used by the government representatives, and often by using the “friendly questions” of the MPs from the ruling majority to attack political opponents rather than to ask questions of interest to the general public.

Consequently, the findings of the analyses of the use of existing mechanisms for parliamentary oversight, which are of vital importance to opposition MPs, suggest that these mechanisms are either not used at all or used in a sporadic and superficial manner that merely fulfils a symbolic “ticking the box”. Taken together, the analysis of the main roles of parliament shows a deterioration in all key aspects in the period from 2016 to 2019. This has been a main argument in the debate about the parliamentary boycott leading to 2019.

4. THE 2019 BOYCOTT

The current boycott of parliament started with the special sitting on 28 January 2019 and continued with the extraordinary sittings from 11 February onward. It is a partial boycott, both in terms of the opposition parties, and in terms of its scope. Several opposition political parties and independent MPs have started to abstain from participating in the plenary sessions, while being present in the premises of parliament and reserving the possibility to attend special sessions and some committee sessions, announcing the political and electoral conditions to be met before participating fully again.

The boycott takes place in the context of the creation of the unified opposition alliance five months earlier, the protests that had started two months earlier, and the longer trend of the democratic decline in both the working of parliament and the quality of the elections. On 2 September 2018, nine political actors formed the Alliance for Serbia. The Alliance started the campaign with the quality of democracy and the electoral conditions as the main themes. On 14 December the members of the Alliance signed the “Conditions of the opposition for free and fair elections” – a list of demands to be met in order to participate in any future elections. On 23 November one of the leaders of the coalition was physically assaulted. As a reaction to this event, a citizen-organised protest was held on 8 December in Belgrade, which since then has happened every Saturday, the protest gaining momentum and spreading across cities in Serbia, with tensions rising after the protesters entered the building of the public broadcaster on 16 March.

The boycott takes place in the context of heightened polarisation in society, manifested in the recurring protests across the country and the convergence of the opposition parties, as well as the heightened issue of electoral conditions. However, the boycott of the current parliament elected in 2016 was debated amongst the opposition for almost two years.

The calls to boycott parliament started after the presidential elections in April 2017 at which the Progressives leader Aleksandar Vučić won in the first round. The protests that followed the announcement of the election outcome were interpreted by some as an indicator that the political struggle should be escalated and that a parliamentary boycott would be a good strategy, explicitly invoking the experiences of the 1990s boycott.⁴⁰ However, no opposition party was eventually willing to stage a boycott of parliament, mostly arguing that the conditions were different from the 1990s and that it would only harm already fragile opposition.⁴¹

Even though the opposition was not for the permanent boycott in 2017, four opposition parties (Enough is Enough, Dveri, Social Democratic Party - People’s Party, New Serbia - Movement for Serbia’s Salvation) staged a one-day “warning boycott” of parliament 26 on May 2017.^{42,43,44} The main reasons for the warning boycott were the misuse of parliamentary procedures and they were formulated in a list of demands to the Speaker, including respecting the agenda, equal time for speeches, stopping the practice of joint discussions, making the question time possible, etc.

As the relations in parliament were worsening and the misuse of rules of procedures became more intense, such boycotts that lasted for a day continued through 2018^{45,46} and into 2019^{47,48} still without a decision to enter into a more permanent boycott. A special sitting of parliament was organised for the visit of the president of Slovenia on 28 January which was boycotted by most of the opposition parties, however some of the party leaders came to the House of Parliament.⁴⁹

On 6 February 2019, the Alliance members signed a document in which they obliged their Members to leave parliament and the local assemblies due to the decline of democracy and parliament and that the goal was to delegitimise the ruling majority.⁵⁰ The boycott eventually started on February 11 during the extraordinary session, when the opposition

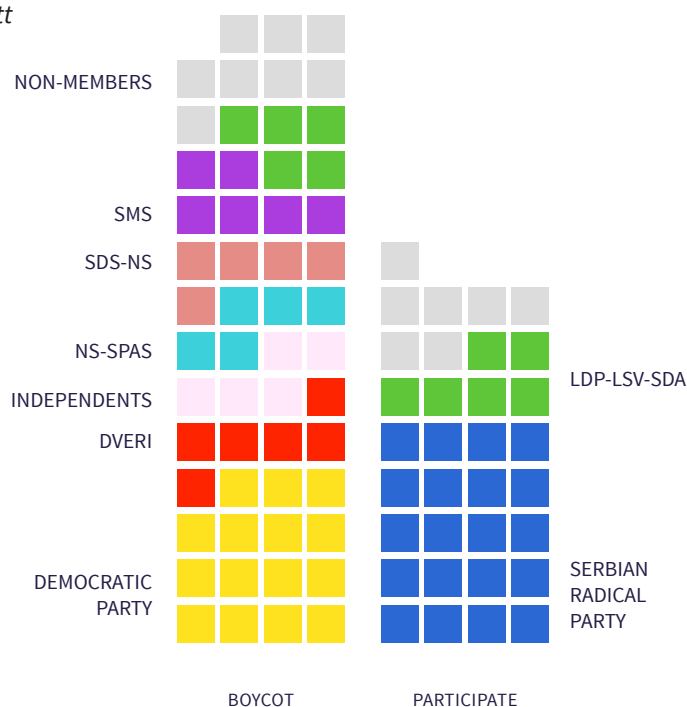
parties announced they would boycott the work of parliament by being present in the House of Parliament but not attending the plenary sessions.⁵¹ The boycott was continued during the first regular spring session on 5 March, demanding the resignation of the Speaker.⁵² The MPs also announced a “parallel parliament” where they will discuss the laws and communicate with the citizens in the House of Parliament but would boycott all plenary sessions, as well as collegiums. The strategy of boycott also spread to other assemblies. The opposition left the parliament of the province of Vojvodina⁵³, and most of the local municipal assemblies, with the Members forming an “Alliance of free deputies” on 23 February 23.⁵⁴

5. THE 2019 BOYCOTT REASONS

To understand the boycott from the perspective of its main actors, and beyond the information available in media and press releases, 42 out of 88 opposition MPs were interviewed for this research. The distribution of respondents covers all parliamentary groups not forming the ruling majority. Parliamentary groups covered by the research are: Democratic Party, Dveri, Party of Modern Serbia, Club of Independent MPs, Social Democratic Party - People’s Party, New Serbia - Movement for Serbia’s Salvation, Liberal Democratic Party - League of Social Democrats of Vojvodina - SDA Sandžak, Serbian Radical Party as well as MPs that are not members of any parliamentary group.

The data on the main reasons and expected effects of the boycott, gathered through semi-structured interviews conducted with opposition MPs, indicated some degree of coherence but also the existence of differences among parliamentary groups and individual MPs. The only opposition parliamentary group that does not participate at all in the current boycott of parliament is the Serbian Radical Party. On the other hand, MPs from political parties which have stated that they will not boycott parliament eventually joined, which is the case with some Liberal Democratic Party⁵⁵ MPs. However, what we have noticed throughout the research is that MPs generally comply with the decision of their parliamentary group. On the other hand, the opposition MPs which do not belong to any parliamentary group are divided as some of them boycott whereas others do not. At this phase of the research, we were able to determine that out of 88 opposition MPs, 55 boycott and 33 do not boycott, as presented in Graph 3.

Graph 3: MP groups in boycott
(data as of 26 March 2019)



The results of interviews with 34 opposition MPs who participate in the boycott (out of 42 interviewed) show that they tend to understand the act of boycotting, its purpose and outcomes differently. These differences are not only visible between the parliamentary groups, but are also visible within them. In addition, interviewed MPs have often made clear that they are fully aware of the fact that there is no unique approach to boycotting. This is largely the consequence of the fact that the boycott has started in an absence of a clear outcome strategy both at the level of parliamentary opposition participating in the boycott, and at the level of single parliamentary groups and political parties.

Some interviewed MPs stated that the decision to boycott parliament was imposed by the party leadership without prior consultation and discussion with their respective MPs. This also helps in shedding light on why there is no unique approach in how the boycott should be conducted, even within parliamentary groups. Opposition MPs that boycott act differently when it comes to participation in the work of parliamentary committees. Some of them state that they are not attending either plenary or committee sessions, whereas others are not attending plenary sessions but are attending committees. There were no MPs who attend the plenum, while boycotting the committees.⁵⁶

The MPs who are engaged in the boycott lack a mutual understanding on the exact date when the boycott has started. While the majority is divided on whether the boycott started with the special sitting held on 28 January 2019 or with the extraordinary sitting (11-14 February), some MPs consider that it began during the last year, or even earlier. In that sense, some of them consider the December 2018 session, at which the 2019 state budget was adopted, as the real start of the boycott, or even 2017 when filibustering emerged as a common practice.

MPs stated various reasons for boycotting parliament, which can be grouped in five main categories:

1. Dissatisfaction with the work of parliament, and the deterioration of the institution (described as: the lack of dialogue and debate, “violence” against the opposition, misuse of parliamentary procedures with the emphasis on the Rules of Procedure and submission of “bravo” or “phantom” amendments or filibustering by the ruling majority, the manner in which the plenary sessions are being called, etc.);
2. Solidarity with the citizens that are protesting in the streets;
3. Solidarity with fellow opposition MPs in boycotting parliament;
4. Avoiding being labelled pro-government and marginalized;
5. Party decision.

All of the opposition MPs, boycotting or not, share a view that the democratic deficit in parliament is the key problem that should be addressed, regardless of the parliamentary group to which they belong. However, they do not share the same views on how to address the deficit. The differences which emerge in understanding how to effectively respond to challenges within parliament are also mirrored in reasons which MPs state when answering why they boycott parliament.

For many of them the democratic deficit is the main reason for the boycott, as they believe that boycotting is a tool which corresponds to the goal they would like to achieve.

“It is a form of pressure, because those who sit in parliament lose their legitimacy, as the majority do not want to discuss the laws. The government took over the role of parliament, the presidency took over the role of the government, and thus the presidency is everything in Serbia”.

For others, the act of boycott is not considered to be the key tool for restoring democracy within the institutions, but is regarded as nurturing the dialogue and using mechanisms which they have at their disposal as MPs. For the latter group

of MPs, solidarity with the remaining opposition, but also fear from being labelled pro-government or staying marginalised, even the imposed party directive, are the main reasons why they engaged in the act of boycotting.

“Everyone has a different reason to boycott; but our main reason is to show solidarity with the opposition. Our opinion is that, at the moment, we need a dialogue and not conflict, which is why we choose solidarity”.

Some of the MPs among those boycotting the parliament are pessimistic regarding the expected outcomes. Some of them also refer to democratic deficit in the parliament as an “excuse” or an “official reason” for boycott, thus showing no personal involvement in the collective decision or even strongly disagreeing with the decision in which they still take part.

“We have not found a sufficient number of sufficiently determined MPs to stand against the decision to boycott the parliament”.

MPs which decided not to engage in the boycott state that they were elected to their positions to represent citizens and defend their interests, which is not possible while boycotting. Even though many of them agree that the atmosphere in parliament is not good, they tend to highlight the need for dialogue between the ruling majority and the opposition in solving problems they face at the moment.

6. THE 2019 BOYCOTT EFFECTS

When it comes to the effects of the boycott, MPs also share different views, and they are in general pessimistic regarding its effects. MPs’ views on the potential effects of the boycott can also be grouped into five categories:

1. Exposing the malfunctioning of parliament to the domestic and international public, pointing out that Serbia has an autocratic regime;
2. Changing the practices of parliament to normalise the situation inside, but also to strengthen democratic capacities in protecting its legislative and oversight role, changing the Rules of Procedure, and restoring checks and balances between branches of power;
3. Strengthening the opposition and encouraging citizens to keep protesting;
4. Will not bring any change, as it is not sufficient/not radical enough a game-changer;
5. Boycotting will not bring any change, as it is not the right tool.

Many of them, in particular those who feel more distant from the decision to boycott, do not have any expectations at all. Some MPs even consider that the boycott will have an adverse effect – instead of bringing democracy into parliament, they believe that it will continue working as it did “for the last 20 years”. Some of them also believe that change is not possible in this political environment, suggesting that it should be triggered outside of parliament through direct contact with citizens. However, MPs generally tend to agree that boycotting is not enough; rather they see it as good starting point towards new actions that would accelerate social and political change.

In an absence of concrete expectations, MPs rather identify that awareness raising or exposing to the public (both domestic and international) the extent to which parliament is not functioning would be the main effect of the boycott. MPs generally agree that the outcomes of boycotting parliament are intertwined with outcomes of civic protests across Serbia as well as with the efforts to ensure conditions for free and fair elections.

In spite of relatively low expectations, the majority of MPs see that the act of boycott will provide some consequences. Many of them believe that boycotting will have an impact on the work of parliament; but they observe those effects primarily as negative ones. Some opposition MPs describe the dilemma that with the boycott they are sending an undemocratic message and further harming the parliamentary dialogue. Their main concerns are related to the quality of the legislative process, as boycotting allows the ruling majority to pass laws without any constraints or review of their quality. Opposition MPs perceive that their decision to boycott diminished even those minimal opportunities for participation they had left, such as agenda setting or posing questions to the government. Some of them also believe that their absence from parliamentary sessions provides more space to the majority to provide biased perspectives and misinform citizens.

Those who see only positive consequences see them outside of parliament – as strengthening the civic protests through solidarity with citizens, demonstrating the strength and unity of the opposition to the public and raising awareness of parliamentary malfunctioning. Some MPs stated that the boycott could be a powerful tool if it would be manifested in a more radical way. Suggestions to return mandates and to keep exhausting elected lists of candidates by repeatedly returning mandates until there is no representative left in opposition emerged from conversations with some MPs. They believe that only radicalisation of this kind would lead to delegitimising the current parliamentary convocation, achieving what in their opinion is the stated goal of the boycott.

It is also worth noting that the public perception of parliament, as well as democratic institutions in general, is relatively low. CRTA polling in the last six years⁵⁷ shows a stable trend of low trust in the MPs. Only 13 per cent of citizens in 2018 thought that MPs represent the interests of ordinary people. In addition, 63 per cent agree with the statement that MPs pay more attention to party interests than they do to the interests of citizens. Such bad perceptions of the work of MPs is fertile ground for the boycott initiatives; however, it is also easy to see that boycotts might lead to further delegitimation of democratic institutions.

7. CONCLUSION

There have not been many instances of parliament boycotts in Serbia. Excluding the parties of national minorities, this paper identified four such events by the opposition parties, in 1995, 2000, 2005 and 2019. The current boycott of parliament has many similarities to the boycotts of the 1990s. It is a co-ordinated attempt of several parties perceived as an act of last instance caused by deteriorating democratic conditions in parliament and in the wider political context. As in the 1990s, it is performed in connection with other political developments, primarily the announcement of an election boycott and mass protests against the government. It happens when there is a strong asymmetry between the political actors, with the majority coalition having much stronger organisational structure and grip on the media. In such circumstances the decision to boycott is always made with potential further marginalisation of the opposition as an adverse effect and internal and external delegitimation of the ruling majority as the potential goal of the boycotting opposition.

Over this period there seems to be one reason for boycotting that persists. The boycotts are usually used as a means for opposition parties to resolve the imposed inability to communicate their messages to the electorate. The 1995 boycott started when the majority decided to cancel live broadcast on public television. In a similar way, the reasons behind the 2019 boycott were the misuse of parliamentary procedures producing a lack of debate, which prevented opposition MPs from challenging the ruling majority or the government Members in the plenary sessions. Even though the 2005 DS boycott was primarily explained by their MPs loss of a mandate, this boycott was intended more as a communication

device indicating to their voters a willingness to escalate the political struggle with the majority.

The changes that the MPs want to achieve are primarily inside parliament: the return of live broadcasts, the return of lost mandates, or the return of the debate in the plenary. But, as the boycotts also happen in the context of larger political struggles, they are usually also aiming to improve the conditions for electoral competition either through equal media coverage or by changes of the electoral laws and mobilising the electorate through non-institutional means (protests, shadow parliament, etc.). It should be taken into account that even though the boycotts so far in Serbia have not escalated to more radical action, the interconnectedness with external dynamics such as protests might lead in this direction, as some of the MPs have indicated in their responses.

The direct effects of the boycotts on the regulative and legislative activity of parliament are low. The 1995-1996 sessions of parliament did not have very high legislative activity and there were no major changes of the systemic laws, except perhaps the laws on the retirement and labour laws.⁵⁸ During the short 2005 DS boycott there were no changes of the laws, but there were several decisions on judicial appointments.⁵⁹ In general, the existence of any legislative effects of the boycotts are hard to argue. The opposition parties did not have the ability to influence proposed laws almost as a rule in all of the boycotts; but what triggered the leaving of the plenary was the inability to communicate their messages and debate the laws and government actions.

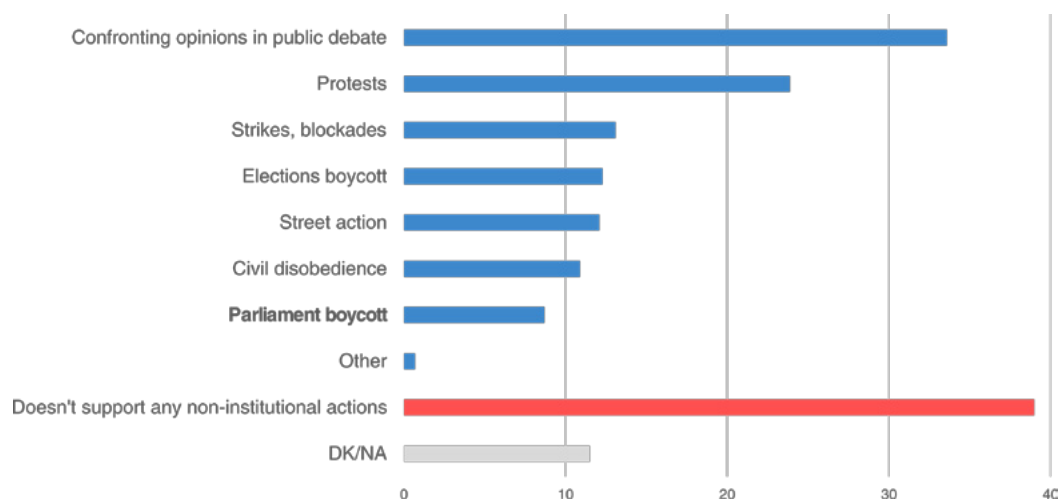
A possible consequence of the current boycott is the question of legitimacy of the new Commissioner for Information of Public Importance and Personal Data Protection. The previous commissioner, Rodoljub Šabić, was elected in 2004 for the first mandate, re-elected in 2007 after the new constitution and elected in 2011 for the second seven-year mandate, all three times without any votes against. His mandate ended in December 2018, however the procedure to appoint the new commissioner has not started in a timely manner.⁶⁰ A group of over 60 civil society organisations initiated a campaign focused on the Members of the Culture and Information Committee of parliament, outlining the experiences with the work of the commissioner so far and requesting a transparent process which would yield the best possible candidate.⁶¹ However in the light of the current boycott of parliament there is an issue not only of the quality of the process of appointment of the new commissioner, but also the legitimacy of such a choice.

There does not seem to be any possible effects of the boycotts on the EU integration agenda. The previous boycotts happened while Serbia was out of the framework of EU integration, and it is hard to say that the Democratic Party boycott in 2005 had any long-term effects which could have accelerated it. The EU appealed for the end of the current boycott and the return of the opposition to parliament.⁶²

Even though the Rules of Procedure and electoral regulations have usually not been affected by the boycotts, the majorities have usually reacted to the demands, albeit after prolonged periods of time. The majority would always treat the boycott with contempt. However when some of the opposition parties returned to parliament after the 1997 elections, the live broadcast of the sessions continued as if it was never an issue in the first place. Hinting in a similar direction, the majority in 2019 made some moves early in the boycott. The first law proposed by an MP outside of the ruling majority was included in the parliamentary agenda some days after the parliamentary boycott in March 2019, for the first time since 2015. Moreover, the draft law on financing of the Autonomous Province of Vojvodina and the draft resolution of the National Assembly on Vojvodina, proposed by three MPs from the opposition League of Social Democrats of Vojvodina, represented the only two points of the agenda of the urgently scheduled session (although not adopted).⁶³ The particular timing of this move by the Speaker, along with the efficient processing of proposals submitted only one month earlier, sparked interest in the wider public.⁶⁴

The polling done for the CRTA by the Ipsos Strategic Marketing in March 2019 on a representative random sample gives us another element of the puzzle: an insight into public support for the boycott of parliament. When asked which forms of political struggle they supported in general, and offered multiple answers, they chose engaging in debate (34 per cent), protests (24 per cent), strikes and blockades (13 per cent), election boycott (12 per cent), street actions (12 per cent), civic disobedience (11 per cent) while the lowest number of answers supported parliament boycott (nine per cent). A considerable number of citizens answered they do not support any of political struggle outside institutions (39 per cent) and 12 per cent did not know or would not answer. The boycott of parliament had significantly higher than average support in Belgrade, among higher educated, and supporters of the opposition Alliance for Serbia, while it had significantly lower support among rural, older (over 60), primary educated, and voters of the ruling coalition.

Graph 4. Public support for the boycott, as of March 2019



The responses of the majority together with the data from the polls show mixed views of boycotting as a political instrument in 2019. The experience of the 1990s as well as justified doubts of the MPs expressed in the interviews show that being sidelined is a serious threat to boycotting MPs. In the conditions of significant asymmetry of power between the ruling majority and the boycotting opposition, it is hard to see how the opposition MPs will avoid further marginalisation through this strategy. Again, going back to the experience of the 1990s boycott, the institutional retreat of the opposition had negative effects not only on the legislative process but also on the political life in the country in general.

However, if persistent, the boycott might extract some concessions from the majority. Even though the opposition MPs strongly disagree about boycotting as a political tool (55 for, 33 against), they share a negative view of the conditions in parliament and the quality of parliamentary procedures, which is at the heart of the parliamentary boycott. As indicated earlier, some changes in the practice of the Speaker and the ruling majority have been noticed since the beginning of the boycott, highlighted by some as signals for the opening of the legislative and deliberative process to the opposition. Whether this is genuine or not is beside the point; but this quick response of the majority to the boycott indicates that the procedures could potentially change. If this was to be pursued, amending the Rules of Procedure, adopting a Code of Conduct and changing the existing practices in which both the majority and the opposition MPs would have to operate would be the way to de-escalate relations in parliament and open the way to improving conditions for the 2020 regular elections.

The deteriorating trends in both the parliamentary and the electoral processes are of course not at all easy to reverse. But if the boycott was to serve the purpose of opening the space for improving democratic conditions, it seems like it might have already accomplished it, and that the space now has to be filled with specific demands and clear benchmarks. Regardless of the choice of the opposition, drafting a clear and prioritised list of demands for ending the boycott should be the priority for MPs who are boycotting. Moreover, the process of drafting these demands should be open, transparent and inclusive, with the participation of all MPs engaged in the boycott and respecting democratic procedures within the parties. Finally, recommendations developed through various analyses in civil society and academia could contribute as a baseline for such a process. The fact that some MPs have maintained their presence in the committees indicates that this could be the space for pursuing a dialogue about the implementation of the demands.

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