

# Complicating the complicated: What we learned from Bosnia and Herzegovina's general election

*Elections were held in Bosnia and Herzegovina on 2 October across multiple levels of government. **Marika Djolai** reacts to the provisional results and examines what they mean for the country's future.*

On Sunday 2 October, citizens of Bosnia and Herzegovina (BiH) voted in the country's ninth post-war general election since 1996. The vote was not without controversy and there were several formal complaints made about irregularities. This was compounded by a move to change the country's [Electoral Law](#) and [Constitution](#) just minutes after the polls closed.

## **Bosnia's complex system of government**

Bosnia and Herzegovina has one of the most complex governance systems in the world and the way political pluralism has developed in the country since 1996 has created a number of challenges for citizens wishing to exercise their democratic rights.

The country is divided between two entities – the predominantly Bosniak and Croat Federation of Bosnia and Herzegovina (FBiH), and the predominantly Serb Republika Srpska – alongside the Brčko District, which is a self-governing administrative unit. The system of government consists of a tripartite presidency featuring one Bosniak, Croat and Serb member, and a bicameral Parliamentary Assembly with a House of Peoples that has an equal representation of Bosniak, Croat, and Serb representatives, and a House of Representatives elected by proportional representation every four years.

In the 2022 election, citizens were given the difficult task of electing the parliaments of Republika Srpska, the FBiH, and the Parliamentary Assembly, as well as the three members of the tripartite presidency, a president and three vice-presidents of Republika Srpska, and the representatives of ten cantonal assemblies corresponding to the country's ten administrative units. In total, they voted for 13 parliaments, 518 elected

positions and seats. In addition, the upper houses of the three parliaments are filled indirectly from political party lists (an additional 128 seats).

The sheer number of candidates in the elections (7,258) was stunning, with 72 political parties, 38 coalitions, and 17 independent candidates running. In comparison, 3,322 candidates stood in the last UK general election in 2019, a country that has around 20 times more citizens than Bosnia and Herzegovina. In the case of the House of Representatives of the BiH bicameral Parliamentary Assembly, there were 752 contenders for just 42 seats.

Clearly, politics is a business more developed than most in Bosnia and Herzegovina, with political actors focusing their efforts on grabbing one of the many funded positions in the vast administrative and legislative apparatus. A win secures not only a state salary for four years but also beneficial access to the corrupt, [clientelistic](#) party networks that continue to hold the country in a firm grip.

Voter turnout was officially around 50% of the 3,278,376 registered voters, but the accuracy of this figure is [debatable](#). The last census (the first held since 1991) took place in 2013 and put the country's population at 3,531,159. Removing those under 18 puts the voter total at 2,838,458, with a projected optimistic estimate for 2022 of 2,855,037 voters (notwithstanding extensive labour emigration). This raises questions about who is in the register and allows for the possibility of manipulation given parties' presence at polling stations and the post-election distribution of indirectly allocated seats.

## The presidency

The results are still [preliminary](#), but some outcomes are clear. The Croat representative in the tripartite presidency will be Željko Komšić of the [Democratic Front](#), who won a fourth mandate. The Bosniak member will be Denis Bećirović ([SDP](#)), who beat the frontrunner Bakir Isetbegović. Both Komšić and Bećirović are considered representatives of the so called 'civic option', which entails the reduction or removal of ethnic divisions within Bosnia and Herzegovina's system of governance.

Many Croats [have argued](#) that Komšić is not a legitimate representative of the Croatian people on the grounds that he has been elected by Bosniak voters within the Federation of Bosnia and Herzegovina. This situation arises because voters within the FBiH have

the option of voting for either the Bosniak or Croat representative in the tripartite presidency. There have been repeated calls by Croat politicians to reform the country's electoral system for this reason.

The Serb member of the tripartite presidency will be Željka Cvijanović from the Alliance of Independent Social Democrats, the same party as the President of Republika Srpska and outgoing member of the tripartite presidency, Milorad Dodik, whose [secessionist rhetoric](#) has attracted substantial media attention over the last four years. Cvijanović will be the first female politician elected as a member of the presidency since 1996. She previously held the position of President of Republika Srpska.

Around 107,000 (6.74%) of the ballots for the presidency were declared invalid (empty or with errors), which might indicate potential fraud in polling stations. Nevertheless, for the first time, with a civic balance prevailing, the new presidency could move the country in a more positive direction. The members of the presidency are important as they have the power to steer the country's foreign policy, nominate the state budget to the Parliamentary Assembly, and execute its decisions (and not only in relation to financial matters).

### **Party results and allegations of fraud**

Few of the campaign narratives of the parties and candidates in the 2022 election displayed any [genuine concern](#) about representing the interests of the country's citizens. The biggest nationalist parties (the [SNSD](#) and [SDA](#)) are masters of [spinning](#) empty nationalistic narratives, while only a few parties, such as [Naša Stranka](#), offered a programme that addressed everyday concerns such as education, culture, and social issues.

The preliminary party results seem uncontested. The main nationalist parties (the Bosniak SDA, Serb SNSD, and Croat HDZ) held leads in all of the main elected institutions and bodies. However, the Social Democratic Party, which is multi-ethnic but draws the majority of its support from Bosniak voters, was only around 1% behind HDZ in the federal and state parliaments.

The SNSD won 35% in the Republika Srpska parliament, significantly less than in the previous election, and it will need a coalition partner to govern. In several cantons, the

SDA and HDZ are in the lead but without dominating, which means various coalitions are possible. Plurality has been embraced by the voters on all levels with seven parties passing the 3% threshold for the BiH parliament in the FBiH and nine in Republika Srpska, with similar dynamics in other parliaments.

Aside from the possible coalitions, two issues merit further attention. First, Bosnia and Herzegovina has legislated gender quotas (40%) for the BiH parliament lower house and at the sub-national level. While this quota is usually met in the candidate lists, the quota of elected, appointed representatives is hardly ever reached (27.4% of those elected were women in the 2018 elections). Second, younger generations tend to be underrepresented in all institutions. In the latest composition, [no members of parliament](#) were under the age of 30 and this needs to change to persuade young people to remain in the country.

Finally, Jelena Trivić, who finished second behind Dodik in the election for President of Republika Srpska, is contesting the election results that awarded him 30,000 votes more than her and a new presidential mandate. She was standing as a candidate of the centre-right Party of Democratic Progress, which has claimed the elections were rigged and organised street protests in which thousands of people are taking part. On 10 October, the Central Electoral Commission announced a recount of all ballots.

### **The electoral system**

As if this complexity were not enough, international observers and domestic actors, as well as citizens, were left stunned by the intervention of the High Representative for Bosnia and Herzegovina, Christian Schmidt, who used the so called 'Bonn powers' to amend the country's [Electoral Law](#) and [Constitution](#) just a few minutes after the polls closed.

Schmidt's actions came after failure to amend the Electoral Law before the election, which Croat politicians claim obstructs their right to representation in the presidency and House of Peoples as it allows Bosniak voters in the FBiH to vote for Croat representatives. Those who support a civic option, in contrast, argue the present Electoral Law entrenches ethnic divisions and violates the rights of minorities who are not part of the Bosniak, Croat, and Serb communities, or who don't declare as one of the three constituent peoples. This debate is exceptionally difficult to resolve as the Croat

position argues for the ethnic provisions in the Electoral Law to be strengthened, while the civic option suggests they should be weakened.

Changes to the Electoral Law have been a requirement since a decision by the European Court of Human Rights in 2009, which ruled that discrimination against non-constituent people living in the country must be eliminated with respect to the presidency and the House of Peoples. In [June 2021](#), members of the Central Electoral Commission presented a proposal for changes to the Electoral Law. Aside from benefiting citizens and improving the functionality of the state, the proposed amendments are intended as a stepping stone for EU accession. Adoption of the final text is under the competence of the Parliamentary Assembly of BiH.

Regardless of the merits of the proposed reforms, the ill-timing of Schmidt's intervention, the lack of clarity of the imposed amendments, and the lack of instructions concerning how to execute them went down badly with everyone. It remains to be seen how these changes will influence Bosnian politics in the years to come, but the way in which they were announced was exceptionally problematic.

One thing that is certain is that Bosnia and Herzegovina does not need to be ruled from abroad. It is not hard to see why this generates concern in a territory that was once ruled by the Austro-Hungarian Empire. What Bosnia and Herzegovina requires is a process of decolonisation, of both its history and present, to give influence to the voters and local forces that are genuinely committed to leaving the ethnic divisions of the past behind and steering the country toward a European future.

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