

Renata Podgórzńska¹

Pandemic Determinants of the 2020 Parliamentary Elections in Serbia

Keywords: COVID-19 pandemic, parliamentary elections, human rights, health security, Serbia

Słowa kluczowe: pandemia COVID-19, wybory parlamentarne, prawa człowieka, bezpieczeństwo zdrowotne, Serbia

Abstract

The COVID-19 pandemic was a determinant of the operation of state institutions whose activity was focused on ensuring state's capacity to exercise its functions and at the same time on efforts to contain the spread of SARS-CoV-2. These challenges were the same for all European (and non-European) countries, albeit the methods of limiting the transmission of the virus and of minimising its negative consequences varied depending on the strategy adopted. The paper focuses on an analysis of its impact on how parliamentary elections in Serbia are organized and held. The author intentionally omits circumstances that accompany regional (to the parliament of the Autonomous Province of Vojvodina) and local elections held in parallel.

Streszczenie

Pandemiczne uwarunkowania wyborów parlamentarnych 2020 r. w Serbii

Pandemia COVID-19 była wyznacznikiem działania instytucji państwowych, których działalność koncentrowała się na zapewnieniu zdolności państwa do wykonywania swo-

¹ ORCID ID: 0000-0001-6610-9699, Associate Professor, University of Szczecin. E-mail: renata.podgorzanska@usz.edu.pl.

ich funkcji, a jednocześnie na dążeniu do powstrzymania rozprzestrzeniania się SARS-CoV-2. Wyzwania te były takie same dla wszystkich krajów europejskich (i pozaeuropejskich), choć sposoby ograniczania przenoszenia wirusa i minimalizowania jego negatywnych skutków różniły się w zależności od przyjętej strategii. Artykuł koncentruje się na analizie jego wpływu na organizację i przebieg wyborów parlamentarnych w Serbii. Autor świadomie pomija okoliczności towarzyszące wyborom regionalnym (do parlamentu Autonomicznej Prowincji Wojwodina) i wyborom samorządowym odbywającym się równolegle.

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I.

As an introduction, it is worth emphasizing that in managing the COVID-19 crisis, government authorities in individual countries had to take decisions relating to the hierarchy of categories such as security and health of individuals, efficiency of state institutions, or constitutionally safeguarded human rights and freedoms. When it comes to countries in which rules of democracy are a canon for the operation of state institutions, there is a risk that the pandemic is used as circumstances that serve to strengthen the authority and to strike at basic pillars of democratic exercise of power. In countries with well-established democracies, there usually are no concerns about a particular use of the crisis for political purposes. Such a risk increases where mechanisms of democracy are weakened either by a political conflict between participants of political life or by an economic crisis or other factors. The main research objective of this paper is to attempt to answer the question about the circumstances of organizing elections in Serbia in the context of the COVID-19 pandemic, about the impact of restrictions on the electoral result and the question whether opinions on using the state of the pandemic for political purposes were justified. These circumstances determined both the course and results of the research. In this paper the author is trying to verify the hypothesis that the circumstances that accompanied the organization and holding of parliamentary elections in Serbia had a significant, though not decisive, influence on the result of the elections.

II.

The COVID-19 pandemic is a key occurrence that recently has been determining political, social, economic and cultural processes, globally and nationally alike. Its course and consequences and the character of formal and legal solutions aiming to limit and slow down the spread of SARS-CoV-2 impacted the activity of states on many planes and in many dimensions. It needs to be noted that the character of challenges associated with the spread of the virus was the same for all European and non-European countries, and only differed in their scale and intensity. These depended on the states' potential, resources and capabilities to effectively respond to the pandemic reality and to search for effective ways to counteract the related threats. This approach was followed by a majority of the states and only with time and as the number of infections rose and mortality grew did the authorities intensify activities on the one hand intended to ensure the health security and on the other the citizens' use and enjoyment of their rights, including the right to participate in elections. It is worth emphasizing that the intensification of actions to fight the emission of the virus required application of practises that could involve violation of democratic rules.

Leaving aside a deeper analysis of the relationship between democracy as a model of governance and the COVID-19 pandemic, it must be noted that the latter was a challenge from the point of view of organization of elections, at many levels at that. A key issue was to find a way to organize elections with respect to rules of a democratic state and at the same time ensuring security of participants of the electoral process, both voters and persons responsible for its organization and running. Traditional elections require intensive interpersonal contact, which becomes a challenge during a pandemic². This complex situation was true for many countries where the time of the pandemic coincided with the need to organize elections, be it local, parliamentary or presidential. These dilemmas meant that decisions had to be made whether to organize elections under the same terms and conditions as so far, regardless of the pandemic threat, whether to postpone them or whether to conduct them by means of new methods and instruments.

² L. Maizland, *How Countries Are Holding Elections During the COVID-19 Pandemic*, <https://tiny.pl/98swk> (26.04.2022).

As an introduction it needs to be emphasized that organization and holding of elections in countries which so far have been seen as states that do not fully adhere to democracy's standards was a special challenge. The pandemic circumstances were a certain temptation for political actors, especially the parties in power, to use this situation for their political purposes. Serbia is an example here. For years, European institutions have been formulating various reservations concerning its state of democracy (which has also had an effect on the development of the process of approximation to the structures of European cooperation). We need to remember that in the period preceding the pandemic reality, Serbia was challenged for the polarization of its political scene, a lack of room for a political debate, no freedom of the media, manipulation of the electoral law, and a lack of free and unrestricted elections³. The domination of the Serbian Progressive Party (SNS) since 2012 and attempts to subjugate state institutions to its interests while opposition is weakened and dispersed are the main factors that need to be taken into account in the context of organization of elections in the time of the pandemic.

In fact, countries without a well-established democracy (though not only this), could have developed a trend to use the pandemic as a pretext to introduce changes in the legal system (also in the electoral law), which under different conditions would need long political discussions. The pandemic could also be an excellent opportunity to introduce regulations that would act in favour of the party in power and thus would make it difficult for opposing parties to operate, all under the disguise of a search for effective mechanisms to limit the spread of the virus and to mitigate its effects. Incidentally, the pandemic reality, dictating extraordinary operation of state authorities, provided room for manipulation of the situation and for using it to pursue a narrowly understood party interest. Only in states with well-grounded democracies could the authorities avoid the temptation to abuse power for political purposes. Serbian governing elites certainly did not fall under this group. It is enough here to quote the democracy index which describes the condition of democracy in 167 countries (60 indexes classified under a few categories:

³ Serbia 2019 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2019 Communication on EU Enlargement Policy, <https://tiny.pl/98sw3> (26.04.2022).

electoral process and pluralism, civil liberties, functioning of government, political participation and political culture). In 2021 Serbia ranked 63rd with an index of 6.36 (for comparison, Norway that was no. 1 and reached 9.75). What is more, Serbia has had the status of a flawed democracy for years, as confirmed by this index (in 2020 it was 6.22)⁴.

On the one hand, flaws in democracy create conditions to hold free elections and conditions for pluralism, and on the other these flaws involve violations of the media, a poor political culture, and no clear rules on the functioning of the government. This strengthened concerns about the possibility of using the pandemic to justify actions that distort the transparency of the electoral process⁵.

III.

The elections were originally scheduled for 26 April 2020, but the dynamic spread of SARS-CoV-2 verified the electoral calendar. Interestingly, Serbian authorities undermined the threat at first, which was expressed in press conferences during which they held that there were no infections in Serbia and that institutions were prepared for a potential threat which then was treated as an exaggeration⁶. For example, at the first press conference devoted to the pandemic due to the spread of the virus (26 February 2020), the guest expert professor Branimir Nestorović called the virus “the funniest virus in history” and pointed to a specific conviction of Serbian authorities about what was universally considered to be a tremendous challenge from the point of view of health security⁷. The decision of the president who at the beginning of March

⁴ Democracy Index 2021. The China challenge, <https://tiny.pl/98sct> (26.04.2022).

⁵ See P. Magri, *Holding back the Old Demons in the Euro-Mediterranean Region in Post-pandemic Times: Populism and Authoritarianism*, <https://tiny.pl/98sc7> (26.04.2022); Has COVID 19 undermined the rule of law? New research examines actions in the Western Balkans, <https://tiny.pl/98scr> (26.04.2022).

⁶ Састанак са представницима свих институција које учествују у борби против корона вируса, <https://tiny.pl/98sc9> (22.04.2022).

⁷ Analysis of the media coverage of the coronavirus pandemic in Serbia. Publication of this report was supported by the OSCE Mission to Serbia. The views herein expressed are solely those of the author and can in no way be regarded as official views of the OSCE Mission

announced the date for the elections for 26 April 2020 provides more insight into the opinion of Serbian authorities about the potential threat. Back then, disregarding the circumstances and undermining why the policy should be modified, the authorities decided to organize parliamentary elections⁸. However, the political narration was relatively quickly fundamentally revised. Right after the first case of coronavirus was recorded in Serbia (6 March), the procedure was verified. Subsequent press conferences demonstrated greater understanding of the gravity of the situation, but there was no shortage of a political rhetoric. Interestingly enough, after the initial neglecting of the threat, efforts of Serbian authorities were portrayed as more effective and efficient than efforts of other European countries⁹. At the same time, for obvious reasons (such as for example no previous experience in a fight with a pandemic), the activities were similar to those carried out in other European countries. It is worth emphasizing a revision of the political narration that has so far accompanied the discussion on the pandemic and a shift away from the position of a dissenter of the SARS-CoV-2-triggered threat to active efforts¹⁰. However, as pointed out by Konrad Pawłowski, despite taking an array of necessary preventive and protective actions, the authorities believed that the measures implemented turned out to be ineffective, also because there was not enough discipline among certain citizens, hence the decision to implement extraordinary administrative measures¹¹.

A certain inconsistency of action and inexplicable decisions are observed in an analysis of the policy of Serbian authorities for counteracting the spread of COVID-19. On the one hand, the authorities negated the need

to Serbia. Analysis of the content of daily press and TV stations as of 26 February through 6 May 2020, <https://www.osce.org/files/f/documents/e/6/457645.pdf> (16.04.2022).

⁸ Председник Вучић расписао редовне парламентарне изборе, <https://tiny.pl/98scd> (16.04.2022).

⁹ Састанак са представницима свих здравствених и других институција које учествују у борби против корона вируса, 11.03.2020, <https://tiny.pl/98sc4> (25.04.2022).

¹⁰ Обраћање председника Републике Србије, <https://www.predsednik.rs/pres-centar/vesti/obracanje-predsednika-republike-srbije-28737> (25.04.2022); Састанак Кризног штаба за отклањање насталих и спречавање могућих штетних последица заразне болести COVID-19 по привреду, <https://tiny.pl/98sck> (25.04.2022).

¹¹ К. Pawłowski, *Serbia: wprowadzenie stanu wyjątkowego w ramach walki z pandemią koronawirusa (COVID-19)*, "Komentarze IES" 2020, no. 154, p. 3.

to introduce far-reaching restrictions, emphasized readiness of state services and institutions for acting in a crisis mode, neglected the threat and criticised exaggeration of the pandemic. On the other hand, though, a few days after calming recommendations, Serbia's authorities as one of the first in the world introduced the state of emergency (15 March 2020). This was based on Art. 200 of the Constitution of the Republic of Serbia, which lays down that when the public order of the state or its citizens is threatened, the National Assembly shall proclaim the state of emergency¹². However, many people saw particular party goals in this decision and the use of the situation to the parties' own political calculations. All the more since a different instrument could be applied, which allowed authorities to use special forces and measures to respond to different kinds of crisis situations. We are talking here about The Law on Decreasing the Risk from Catastrophe and Managing Emergency Situations¹³. It is worth noting that the state of emergency was introduced in Serbia without asking the consent of the legislature stipulated in said Article 200 of the Constitution, but by application of the procedure described in the same article, which provides that the President of the Republic, the President of the National Assembly and the Prime Minister may take the decision to introduce the state of emergency themselves when it is not possible to convene the National Assembly¹⁴. However, reasons for which the National Assembly would not be able to convene for this purpose are difficult to understand. In consequence, the approval for the decision to introduce the state of emergency post factum (as well as its validity) was a starting point for criticism of the interpretation adopted by the party in power. The parliament only convened more than 6 weeks after the introduction of the state of emergency (28–29 April) and it was called off a week later¹⁵.

¹² Устав Републике Србије, <https://tiny.pl/98sc8> (26.04.2022).

¹³ See I. Cavdarevic, *Serbia and Covid-19: State of Emergency in a State in Disarray*, <https://tiny.pl/98sc6> (26.04.2022); *Zakono smanjenju rizika od katastrofa i upravljanju vanrednim situacijama*, <http://bityl.pl/cFTEY> (26.04.2022).

¹⁴ See more in: N. Tzifakis, *The Western Balkans during the pandemic: Democracy and rule of law in quarantine?*, "European View" 2020, vol. 19, p. 199.

¹⁵ Republic of Serbia parliamentary elections, 21 June 2020. ODIHR Special Election Assessment Mission. Final Report, <https://www.osce.org/files/f/documents/a/3/466026.pdf> (26.04.2022).

The state of emergency lasting from 6 May 2020 involved special sanctions and restrictions¹⁶, and, as noted by Ewa Bujwid-Kurek, strongly affected the functioning of the state and society¹⁷. It needs to be emphasized that the measures introduced resembled sanctions a lot and placed Serbia among countries with a particularly rigorous way of combating the spread of SARS-Cov-2. This, in fact was a complete departure from the thesis propagated at the beginning of the pandemic that said that the epidemic threat is overestimated.

The state of emergency meant that parliamentary and local elections had to be postponed. The Serbian National Electoral Commission informed about it and halted the electoral process during its sitting of 16 March 2020, reserving that its continuation will be possible after a decision to cancel the state of emergency is issued¹⁸. This decision was taken by the National Assembly of the Republic of Serbia on 7 May 2020 (Одлука о укидању ванредног стања)¹⁹. As a consequence, on 11 May 2020 the National Electoral Commission took a decision on the continuation of electoral activities in the procedure for electing deputies to the National Assembly announced on 4 March 2020²⁰.

It is worth noting here, as does Ewa Bujwid-Kurek, than at the moment of taking the decision to introduce the state of emergency and to postpone the date of parliamentary elections, only 55 cases of SARS-Cov-2 were confirmed in Serbia²¹. Later on, the decision to postpone elections as well as the argumentation used in the face of previously inconsistent decisions was contested by the opposition. First of all, there was a challenge that it is another instrument of restricting the role of opposing parties, a strive to suppress political opponents and thus to strengthen president A. Vučić's autocratic governance practice. It needs to be remembered that since the autumn of 2018

¹⁶ M. Vasić, *Šta znači uvođenje vanrednog stanja za ljude u Srbiji?*, <https://www.otvorenavratapravosudja.rs teme/ustavno-pravo/sta-znaci-uvodenje-vanrednog-stanja-za-ljude-u-srbiji> (26.04.2022).

¹⁷ E. Bujwid-Kurek, *Pandemicznie doświadczony świat COVID-19 – reakcja rządów państw południowo-wschodnich. Casus stanu wyjątkowego w zarysie refleksji politologicznej*, "Horyzonty Polityki" 2020, vol. 11, no. 36, p. 65.

¹⁸ Републичка изборна комисија донела Решење о прекиду свих изборних радњи у спровођењу избора за народне посланике, <http://bityl.pl/Pg2DN> (26.04.2022).

¹⁹ Одлука о укидању ванредног стања: 65/2020-4, <http://bityl.pl/X7we0> (26.04.2022).

²⁰ 124. седница Републичке изборне комисије, <http://bityl.pl/100GH> (26.04.2022).

²¹ E. Bujwid-Kurek, *Pandemicznie...*, p. 66.

there have been demonstrations in Serbia, during which protesters demanded that the government and the president step down, that the political system be democratized and that free elections be held²². Organized social protests under the “One of five millions” action and the corresponding political crisis determined the functioning of state institutions and affected the government-opposition relations. The political paralysis was enhanced by the lack of respect for the voice of the opposition and the inefficiency of months of social protests while at the same time there were attempts to discount anti-government manifestations and the support campaign for the government, “Serbia’s future”, was run intensively²³.

The pandemic reality was a temptation for an instrumental use of the pandemic to stakeholders’ own political goals. This threat was greater in those countries where the democratic system was not fully grounded and mechanisms to safeguard this system against violations were not fully developed. The governing parties certainly has more favourable conditions to conduct political activity. This party may use available instruments to carry out electoral activities arguing their engagement with on-going activity and implementation of the government’s mission. The possibilities enjoyed by the governing parties (or that may be enjoyed) strengthen their electoral position and facilitate access to the media and promotion of their offer. In this place we may quote a comment from Wiktor Hebda, who cites the analysis of the Center for Research, Transparency and Accountability, an independent social organization operating in Serbia, that demonstrated that as much as 91% of air time in public television channels devoted to broadcasting electoral programmes was allocated to the governing camp²⁴. This situation significantly affected voters’ opinions, who were additionally dazzled with information about the government’s actions in the fight with coronavirus, their involvement, efficiency and responsibility for security. As is emphasized in the relevant literature, the moment of undertaking pandemic-related actions by the governing parties, the actions themselves and the way they are presented in

²² M. Szpala, *Protesty w Serbii – gra na przesilenie*, <http://bityl.pl/VwYwp> (26.04.2022).

²³ K. Pawłowski, *Wybory w Serbii: spodziewane zwycięstwo Serbskiej Partii Postępowej*, “Komentarze IEŚ” 2020, no. 212, p. 2.

²⁴ W. Hebda, *Wybory parlamentarne w Serbii w 2020 roku – szczyt dominacji politycznej Serbskiej Partii Postępowej?*, “Politeja” 2021, no. 5, p. 390.

the media had political undertones and were intended to boost the party's backing among the voters. What is more, the dynamic development of the political process (pre-election, election and post-election actions of the party in power) determined the way information about the pandemic was presented²⁵. Given the anti-democratic trends observed as the rule of president Aleksandar Vučići strengthened, the challenges of instrumental management of the pandemic crisis were justified. However, at the same time, a great majority of citizens (92%) approved of the pandemic crisis management during the state of emergency and despite the inconveniences, supported the restrictive measures introduced as a response to the pandemic²⁶.

Irrespective of the above, it needs to be noticed that the time of the pandemic is at the same time a certain clash of values. On the one hand, health security of citizens, as a primary interest, and on the other the need to guarantee citizens' enjoyment of their rights, such as the right to elect their representatives. The time of the pandemic required a search for ways to reconcile these categories. It is often extremely difficult to balance this relation, as seen in Serbia's example. The ruling party was accused of instrumental treatment of the pandemic and of taking decisions solely on the basis of their own calculations. However, then, we cannot omit the goals that the opposition tires to achieve each time. In conditions that are not in their favour, they might strive to escalate the conflict in an attempt to convince voters to their arguments. In the case of Serbia we must bear in mind that opposing parties have been in crisis for years, whereby their social support was still at a low level²⁷.

At the same time, they have lost opportunities that evidenced their strength. The introduction of the state of emergency and the related restrictions made it impossible to use an efficient tool of influence on the political reality, i.e. manifestations. It needs to be mentioned that the situation of opposition did not improve following changes to the electoral law that were made from the beginning of February 2020. While lowering the 5% electoral threshold to 3%, both for single committees and electoral coalitions (the electoral threshold did

²⁵ Ž. Kešetović, *Crisis communication in the COVID-19 pandemic in The Republic of Serbia – between Hippocrates and Machiavelli*, "The Culture of Polis" 2020, vol. XVII, p. 156.

²⁶ S. Marić, S. Majstorović, *Serbia*, [in:] *The COVID-19 pandemic in the Western Balkans: consequences and policy approaches*, edited by Valeska Esch Viktoria Palm, Berlin 2020, p. 44.

²⁷ Hebda, *Wybory...*, s. 378.

not apply to minorities) may have seemed a favourable solution, the circumstances and the time of introduction of these changes (the last ones only two months before the elections) caused formal and legal doubts²⁸. Certainly the decision to lower the electoral threshold resulted from political calculations, not from a strive to increase political representation of different types of political parties and environments. The ruling majority, headed by the Serbian Progressive Party, trying to encourage lesser opposition parties to take part in the election and thus, to ensure appearances of the participation of opposition, amended the electoral ordinance²⁹.

IV.

Disregarding a boycott of the elections carried out by some dispersed opposition groups, the electoral calendar adopted³⁰ identified in the end 21 candidate lists, including 8 parties, 11 coalitions and 2 citizens groups who competed for seats in the National Assembly. Despite the efficiency of the process of organizing elections, attention was drawn to strong polarization of elections and inequality of political parties in the electoral campaign, as a result of which the voters' choice was limited by the overwhelming majority of the ruling party and by the promotion of the government's policy by most main media³¹. The reservations concerned many technical aspects of holding elections, from how electoral lists were constructed, to candidate registration, to transparency of financing electoral campaigns, to avoiding pressure on public administration staff, to participation of minorities³². In effect, the Serbian Progressive Party grew in strength on Serbia's political scene, got the

²⁸ M. Nastić, *Local elections in Serbia. A critical overview*, "Studia Wyborcze" 2020, no. 30, p. 117; W. Hebda, *Wybory...*, p. 380.

²⁹ M. Damjanović, *Serbia*, <https://freedomhouse.org/country/serbia/nations-transit/2021> (25.04.2022).

³⁰ Calendar of electoral activities in the process of elections for MPS to the National Assembly, called for 21 June 2020, <http://bityl.pl/DD0HF> (23.04.2022).

³¹ Serbia 2020. Report...

³² Analysis of the media coverage of the coronavirus pandemic in Serbia Publication of this report was supported by the OSCE Mission to Serbia. The views herein expressed are solely those of the author and can in no way be regarded as official views of the OSCE Mission

majority of votes, thus marginalizing opposition even more. The electoral list signed with the current president's name, *Aleksandar Vučić – for our children*, got 60.65% of votes and thus gained 188 seats³³. Its success was down to a few factors, among which most prominent ones included low turnout (48.93%), polarization of society, reinforcing political divisions, unequal access to media and finally, changes to the electoral law.

V.

The pandemic reality that accompanied the parliamentary elections determined how they were organized and run. The government's decisions on counteracting the spread of SARS-CoV-2 were argued with the concern for citizens' health security and with ensuring the possibility of undisturbed functioning of state institutions and with protection of economic life. At the same time, the schedule of the restrictions, including the state of emergency that was key to the organization of political and social life, influenced the elections significantly.

The result of the elections was heavily influenced by the boycott of the opposition (or at least part of it). They did not accept Serbia's political practice (president's dominance, no independent media, deficit of the judiciary, politicization of state institutions), including the circumstances that accompanied elections, and resigned from participating in the electoral process. At the same time, the opposition's decision in no way caused a correction of the political reality in Serbia but only indirectly contributed to the strengthening of those currently in power.

to Serbia. Analysis of the content of daily press and TV stations as of 26 February through 6 May 2020, <https://www.osce.org/files/f/documents/e/6/457645.pdf> (23.04.2022).

³³ Саопштење за јавност, <https://www.rik.parlament.gov.rs/vest/9434/saopstenje-za-javnost.php> (24.05.2022).

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