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Elections in Bosnia & Herzegovina: a sclerotic system faced with crisis

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General elections were held in Bosnia & Herzegovina (BiH) on 2 October. Members of the BiH Presidium (one representative each from the Croatian, Bosnian and Serb communities) and deputies to the lower houses of parliament were elected, both at the central level and in the two constituent parts of the state (the so-called entities): the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). In addition, representatives were elected to the 10 cantonal assemblies (the FBiH's constituent parts), and a president and two vice-presidents in the RS.

According to the preliminary results most of the seats in the lower chambers of parliament, both at the central level and in the entities, were won by ruling parties that appeal to nationalist sentiments. Among the Bosnian Serbs, Milorad Dodik's pro-Russian and secessionist Union of Independent Social Democrats (SNSD) won. It did slightly better than four years ago, winning 42% of the votes in the elections in RS to the BiH parliament and 35.2% in the RS National Assembly (last time getting 39% and 32% respectively). In the FBiH, the Bosnian the Party of Democratic Action (SDA) received the most support and similar results as in previous elections: around 25% each in the elections to the central parliament and to the lower house of the FBiH parliament. Second place went to the Croatian Democratic Union BiH (winning about 15% each in both the elections to the parliament of BiH and to the lower house of the FBiH; the HDZ BiH), which slightly improved its showing from 2018. The turnout was about 50%, 3 p.p. lower than in the elections four years ago. As is usual, a high percentage of invalid votes was recorded (about 8%).

According to the preliminary results Denis Bećirovic (57.2%) of the Social Democratic Party (SDP) will represent the Bosniaks in the BiH presidium; for the Serbs, Dodik's protégée Željka Cvijanović from the SNSD was the clear winner (52.5%); while the Croats will again be represented by Željko Komšić (54.3%) from the small Democratic Front party. The post of President of the RS went to Dodik (48.1%) whose party has ruled in that entity for 16 years.

Shortly after the polling stations closed Christian Schmidt, the High Representative for BiH, introduced a package of amendments to the FBiH Constitution and the BiH Electoral Law which is intended to improve the functioning of the FBiH's institutions. The High Representative oversees and controls the implementation of the Dayton Peace Agreement, which ended the armed conflict in 1995, and can enact & amend legislation under the so-called Bonn powers. The amendments introduced include an increase in the number of deputies to the FBiH's upper house of parliament (the House of Peoples) from 58 to 80, with

23 delegates each representing the three constitutional nationalities and 11 delegates representing those who do not belong to those three groups (the so-called Others). In addition, Schmidt imposed deadlines on the FBiH institutions to delegate representatives to the House of Peoples, limited the use of vetoes justified by the threat to vital national interests, and introduced the institution of the citizens' legislative initiative.

Commentary

- The elections took place against a backdrop of deepening crisis in the state, resulting from the escalation of separatist activity by the RS under Dodik and the blockade of institutions at the FBiH level by Croatian politicians. Both are seeking more independence from the central government in Sarajevo and are working to deepen ethnic segregation in the country. The Russian aggression against Ukraine has also highlighted the divisions among the nationalities in BiH regarding the country's foreign policy. While the Bosniaks clearly favour an alliance with the West, the Serbs (unambiguously) and the Croats (less overtly) sympathise with Moscow. The Kremlin, like the representatives of these two nations, is keen to keep government in the country in a weak and dysfunctional state.
- The election results indicate that even the deepening economic, social and institutional crisis has not been able to undermine the position of the ruling parties. These have managed to build up a closed system through a series of clientele relationships, the subordination of the state to the interests of those in power, and the strengthening of nationalist sentiments – a system which has proved stubbornly resistant to political change. Even the growing public frustration – caused by corruption and nepotism, as well as the difficult economic and social situation (as a consequence of the pandemic, among other factors) – has not been able to bring replacement of the ruling elite. This is because they have effective instruments for disciplining the voter groups at their disposal: these include handing out jobs and distributing lucrative contracts. This, combined with the fact that a lot of voters have lost heart because they do not believe in change, allows them to stay in power.
- The main influence on the political dynamics will be retained by winning parties which are unwilling to make the compromises needed to reform the state. The traditional Bosniak, Croat and Serb parties operate in a peculiar symbiosis, since by escalating nationalist tensions they arouse mutual animosities between the peoples of BiH, while positioning themselves as defenders of their interests. This exacerbates the long-standing paralysis of the central institutions, which is in the interests of both the SNSD and the HDZ of BiH. This justifies the RS and the Croatian cantons' efforts to expand their independence from the central government. It can also be expected that (like Dodik before her) Cvijanović will work to block the BiH presidium from taking any actions.
- It is most likely that the SDA-SNSD-HDZ BiH coalition will be reconstituted at the central level. The positions of prime minister and the head of the foreign ministry (in accordance with the principle of rotation which applies in BiH) will be occupied by politicians representing Croats and Serbs respectively. This will not be conducive to an active government policy or to presenting a coherent position on the international stage, especially since the Bosniaks clearly support integration into Euro-Atlantic structures and condemn Russia's aggression against Ukraine, while the Serbs are in favour of

cooperating with Moscow. As a consequence, the chances of Bosnia & Herzegovina reforming at the central level or becoming an EU candidate will remain slim.

- The election results indicate that the Bosniaks are more inclined to vote for groups that appeal to civic sentiments and wish to hold the ruling politicians accountable. The SDA was the only one of the three parties to see a decline in support, and its long-time leader Bakir Izetbegović (son of Alia Izetbegović, its founder) lost the election for the BiH presidium to the joint opposition candidate Denis Bećirović. Although this victory is mainly symbolic (the competencies of the presidium are limited), it may lead to a reshuffle within the SDA itself. However, the opposition was unable to repeat this success in the parliamentary elections as due to personal conflicts, the opposition did not put forward a unified list, and will most likely govern only in the Sarajevo canton.
- The elections confirmed the dominant position of Dodik and his supporters in RS. During the campaign, Dodik drew strongly on pro-Russian sentiments (he even visited Moscow to meet Vladimir Putin in September) and separatism (he announced that he would continue implementing his plan for RS's independence from central institutions). We should expect the rhetoric of SNSD politicians to escalate further, which will make BiH even less politically stable. However, the opposition reported irregularities and vote rigging during the election protests and is now demanding that it annul the vote for RS President.
- Komšić's ascent to the position of Croatian representative on the BiH presidium will only strengthen the efforts of Bosnian Croats (and Zagreb) to reform the electoral law. Komšić once again defeated the HDZ's candidate in BiH thanks to Bosniak votes. For years, this has been a key argument for Croatian politicians that their seat in the BiH presidium is occupied by a person who in fact represents Bosniak interests. To this end (with support from Zagreb) they will strive for a separate Croatian constituency and, in the long run, for the creation of a separate Croatian territorial unit.
- The amendments imposed by the EU's High Representative result directly from his ultimatum in August, when he threatened to use his Bonn powers if the Croats and Bosniaks did not agree to electoral reform. The amendments limit the opportunities to block political decisions and processes, which exacerbate the dysfunctionality of the FBiH and the state as a whole. In order to force concessions, the country's political factions have often resorted to blocking the state's legislative bodies and institutions by failing to fill the positions allocated to each nationality. For example, in the last legislature, no new cabinet in FBiH was elected and the one elected in 2012 remained in office. Similarly, the right to veto in order to defend the vital interests of individual nationalities has been significantly abused.
- However, the timing and manner of Schmidt's amendments are highly controversial, and will deepen the Bosniaks' distrust of the West. The announcement of the amendments – just after the polls closed – was seen as unauthorised interference displaying disregard for the electoral process. Besides, the amendments adopted are being seen as a way of meeting Croatian demands (Zagreb strongly supported the High Representative's actions), and this will encourage the HDZ's politicians in BiH to stiffen their position and escalate their demands. At the same time, it should be noted that the changes concern

only the FBiH, and will not affect the functioning of the state as a whole.

- Reactions to the High Representative's actions once again revealed the divisions in the West regarding BiH policy. Schmidt's initiative was supported by the United States and the United Kingdom, while EU representatives distanced themselves from it, indicating that he himself was solely responsible for the decision. This lack of coherence seriously undermines the effectiveness of the West's actions, and gives local politicians further opportunities to play off the divisions within the West. It also poses a serious challenge to the need for the UN Security Council to extend the mandate of the EUFOR Althea stabilisation mission. The Kremlin is already signalling that it will not agree to this, which would call the future and legal legitimacy of the mission into question.