


DEPOPULATION AND ELECTORAL PROCESS: VOTING FROM ABROAD IN BOSNIA AND HERZEGOVINA, SERBIA, AND MONTENEGRO

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Abstract Depopulation caused by emigration and negative natural growth is a feature of all societies and states in the post-Yugoslav space. Migration, as one of the causes of depopulation, results in problems in the fundamental issues of building a democratic society and state. The implications of depopulation are multiple on political processes, and important effects are visible in the elections in these societies. The subjects of analysis in this paper are different approaches to regulating the voting rights of emigrants in electoral processes in the political systems of Bosnia and Herzegovina, Serbia and Montenegro. These countries are the best examples of three different models of regulation of electoral processes, and they are good examples of mechanisms and shortcomings for exercising the right of emigrants to vote. In this regard, the first open question is the number of eligible voters and the effective number of voters in these countries. In these three countries, we encounter out-of-date and insufficiently accurate voter lists, which are the product of poor administration and the constant change in the number of inhabitants, which is insufficiently monitored. Another important issue that we analyze is the voting right of emigrants, where we come across different models and (in) possibilities to use the right to vote. Through the analysis, we show different solutions and their implications on the election process. The analysis of different approaches in the regulation of the right to vote of emigrants shows a number of dilemmas in the basic exercise of the right to vote, and often discriminatory treatment of voters outside the country. The third level of analysis is the analysis of the overall participation of emigrants and their participation in political and electoral processes through electoral cycles that show trends in this area.

Keywords elections, voting from abroad, participation, migration, Bosnia and Herzegovina, Serbia, Montenegro

Introduction¹

The general trend of depopulation has also affected the countries in the post-Yugoslav area, and the consequences of this trend have broad social and political implications. This area is no exception, because this tendency encompasses a much wider area of Southeast Europe, and especially the post-communist countries (Romania, Bulgaria, Albania). By depopulation we mean a decrease in the number of inhabitants caused by a negative rate of natural population growth, emigration of the population, and especially the decades-long process of brain drain.

The subject of research in this paper are the consequences of depopulation on electoral processes in post-Yugoslav countries, which offer the best examples of different regulation of suffrage for emigrants – Bosnia and Herzegovina, Serbia, and Montenegro. The three countries have faced the same problem of depopulation, which is significantly caused by the emigration of the population, and they have three different models of regulation of the right to vote of emigrants. The aim of this paper is to present these different models and their effects on the participation of emigrants in electoral processes.

Although the world's population is growing, in some regions it is declining significantly. A UN report says the world's population will rise from the current 7.34 billion to 11.21 billion by the year 2100. Depopulation is high throughout Southeast, Central and Eastern Europe. Countries in the post-Yugoslav area share some characteristics with developed countries, such as negative natural growth, and some with developing countries, such as high emigration rates and very low immigration. It is most often assumed that modern migrations are caused by economic factors and the desire for better paid jobs. After the disintegration of Yugoslavia and the establishment of new internationally recognized states, a significant percentage of the population left these countries. The motives and reasons for leaving their countries were war, economic and political reasons. This has left its social, economic, and political consequences.

Of the former Yugoslav republics, only Slovenia is still a country that is visited more than it leaves. In the regional context, only Kosovo and Albania have a positive natural increase (more births than deaths). The COVID-19 pandemic has increased the death rate in all countries. The population of Serbia, Bosnia and Herzegovina, and Montenegro (with certain nuances) is one of the fastest declining in the world. The biggest reasons for the depopulation of the countries in the region include the departure of young and educated people ("brain drain"), the departure of skilled labor (craftsmen, "muscle people"), negative natural increase (more deaths than births), economic reasons, political reasons, hopelessness, and emigration of the whole families. Young people are leaving in the hope of better life chances, not wanting to live in countries where "a membership in a political party is more important than a university degree". There are also migrations within the region (refugees, displaced persons, internally displaced persons, relocations to the "motherland"). The social, economic, and political consequences are reflected in the fact that mostly educated and professional staff are leaving the country.

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For the comparative analysis, three countries were selected that have different models of expatriate voting regulation, although the problem is of approximately the same magnitude in all cases. Although Bosnia and Herzegovina, Serbia, and Montenegro exhibit similar depopulation characteristics and emigration rates, these three countries present three models of regulation with different levels of development of participation mechanisms for the same problem. The negative natural increase has been caused by the general socio-political and economic situation since the disintegration of the Socialist Federal Republic of Yugoslavia (SFRY), and the consequences of this phenomenon are visible only in the number of voters in the countries. On the other hand, emigrants as citizens can exercise their rights, including the right to vote, and are therefore influenced by the regulations offered by the state for such cases.

The main goal of the research is to present, through comparative analysis, different models of emigration voting regulation, the effects of these models and the problems in implementation that are encountered. The primary motive for emigration is the bad economic and political situation in the countries, which has consequences from the actions and behavior of political elites. Given that the tendencies towards emigration are growing, the problem of the right to vote has become more important.

The basic research question is what are the possibilities of using the voting rights of emigrants from Bosnia and Herzegovina, Serbia, and Montenegro? With this research question, we strive to present the context in which electoral processes are conducted, the socio-political situation in these countries that led to large emigration, increased opportunities for emigration through integrations and models that countries use to regulate the right of emigrants to vote. The second part of the analysis deals with the implementation of the models and the results they give, their shortcomings and the problems that citizens encounter in trying to exercise their right to vote as emigrants. The analysis is based on the last three election cycles in three countries with different approaches to solving the problem of emigrants' suffrage. The research is based on a qualitative analysis of the depopulation process and the impact on electoral processes. The main problems encountered in the analysis are incomplete and out-of-date voter lists, lack of statistical data bases of emigration, unknown locations of citizens abroad and thus inaccurate data for the analysis of voting abroad.

However, based on estimates and obviously large differences in the number of expatriates and citizens who use the right to vote, we can determine certain tendencies, as well as the effects of the mechanisms developed for voting abroad. Comparative literature shows that a very narrow circle of researchers and scientists deals with the topics of expatriate voting, and that these are usually individual case studies that do not provide sufficient insight into the phenomenon itself (Lafleur, 2015: 1-2). In the literature dealing with the topics of elections in the three mentioned countries, there is a noticeable lack of dealing with these topics, while the effects of emigration are significantly greater and bear consequences for the society as a whole and for the election process. The scientific and academic community did not monitor the effects of depopulation on electoral processes, while decision-makers only partially addressed existing problems. We will try to partially fill the gap in the literature with the analysis of mechanisms and their implementation in three countries in the post-Yugoslav area.

Theoretical Framework

In the analysis, we will synonymously use the terms *expatriate voting*, *external voting*, *voting from abroad* or *diaspora voting*, which we encounter in the literature and which adequately explain the subject of our research. Voting abroad is fundamentally related to the basic principles of political participation. Political participation is one of the basic principles of modern political systems. Certainly the most important form of political participation is electoral participation. Modern democracy is based on the expansion of the right to vote until it became universal (Orlović, 2019: 276). The use of the right to vote is one of the preconditions of democracy and an important factor in the democratization of post-communist societies, given the legacy of communism in which there was an expansion of the right to vote, but the outcome of the vote was extremely predictable.

One of the basic questions that arises is why do people vote and what is their motivation? Andre Blais cites basic interpretations of the motivation to vote, including assessing the benefits in relation to costs, thinking in the spirit of one's group and adhering to the norm of a good citizen (Blais, 2010: 170). In this interpretation, we see a number of reasons why citizens residing abroad would decide not to participate in the elections: they do not see the benefits of voting, are not part of the group because they reside abroad and have obligations as citizens in the countries and societies where they reside. However, the influence of emigrants and the diaspora on the situation in the country is significant, primarily in the economic aspect (Ellis, 2007: 44), so it is necessary to ensure their role in political participation. At the very beginning of the introduction of political representation, the principle of "no taxation without representation" was imposed. The right to vote is related to the issue of citizenship, residency, and payment of taxes.

The topic of voting outside the borders of the state can be traced deep in history, but for modern democracies it is related to an idea that dates back to 1862 and was intended for Wisconsin citizens who participated in the Civil War and were unable to exercise their right to vote on their territory (Ellis, 2007: 41). The further development of the possibility of voting outside the territory of the state has developed around the world in parallel with the development of electoral processes, right to vote, and the growing need to provide this type of voting due to migration. According to previous research, 115 countries (2007), 129 (2014) or about $\frac{3}{4}$ countries around the world have developed some form of external voting (voting from abroad) (Goldberg and Lanz, 2019; Lafleur, 2015; Hutcheson and Arrighi, 2015; Collyer, 2014; Brown and Gratschew, 2007; Ellis 2007). Other databases do not deviate significantly from these numbers either, stating there are 126 countries with the right to vote abroad (Aceproject.org, 2022). Although the exact number of countries varies, the growing trend of diaspora voting is obvious.

Voting from abroad cannot be viewed simply as a set of administrative and legal voting procedures. It is an active and passive voting right of qualified individuals to participate outside the territory of the nation state in various types of elections and referendums (Lafleur, 2015: 4). The basic precondition for exercising the right to vote abroad is the legal framework (Nohlen and Grotz, 2000), but from the aspect of democracy, this type of voting is deeply rooted in the process of democratization. It is primarily about the very idea of expanding civil rights, which includes the right to vote. The extension of the right to vote to various social groups that were excluded has also reached citizens who permanently or temporarily reside abroad. In a

series of different hypotheses about voting abroad, this one is based on democratic principles and electoral competition (Lafleur, 2015: 7). In this regard, it is important to point out that many political actors, encouraged by democratic principles, have embarked on expanding the right to vote in order to achieve much greater diversity in policy making (Rhodes and Harutyunyan: 2010 according to Lafleur, 2015).

From the point of view of the theories of democracy, this type of voting is an inclusive and participatory mechanism for achieving the democratic will of the citizens. On the other hand, political elites do not simply decide to allow voting from abroad. Namely, caution is shown when making decisions, because there may be too much influence on the results by external voters in relation to voters in the country, or they can be a deciding factor regardless of the number, so the trends in expatriate voting are followed and, as the time passes (election cycles), the caution subsides or the government reacts to reduce "negative effects" (Bauböck, 2007). A common argument against voting abroad is a situation in which citizens who do not reside in the country are not under the daily influence of the law, so their influence on representation in politics should be adjusted accordingly (Hutcheson and Arrighi, 2015: 888). However, the reasons for leaving the state fall under different circumstances and are often not arbitrary. Thus, it is difficult to argue that the expatriates have arbitrarily waived their right to vote. On the other hand, outside influence can play an important role in achieving the conditions for return, especially in countries displaced by wars and difficult economic situations. Exercising the right to vote abroad is becoming the standard of inclusiveness and democracy in the election process, and the states are applying various mechanisms in this regard.

Contextual analysis: The State of Depopulation in Bosnia and Herzegovina, Serbia, and Montenegro

The disintegration of the SFRY conditioned the emergence of a number of states along the republican borders from the previous period. Wars were fought in different parts of the territory of the former SFRY. The FR Yugoslavia imposed itself as the successor in which Serbia and Montenegro remained as the only republics that wanted to preserve the common state by consensus, until the referendum in 2006 and the independence of Montenegro (Kovačević, 2020b: 134). Slovenia and Croatia became members of the EU and thus stepped out of what is called the Western Balkans, to which, in addition to the other states of the SFRY, Albania was added. The consequences of the conflict in the former SFRY have affected all countries, especially Bosnia and Herzegovina, where the war led to the dissolution of the state and made the transition process impossible (Kasapović, 1996: 85). In addition to high inflation and international sanctions, Serbia and Montenegro were affected by the consequences of the NATO bombing in 1999. The overall context led to mass evictions and relocations of the population both in the former state and around the world.

After the signing of the Dayton Agreement in 1995, Bosnia and Herzegovina entered a period without war, with the idea and aspiration to establish a sustainable peace and viable political system. The model envisaged for Bosnia and Herzegovina included elements of consociational democracy, which would respect the constituency of Bosniaks, Serbs and Croats (Orlović, 2015: 35). The solutions offered by the Dayton Agreement also emphasized the need for sustainable return of refugees and displaced persons, but the depopulation trend continued. On the other hand, Serbia and Montenegro had a high level of depopulation, which is largely based

on the emigration of residents of both countries. The general trend of depopulation has affected the wider region, and this process has far-reaching consequences for the entire socio-political situation. In addition to the causes of wars, instability and the economic situation, the processes of visa liberalization can be mentioned as an important factor in emigration, giving citizens a new opportunity to make an easier decision on emigration. The region of Southeast Europe, as well as the three mentioned countries, do not have up-to-date and precise databases on emigration, but individual estimates are given on the number of inhabitants, natural population increase rates and, based on that, the estimates of emigration are made.

Table 1. Depopulation trends in the region of Southeast Europe

State or territory	Emigration rate (% of total population)	Population estimate 2020-2100.	Percent of young people who want to leave
Bosnia and Herzegovina	49,53%	-48,9%	63%
Albania	39,96%	-62,1%	66%
Kosovo	39,5%	No data	58%
North Macedonia	25,68%	-39,9%	73%
Croatia	22,23%	-37,2%	34%
Montenegro	22,11%	-30,2%	62%
Romania	18,27%	-38,2%	30%
Bulgaria	18,25%	-48,3%	34%
Serbia	13,62%	-38,5%	75%

Source: The authors, based on: Domazet, A., Domljan, V., Pestek, A. i Hadžić, F, 2020: 18; UN, 2019; SlobodnaEvropa.org, 2021.

Of the three countries, Bosnia and Herzegovina leads in negative depopulation indicators. After the census conducted in 1991, Bosnia and Herzegovina was without an official census for a long time. The first census after the war was conducted in 2013, but like other issues in BiH, it became politically controversial and has been contested for a long time. Since 2013, when the Union for Sustainable Return and Integration of BiH kept records, in the past nine years, more than 484,000 citizens have left the country (Politika.rs, 2021). The war in Bosnia and Herzegovina (1992-1995) is the biggest cause of a large number of refugees from the country, but also a large number of displaced persons within the country. The war had consequences in large population movements and the creation of ethnically homogeneous territories. The return of refugees and displaced persons had its limited effects on the population and did not contribute to the return to the pre-war situation. Bosnia and Herzegovina leads in the emigration rate with 49.53% (Table 1). According to the official statistics, Bosnia and Herzegovina is 11th on the global list of emigrant countries, and if micro-states are excluded, it is in third place just behind Palestine and Puerto Rico (Domazet, Domljan, Pestek and Hadzic, 2020: 18). Given the high

percentage of emigration, in this situation the issue of emigrant voting gained additional importance, even though it is a war-caused problem.

Serbia has also faced a large emigration, especially to Western European countries. According to the data available to the state and recorded in the Strategy on Economic Migrations, the number of Serbian citizens with a residence permit in the EU is 491,199. There are also estimates that Serbia has a diaspora of 4.5-5 million citizens: in 2019, they have participated with 7.8% or about 4 billion dollars in the GDP of Serbia (Government of the Republic of Serbia, 2020). With such assessments and data, it is certain that Serbia needs to regulate the rights of its emigrants and that voting from abroad is one of the important mechanisms for inclusion in the decision-making process. Serbia is a country where young people see emigration as a priority, and about 75% of young people want to leave the country (*Table 1*).

Compared to the two previous cases, Montenegro is a country with a significantly smaller population but with similar problems of emigration and diaspora. It is estimated that 173,000 inhabitants have left since 1990 (Krnić, 2019: 4). The latest official data on Montenegrin citizens abroad were published after the 2003 census, according to which 53,433 citizens resided abroad at the time (Rajković Nenadović, 2019: 4). Official data on deregistrations of citizens from residence in Montenegro are not relevant because they only list several hundreds citizens, while the situation is much more problematic in this aspect. According to Eurostat data in 2019, in the EU countries, Great Britain, Switzerland, Norway and Iceland, there were 31,114 valid residence permits of Montenegrin citizens (Cemi, 2021: 25). Certainly, a significant number of Montenegrin citizens reside in the countries of the region, which contributes to the additional need to regulate voting abroad.

Recognizing the extent of emigration and the general depopulation of the three countries under study, it is important to analyze the models these countries offer for their citizens residing abroad. In the next part of the article, we will analyze the models and mechanisms that countries have developed to exercise the voting rights of their citizens abroad, in order to examine the different practices applied in the comparative practice of countries that share the legacy of the previous regime, have gone through similar transition processes, share borders, and are marked by significant interdependence and coherence in various socio-economic aspects.

Models of diaspora voting: comparative experiences from Bosnia and Herzegovina, Serbia, and Montenegro

In the context of regional relations in the post-Yugoslav area after the wars and a number of other circumstances that resulted in the population migration, the constitutional design and legal framework in the analyzed countries demonstrated different needs to regulate the right to vote from abroad. The countries of the region developed different models in accordance with the breadth of the problems they encountered. Part of these solutions is a product of external influences (BiH), and part of internal relations in the region (Serbia and Montenegro). These three countries offer examples of different frameworks, in which Montenegro has the lowest level of development of procedures, Serbia has somewhat more elaborated procedures, and Bosnia and Herzegovina has a high level of developed procedures in the field of emigration.

After the war experience and the peace agreement, Bosnia and Herzegovina embarked on the organization of elections at all levels of government. In the first

phase, the elections took place every 2 years (1996, 1998), after which the process entered the regular phase of general elections every 4 years, while the local elections were held separately. Thanks to the intermediation of the international actors, BiH has organized elections within a clear time frame. Since 2002, the organization and conduct of elections has been led by the Central Election Commission on the basis of the BiH Election Law (Osmić, 2015: 95; Kovačević, 2020a: 102). The General Framework Agreement for Peace also deals with the major problems of refugees and displaced persons, which is also tackled through the institutions at various levels in BiH. The BiH Election Law recognizes this problem at the highest level, both because of the number of emigrants and because of the way emigration took place, primarily during the war, and later due to the very bad socio-economic situation. With its regulations, Bosnia and Herzegovina offers emigrants various voting options. According to Article 1.5 of the BiH Election Law:

A BiH citizen who temporarily lives abroad and has the right to vote can vote in person (by arriving at an appropriate polling station in BiH or at the BiH diplomatic and consular mission abroad) or by mail (sending a ballot by mail) for the municipality in which he resided before going abroad, if he/she has registered residence in that municipality at the time of submitting the application for voting abroad (BiH Parliamentary Assembly, 2017).

This solution offers voters to exercise their right to vote in various variants, which include the possibility of coming to BiH, going to embassies and other diplomatic and consular missions where voting is organized, but also by mail, which makes it easier for voters to use the opportunity to vote from their place of residence regardless of how far it is from BiH or diplomatic and consular missions of BiH, which are most often located in capital and large cities. The specificity of the situation in BiH is further regulated by absentee voting rights, which imply that a displaced person or a refugee as a voter has the right to vote for "the municipality in which he resided in 1991", in accordance with the Article 5.12 of the Election Law (BiH Parliamentary Assembly, 2017), and that there is a specially provided place for voting in absentia. The complexity of the situation in Bosnia and Herzegovina imposes a number of exceptions and special mechanisms at different levels, but the presented possibilities are the basic ways of exercising the right to vote of citizens who have refugee status, displaced persons or have subsequently emigrated temporarily.

The wide range of possibilities also imposes the complexity of the procedures for conducting elections in a very complicated electoral system. Such mechanisms give citizens who do not reside on the territory of BiH significant opportunities to exercise their right to vote, but the procedure itself makes it difficult to exercise in practice. Namely, the law additionally regulates that citizens must submit an application for each election to the Central Election Commission of BiH in accordance with the prescribed deadlines of the called elections. Application for exercising rights or enrollment in the voter list requires citizens to present documents proving identity, refugee status, place of residence, etc., which further demotivates citizens to opt for exercising the right to vote (see: Parliamentary Assembly of BiH, 2017 under Article 3.15).

Options offered to BiH citizens as well as all special rights given to them by the Election Law are valid until the High Representative or the Parliamentary Assembly decides on different solutions (BiH Parliamentary Assembly, 2017), especially when

it comes to voting in local elections and voting rights according to the residence in 1991. Although the law itself seemed to be a temporary solution, two decades of practice show that the provisions have remained in force, and part of the motive is the high number of emigrants from BiH, with the long-term failure to resolve the problem of refugee and displaced persons.

On the other hand, Serbia, which had a war only on a part of the territory, suffered great consequences of the disintegration of the SFRY, primarily due to sanctions, destruction of the economy and NATO bombing, which caused great displacements and emigration. Serbia has changed the electoral system several times, but the current solution of the proportional electoral system with one constituency has lasted since 2000 with occasional changes (Orlović, 2008: 91). Due to the acute problem of emigration, Serbia has partially regulated the possibilities of voting abroad. According to the existing Law on the Election of People's Deputies, Article 73a states:

Voters residing abroad vote in diplomatic and consular missions of the Republic of Serbia and at special polling stations determined by the State Election Commission, according to the decision of the ministry in charge of foreign affairs. (National Assembly of the Republic of Serbia, 2000).

With this decision, the opportunity to exercise the right to vote is denied to many citizens who are not close to the diplomatic and consular missions of the Republic of Serbia or places determined by the ministry. Basically, polling stations are opened in areas where there are from 100 to 2,500 voters, while the process of forming polling stations abroad is related to the process of registration of voters for voting abroad. The organization of elections is a complex process in which, in addition to permanent polling stations, extended polling boards are formed with representatives of electoral lists (National Assembly of the Republic of Serbia, 2000), which further complicates and increases the cost of the process. Amendments to the Law in 2004 (Article 16) regulated the register of voters abroad. According to these changes:

The Ministry in charge of internal affairs is obliged to submit a list of voters residing abroad to the ministry in charge of administrative affairs within 30 days of the entry into force of this law. The Ministry in charge of administrative affairs is obliged to establish a Special Register of Voters Abroad within 30 days of receiving the list of voters residing abroad. (National Assembly of the Republic of Serbia, 2000).

With such a solution, additional problems are encountered, which are related to the problem of updating the voter list, which has been going on in Serbia for a long time. Specifically, "there are almost 6 million and 584 thousand voters on the list for 2020", which is some 600 thousand more than the number of adults on the last census (Bursać, 2020), which causes great distrust in the electoral process among citizens. In Serbia, several institutions are engaged in voting abroad. The voter list is primarily handled by the Ministry of State Administration and Local Self-Government, which provides information on the need to register for voting abroad before each election. The invitations are also published by the Ministry of Foreign Affairs, as well as the Directorate for Cooperation with the Diaspora. The Ministry of Foreign Affairs, through diplomatic and consular missions, collects requests for voting abroad, The lists of voters who have expressed their intention to

vote are thus formed, and then polling stations are formed on the basis of the requests.

The overall solution for voting of Serbian citizens abroad does not attest to the commitment of the legislator to see the exercising of this right, because citizens abroad are expected to be significantly more engaged in voting than the citizens residing in the country. The formal existence of rights and a mechanism for the exercise of rights are sufficient to satisfy the fact that voting exists, but it cannot be concluded that there is an incentive to participate.

In comparison to the presented cases, Montenegro does not provide opportunities for its citizens to vote abroad. Exclusion of that possibility and the lack of mechanisms to exercise the voting right of Montenegrin citizens abroad indicate the deficit that exists in the procedure. Legal provisions in Montenegro regulate the right to vote in a restrictive way and significantly complicate participation in elections. According to the Law on Voters' List, the right to vote is lost due to a number of circumstances, including the deregistration of residence (Parliament of Montenegro, 2017). However, a citizen who wants to regain the right to vote must go through the re-registration procedure and wait for two years to acquire the right. Namely, according to the Law on Election of Deputies and Councilors: "The right to vote and to be elected as a deputy is held by the voter who has reached 18 years of age, and who has resided in Montenegro for at least two years before the election day" (Parliament of Montenegro, 2000).

Restrictive laws have made it impossible for the citizens of Montenegro to vote outside their place of residence and the law does not stipulate any mechanisms for holding elections outside the territory of Montenegro, even in diplomatic and consular missions for citizens temporarily residing abroad. This attitude towards voting abroad has its political background. The political elite aspires to control the electoral process on the state territory. This was so at the initial voting in the independence referendum, and this rationale continued at the electoral processes that followed later. The mentioned regulations do not prevent citizens who have permanent residence from coming to the territory of Montenegro and voting at the place of residence, without prior verification of the time of stay in the territory with formal satisfaction of the two-year registration of residence. This solution may have its discriminatory effects depending on the financial situation and the possibility of coming to Montenegro and the proximity of temporary residence abroad.

The three presented cases exemplify different levels of regulation of citizens' voting abroad, from a very open model with a number of participatory mechanisms in Bosnia and Herzegovina, through a model used by Serbia that satisfies the form and provides voting opportunities, to a completely exclusive model applied by Montenegro. In the next section, we will examine the results of elections and voting abroad and the effects of different models as well as the consequences they produce.

Analysis of the use of the right to vote abroad: Bosnia and Herzegovina, Serbia, and Montenegro

Due to the different solutions, the years of enactments of the laws, different gainings of the independence, the (un)held censuses and the population estimates, alongside with out-of-date voter lists, we will analyze the use of suffrage abroad in the last three election cycles, which will be a sufficient indicator of voting and the adaptation of citizens to the possibility of voting abroad by legal solutions in various forms.

In this section, we will discuss the consequences produced by different models and analyze the individual initiatives to improve the voting process abroad.

As already pointed out, Bosnia and Herzegovina did not have a census recognized by all three constituent peoples, and statistical monitoring of population changes is the responsibility of the institutes for statistics at the level of entities (Federation of BiH and Republika Srpska). Elections in BiH are held regularly, and the last three election cycles were held in 2010, 2014 and 2018.

Table 2. Analysis of the use of the right to vote abroad by BiH citizens (parliamentary elections)

Year	Population estimate	Voters	Voted /valid	Voted/invalid	Voted by mail	In absence, mobile, and diplomatic and consular missions	Confirmed
2010		3.126.599	1.641.569	127.678	21.966	11.627	550
FBiH		1.934.417	1.020.293	78.009	9.417	5.238	304
RS		1.192.182	621.276	49.669	12.549	6.389	246
2014	3.383.079	3.278.908	1.630.945	156.529	27.753	10.419	1.285
FBiH	2.215.997	2.037.076	983.305	97.720	10.397	5.357	478
RS	1.167.082	1.241.832	647.615	58.809	17.356	5.062	807
2018	3.344.135	3.355.429	1.656.516	156.444	49.776	12.898	2.844
FBiH	2.196.233	2.093.784	989.192	95.844	23.881	6.533	994
RS	1.147.902	1.261.645	667.324	60.600	25.895	6.365	1.850

Source: The authors, based on: Central Election Commission BiH, 2021; Republika Srpska Institute of Statistics, 2021; Federal Office of Statistics FBiH, 2021.

The first problem we encounter in the analysis of the election results in BiH is the difference between the estimates of the total population and the number of voters (adult citizens with the right to vote). According to the data collected in the research period (Table 2), we can see a very small difference between these two figures, which is very questionable and beyond logic. The situation was especially paradoxical in the Republika Srpska in 2014, where we can see a larger number of voters than residents. We find the explanation in the outdated and neglected voter lists, but also in the dynamics of emigration that has affected the entire region in the last decade. Also, the nature of the electoral system and the complicated way of voting with several levels in the same elections could explain the fact that in the elections in BiH we notice a significantly large number of invalid ballots (continuously up to 10%), which may indicate electoral manipulations. In any case, it is an interesting research question.

When it comes to our subject of research, the voting of citizens residing abroad, we see that it is at a very low level, although several mechanisms to exercise it exist. An aggravating circumstance for the research is the lack of a database of citizens abroad, without which it is impossible to know the exact percentages of participation in the elections. However, taking into account the large number of emigrants

from BiH, a significant number of them with citizenship and the right to vote (*Table 1*), indicates a very low participation. Differences in the number of voters and residents are one of the valid indicators that show us how many citizens are in the official censuses and are on the voter list but do not reside in the country.

A deeper analysis of the use of mechanisms shows us that in BiH, voting by mail is the most common of all offered. What is noticeable in the use of this mechanism is that the voters from the Republika Srpska use this mechanism in a higher percentage than the more numerous voters from the Federation of BiH. These figures – and political practice testifies to this – often point to good organization and electoral engineering used by parties from the Republika Srpska to organize a certain number of citizens to vote by mail. On the other hand, the motivation of parties from FBiH to engage in the mobilization of voting by mail of voters (refugees and displaced persons of Bosniak and Croat nationality) residing in RS as an important share of these percentages should not be excluded. Although the subject of the analysis is parliamentary elections, the numbers of votes from abroad do not deviate significantly for the elections for members of the Presidency, which are held at the same time. Voting in absentia and in diplomatic and consular missions is at a much lower level because these count as the more "demanding" voting opportunities than voting by mail. The numbers shown cannot be tested in any other way, but qualitatively we can see that small numbers of voters exercise their voting rights. The last elections in BiH (2018) showed an increase in the number of voters using their right to vote by mail. Other mechanisms have a constant use, serve a purpose but BiH institutions did not show the tendency to be more actively involved in the development of participation in this way.

However, expatriate voting also brought challenges in the previous period, when abuses and manipulations were pointed out in all forms of voting, especially when it comes to local elections. There were big jumps in registered voting by mail, in diplomatic and consular missions and in absentia, and potential abuses were pointed out in a significant number of local self-government units (Buka.com, 2020; Nezavisne.com, 2018; RTVBN.tv, 2020; SlobodnaEvropa). org; 2021). Due to the general distrust of citizens in the electoral process, these mechanisms further contribute to the spread of distrust, which is further transferred to the low ratings of state and entity institutions.

Unlike BiH, Serbia has developed only a voting mechanism in diplomatic and consular missions and other places abroad where there is a need to vote, depending on the number of registered voters. The formally satisfied criterion of its sheer existence did not significantly affect the substantial expansion of the participation of citizens residing abroad. Certainly, the biggest obstacle is the mechanism itself, which requires additional engagement from voters and often crossing a great distance from the place of residence to the place of voting. Participation itself is measured in thousands of voters, although there is a significantly higher number of citizens with the right to vote abroad, without clear records. What is certain is that the numbers of voters who use this type of voting are negligibly small and that it is primarily a few who use the right to vote in diplomatic and consular missions and places provided for voting.

In Serbia, the inaccuracy of the voter list which lacks updating, among other factors, has led to an increase in distrust in the election process. In this regard, it is evident that the estimates of the number of the population and the number of registered voters are at odds, because the differences of 300,000-500,000 citizens

Table 3. Analysis of the use of the right to vote abroad by Serbian citizens (parliamentary elections)

Year	Population estimate	Voters	Polling stations abroad	Voters abroad	Voted	%	No	Valid votes	Invalid votes
2012	7.219.069	6.770.013	38	6.014	4.256	70.77	1.760	110	4.146
2014	7.149.180	6.765.998	35	6.808	4.826	70.89	1.982	70	4.756
2016	7.076.372	6.739.441	37	8.471	6.084	71.82	2.387	53	6.031
2020	6.926.705	6.584.376	40	13.251	9.168	69.19	4.083	141	9.027

Source: The authors, based on: National Electoral Commission of the Republic of Serbia, 2021; Statistical Office of the Republic of Serbia, 2021.

are largely inaccurate, given that all under 18 are outside the voter list, and their number is much higher. Serbia, like other countries in the analysis, does not have a register of expatriates or a register of citizens residing abroad with the right to vote in Serbia. On the eve of the election day, after the election is announced, the ministry in charge (Ministry of State Administration and Local Self-Government) issues a notice inviting voters residing abroad to register to vote (through the Ministry of Foreign Affairs, i.e. its diplomatic and consular missions). However, the problem that is seen in practice is that citizens who are not on the unified voter list, have the obligation to submit a double request (for enrollment and voting abroad), which further demotivates citizens to register to vote abroad. For the 2020 elections, the National Electoral Commission has prepared an additional Guide to Voting Abroad, in order to facilitate and explain the process (REC RS, 2020).

The participation of those registered to vote abroad is about 70%. However, it remains unclear why, after an application for voting abroad about 30% of those registered do not vote. Another important trend that has been observed is the increase in the number of polling stations for Serbian citizens in BiH, from 2 (2016) to 11 (2020), which is a quarter of the total number of polling stations abroad, although due to the epidemic situation with COVID-19 virus, the number of countries in which voting took place was reduced from 22 to 17 (REC, 2016; REC, 2020). The increase in the number of polling stations in BiH can be related to organized voting of citizens who have dual citizenship, because there is no noticeable increase in relocation, current stay of Serbian citizens in BiH, or drastic increase in the number of dual citizens compared to the previous period. There is no research on the increase of motivation to vote from BiH in Serbia, but it can be assumed that there has been a better organization of parties and candidates, especially the ruling party, to mobilize these voters.

Although there are a small number of voters who exercise their right and polling stations, their implementation on the ground brings a number of challenges. Control of these polling stations is difficult, and the accompanying distrust of citizens in voting and counting of votes additionally contributes to doubts about the voting process abroad. Certainly, insufficient participation of voters from abroad, complex procedure and demotivation of voters have contributed to the fact that for Serbia this type of voting does not play a significant role in the overall election results.

The case of Montenegro shows us that there are countries that have not entered into the development of mechanisms for expatriate voting and are very restrictive about the voting opportunities of citizens residing abroad. Although all indicators show that a very large percentage of Montenegrin citizens live abroad, legislators have not envisaged any mechanisms for voting outside the country.

Table 4. Population and voter estimates in Montenegro (parliamentary elections)

Year	Population estimate	Voters	Voted
2012	620.308	514.055	362.714
2016	622.218	528.817	378.086
2020	621.873	540.026	413.894

Sources: Monstat, 2020; State Election Commission, 2020.

Currently, according to estimates, the reasons for this attitude of the Montenegrin authorities in the past can be found in the political motives that were aimed at securing a majority in the 2006 independence referendum, when the ODIHR/OSCE reacted by reducing the effects of the previously adopted Citizenship Law that challenged the citizenship and suffrage of some citizens who have already voted, by rising the requirement of minimum years of residence in Montenegro (ODIHR/OSCE, 2001: 7). Ensuring the right to vote abroad would enable a significant external influence on relations in Montenegro in the mentioned referendum and in the later elections. In the later period, this problem was not resolved, which obviously prevents a significant number of citizens from exercising their right to vote.

Montenegro has not resolved the issue of dual citizenship in bilateral relations with Serbia (aside of some exceptional cases). Thus, a significant number of citizens of both countries have been denied the right to exercise their voting rights (having in mind their place of birth, place of residence, and their assets). What also points to the need to solve the problem of voting abroad is the regular emigration of the population, as well as the demands of certain minority parties to legalize such possibilities. One of the constant appeals came from the parliamentary Bosniak Party in Montenegro, which demanded that voting abroad should be allowed in consulates and embassies (Aktuelno, 2019).

With the change of government in Montenegro in 2020, there were gradual changes, with the aim of putting in order of the Central Register of Citizens. The Government presented the Draft Law on Amendments to the Law on Registers of Residence and Stay, which would delete citizens abroad from their residence, and thus from the voter list (Parliament of Montenegro, 2021). Reactions to this proposal are different, but some organizations of Montenegrin citizens see them as political revanchism (CdM.me, 2021). According to estimates, the introduction of the proposed solution would result in the loss of the right to vote in the range of 83.000-114.000 citizens (Cemi, 2021).

The lack of mechanisms for exercising the right to vote abroad shows its effects, and restrictive legislation burdens the electoral process. The result is an outdated voter list and a reform proposal that leads to the potential deletion of up to 20% of voters from the voter list. It is obvious that the need to regulate voting abroad is great and that Montenegro needs legal reform in this aspect of the election legislation as well.

Conclusion

Southeast Europe is emptying. The depopulation trend that has affected the region has its own, not only demographic, but also economic, cultural, political consequences on wider socio-economic processes. The problem of depopulation is not new, but it is becoming more drastic and requires new ways of understanding, recognizing, alarming, contextualizing, and finding solutions. When statistics and different reports from domestic and international organizations are compared, almost every country in the region is left without a population the size of a small town every year. The period ahead requires a regional perspective, better coordination, and a common approach in finding ways to stop these tendencies and possibly change the course. In addition to the negative natural increase, one of the key problems faced by the countries and societies of the region is the constant emigration of citizens, especially to Western European countries. Permanent or temporary stay abroad of a significant number of citizens has significant political consequences in addition to the economic and social ones. Emigration flows and trends lead to new phenomena: "voting by feet", statelessness, changes in the diaspora, depopulation, arrival of migrants in new waves of migration, sending remittances as a significant part of a GDP, the issue of suffrage and its implementation.

One of the most important consequences is on the electoral system and the elections. The development of voting mechanisms for citizens who do not reside on the territory of the home country is one of the answers to the political consequences that arise. Comparative experiences show that a significant part of the modern world has introduced various types of voting abroad. In this paper, we have comparatively analyzed the mechanisms that Bosnia and Herzegovina, Serbia, and Montenegro have created and implemented for their citizens to exercise their right to vote abroad. The three mentioned cases went through a similar path of transition with a common heritage of living in the same country, the consequences of the previous regime and great interdependence, but they opted for different models and levels of regulation of voting abroad. Through contextual analysis, estimates of population emigration and the assessment of perspectives of these processes have been made, which show that all three cases find themselves in a similar situation on this issue. However, legislators in these countries do not look at this problem in the same way and, consequently, the institutional solutions are different. Bosnia and Herzegovina stands out for its very inclusive model of voting abroad with a number of mechanisms for exercising rights. Serbia has a developed mechanism that satisfies the formal side of voting abroad, but the model is non-inclusive, because it requires great motivation and engagement from the citizens. Montenegro has responded very restrictively to this problem by not developing any mechanisms for voting abroad and implementing rigorous rules for exercising the right to vote exclusively on the territory of the state.

However, the implementation of these models shows that the interest of citizens is very low. There are noticeable tendencies of organized voting with potential manipulations, without wider participation and with a low number of registered voters who use the right. Complex procedures and the lack of interest of political elites to encourage the citizens to exercise their rights are certainly the cause of low participation, although the role of the diaspora and emigrants at the domestic level is much greater, especially in the economic aspect through grants and investments. There is a mismatch and disparity between the economic role of the diaspora (e.g.

about 8% of GDP in remittances in Serbia) and the political role (percentage of votes from abroad). Political elites in all three countries should work on the essential realization of rights and motivating citizens to participate in elections and in the decision-making process. However, it is obvious that there are precautions against a overwhelming influx of the voters from abroad (too much influence) and against the decisive influence when small differences in votes between the winners and the losers decide the elections. Recent tendencies show the need to open the process and solve the problem (Montenegro), but also the challenges that call into question the legitimacy of the elections (Bosnia and Herzegovina), and concerns about potential electoral engineering (Serbia). The main conclusion is that there are different models of regulation of voting abroad, but that their effects on the level of participation are small, while there is a need to motivate citizens abroad to participate in decision-making in elections. In increasing election uncertainty, these differences may also affect the outcomes of the elections.

In the analyzed countries (BiH, Serbia and Montenegro) there is room for institutional improvement of the attitude towards the diaspora, so that they would not be seen only from the perspective of those who send remittances, but as citizens whose exercise of political rights should be facilitated. In the new environment, citizens of these countries who now reside abroad face new challenges. Questions arise as to the extent to which they can maintain their identity or, over time, accept a new identity which goes in hand with a new citizenship, language, culture, and gaining an active and passive suffrage in their country of residence. States that are considering the return of their citizens could help them significantly by political measures in the field of exercising their voting rights and strengthening their ties with the home country. The problems of emmigration and depopulation require a new migration and demographic policy, but also facilitation of exercise of political and civil rights of citizens abroad, such as suffrage. Problems have been accumulating for a long time, they carry long-term consequences, and they cannot be solved with short-term measures or much faster than they arose. Mostly young and educated people belonging to the middle class leave the countries. It is known that the middle classes are the bearers of the democratization process. Having that in mind, the demographic picture also changes the democratic picture of these societies.

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Depopulacija i izborni proces: glasovanje iz inozemstva u Bosni i Hercegovini, Srbiji i Crnoj Gori

Sažetak Depopulacija prouzročena iseljavanjem stanovništva i negativnim prirodnim prirastom odlika je svih društava i država na postjugoslavenskom prostoru. Migracije, kao jedan od uzroka depopulacije, rezultiraju problemima u temeljnim pitanjima izgradnje demokratskog društva i države. Depopulacija ima višestruke učinke na političke procese koji su vidljivi i na izborima u navedenim društvima. Predmet analize u ovom radu su različiti pristupi uređenju biračkog prava iseljenika u izbornim procesima u političkim sustavima Bosne i Hercegovine, Srbije i Crne Gore. Navedene države predstavljaju najbolje primjere triju različitih modela regulacije izbornih procesa, a dobri su primjeri niza mehanizama i manjkavosti za ostvarivanje biračkog prava iseljenika. U tom pogledu, prvo otvoreno pitanje je raskorak između broja birača koji imaju pravo glasa i efektivnog broja birača u ovim zemljama. U sve tri države susrećemo neažurne i nedovoljno precizne popise birača koji su posljedica loše administracije i stalne promjene broja stanovnika koja se nedovoljno prati. Drugo važno pitanje koje analiziramo je biračko pravo iseljenika pri čemu nailazimo na različite modele i (ne)mogućnosti da se ostvari biračko pravo. Kroz analizu pokazujemo različita rješenja i njihove implikacije na izborni proces. Analiza različitih pristupa u regulaciji biračkog prava iseljenika pokazuje niz dilema u temeljnom ostvarivanju biračkog prava, a često i diskriminacijski odnos prema biračima izvan zemlje. Treća razina analize zahvaća ukupnu participaciju iseljenika i njihovog sudjelovanje u političkim i izbornim procesima kroz izborne cikluse.

Ključne riječi izbori, glasovanje u inozemstvu, participacija, migracije, Bosna i Hercegovina, Srbija, Crna Gora

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