

October 03, 2022

Länderbericht

KAS Office in Bosnia and Herzegovina



Elections in Bosnia and Herzegovina

First woman elected to the Presidency

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On October 02, 2022, elections took place in Bosnia and Herzegovina for all democratic offices at the national, entity and cantonal level. 7,258 women and men stood for election. Around 3.3 million voters had the right to vote. The parliamentary elections took place for the ninth time and presidential elections for the eighth time.

Željko Komšić and Denis Bećirović were elected to the seat of the Croatian and Bosniak member of the Presidency, whereas the Serbian seat was won by Željka Cvijanović. This was the first time that a woman was elected member of the Presidency. She will succeed Milorad Dodik, who has attracted attention due to his separatist rhetoric and who ran for president of Republika Srpska (RS) during these elections. At the moment of writing of this report, the counting of the votes for the election of members of parliaments and president and deputy president of RS is still ongoing.

Shortly after the closing of the polling stations, the High Representative announced several reforms. Christian Schmidt amended the Electoral Law in the part related to the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina and adapted procedural provisions in the Federation of Bosnia and Herzegovina (FBiH), which, according to him, aims at resolving the institutional deadlock that had been in place for years. The Embassy of the United States of America and the Embassy of United Kingdom reacted positively to Schmidt's decisions, while the Delegation of the European Union (EU) clearly distanced itself from them in a statement.

Outcome of the elections

Numerous democratic offices in Bosnia and Herzegovina are based on ethnic affiliation as a result of the 1995 Dayton Peace Agreement. The Presidency of Bosnia and Herzegovina, which is divided between the three constituent peoples: Croats, Bosniaks and Serbs, is of particular importance.

Bakir Izetbegović, the chairman and the candidate of the national-conservative Bosniak party SDA, lost to the candidate of the social-democratic party SDP, Denis Bećirović, in the race for the seat of the Bosniak member of the Presidency. This election result came as quite a surprise, given the fact that Bakir Izetbegović, as the son of the state founder Alija Izetbegović, was considered to have high ratings. Bakir Izetbegović also held the seat of the Bosniak member of the Presidency in the period from 2010 to 2018.

Željko Komšić from the party DF was elected Croatian member of the Presidency. He won against his challenger Borjana Krišto from the national-conservative party HDZ BiH. In compliance with the Electoral Law, Bosniaks have the right to also cast their vote for the

Croatian candidate for the Presidency of Bosnia and Herzegovina. Since Željko Komšić could hardly get any votes in those parts of the country that have a high proportion of Croatian population, and he was nevertheless elected Croatian member of the Presidency, it may be assumed that he was elected primarily thanks to Bosniak votes, just as in 2018. HDZ BiH sharply criticised this during the last elections.

Milorad Dodik, who is currently holding the position of the Serb member of the Presidency and who has recently attracted international attention in particular due to his separatist rhetoric regarding the entity Republika Srpska, did not run again for this office. Instead of him, his party colleague, Željka Cvijanović from the Serb party SNSD, ran for the seat of the Serb member of the Presidency of Bosnia and Herzegovina and asserted herself against other candidates. Observers expect her to continue the Serb policy of filibustering at the state level, which is a continuation of the policy led by Milorad Dodik.

During the past mandate, Željka Cvijanović held the office of the president of the entity Republika Srpska, for which Milorad Dodik ran in these elections. He previously held this office in the period from 2010 to 2018. Dodik ran against the opposition candidate Jelena Trivić in the election for the president of Republika Srpska. The counting of votes is still ongoing in Republika Srpska.

In addition to the elections for the Presidency of Bosnia and Herzegovina and president and deputy president of the entities, Federation of Bosnia and Herzegovina and Republika Srpska, elections were also held for all legislative bodies at the state, entity and cantonal level. The counting of these votes is still ongoing. So far, the electoral authorities have not published any preliminary results.

According to the Central Election Commission, voter turnout was around 50%. This already low percentage of active voters is actually lower than the turnout in 2018 (53%) and 2014 (54%). The fact that the elections could take place at all is the merit of the High Representative, Christian Schmidt. He used his extensive powers and ordered that funds be made available for the elections. His decision was preceded by a political stalemate at the Council of Ministers, which, according to Schmidt's opinion, was unable to achieve a relevant compromise regarding the request of the Central Election Commission to provide 6.3 million EUR for the elections.

Election campaign

An intense election campaign preceded the elections. It was also very present in the media. In addition to numerous events that the parties organised, they also invested enormous resources in their election campaigns. Over the past period, billboard advertisements dominated in the public, especially in the cities. Media coverage was frequently distorted and strongly biased towards certain parties due to their dependence on political or economic interests.

In spite of the difficult economic situation and the urgent need for reforms in key policy areas, issues related to the inter-ethnic relations in the country dominated the election campaign. Serb politicians such as Milorad Dodik have recently attracted attention in particular due to separatist rhetoric and concrete efforts related to the secession of the entity Republika Srpska, whereas Bosniak and Croat politicians in the Federation of Bosnia and Herzegovina worked on the controversial Electoral Law reform.

Many citizens are leaving the country and going to the European Union as a result of the difficult political and economic situation. Since most Croats in Bosnia and Herzegovina also hold a Croatian passport, no other population has been subject to such a dramatic exodus to the EU as Croats. Croat politicians in particular were calling for a reform of the Electoral Law that would ensure a greater consideration of the Croat minority in the Federation of Bosnia and Herzegovina. When the High Representative took the initiative last month and announced a reform of the Electoral Law that in part included ideas from Croatian proposals, the civil society in Bosnia and Herzegovina criticised him.

Reservations about Germany and the Western politics in general, which are partially present among Serb population, were recently used by Milorad Dodik to his advantage in the process of accreditation of the new German ambassador to Bosnia and Herzegovina. As a member of the Presidency of Bosnia and Herzegovina, he blocked the usually simple act of accreditation and painted himself as the guardian of Serb interests in regard to the western politics. Dodik's close relationship to the Russian President Putin, whom he has already met twice since the beginning of the Russian aggression against Ukraine, should also be viewed in the context of his opposition to western politics.

In the election campaign, initiatives for fighting corruption and nepotism, debates on economic reforms or measures to improve the rule of law played a minor role. Little attention was also paid to the topic of environmental protection, although air pollution constitutes a particularly serious problem in many cities throughout the country. As a study¹ focusing on the climate and environmental policies in party programmes found, there are hardly any signs of an energy supply reform for the purpose of achieving climate neutrality in 2050, in spite of the fact that the Green Agenda Declaration for the Western Balkans was signed in Sofia in 2020. Around 17.000 persons are employed in the mining sector in Bosnia and Herzegovina. The political elites perceive the energy transition as an obligation imposed by the EU and a threat to the economic development. The opportunities for an emission-free electricity generation that the country might enjoy are on the back burner of election programmes of political parties.

Political role of women in Bosnia and Herzegovina

Although Bosnia and Herzegovina has a very progressive Electoral Law, which ensures a 40% quota for positions for the underrepresented sex on all party lists, the share of women in the Parliamentary Assembly remains comparatively low with 16%. According to the OECD, the reason for this is in particular the low to non-existent presence of female candidates in election campaigns and the competition for voters' votes, which they can freely cast within the party lists. In many parties, women are facing active obstacles that prevent them from conducting an election campaign, and the media coverage of election campaigns focuses on male candidates. In those cases, when they do cover female candidates, they frequently reproduce stereotypes. Given the lack of presence of women in the otherwise very personalised election campaign, it is not surprising that only a small number of voters give their vote to female candidates, in spite of the quota guaranteeing their presence on the lists.

In addition to this, politically active women in Bosnia and Herzegovina are increasingly facing violence. 60% of female candidates have already experienced violence during their careers. In 96% of the cases, it involved verbal or emotional violence and it had a significant and negative effect on political ambitions of these women. Politically active women are particularly

¹ CEEQ, 2022. Study entitled "Zastupljenost tema zaštite klime i okoliša u bh. izbornim programima" (Presence of Climate and Environmental Protection Topics in Election Programmes in Bosnia and Herzegovina)

insufficiently protected from hatred and insults in the social media, which is largely due to the inefficient and slow judiciary and slow prosecution. Given this fact, the candidacy of Serb female politician Željka Cvijanović (SNSD) and Jelena Trivić (PDP) and Croat politician Borjana Krišto (HDZ BiH) against their male competitors constitute a peculiarity. In this context, the election of Željka Cvijanović as the first female member of the Presidency of Bosnia and Herzegovina is a success.

Decisions of the High Representative

Immediately after the closing of the polling stations, the High Representative published the adoption of decisions related to the Electoral Law and the Constitution of the Federation of Bosnia and Herzegovina.² This had recently been blocked by political actors. After the 2018 elections, no new government of the Federation of Bosnia and Herzegovina was formed. Schmidt's announcement immediately after the elections was a surprise. The decisions entered into force immediately and they are therefore already applicable to the election of members of the House of Peoples of the Parliament in this legislative period.

In essence, the amendments to the laws refer to two segments: on the one hand, the process of election of members of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina, and, on the other hand, the procedural provisions related to legislative processes at the Parliament of the Federation of Bosnia and Herzegovina.

- › The 10 cantons of the Federation of Bosnia and Herzegovina are represented in the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina in compliance with their ethnic composition. The High Representative made the following decisions in order to improve the proportionality between the cantons:
 - › Instead of 17 representatives that they had until now, now every of the three constituent peoples has 23 representatives at the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina. Others, i.e. all inhabitants of the Federation of Bosnia and Herzegovina who do not declare themselves as belonging to one of the three constituent peoples, now have 11 instead of 7 representatives at the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina.
 - › The number of MPs at the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina thus increased from 58 to 80.
 - › The increase in the number of MPs redistributes the political weight within the national political groups towards cantons that have a particularly high share of a certain constituent people.

These decisions have differing consequences:

- › They have a particularly strong impact on the composition of the 23 representatives of the Croat political group at the House of Peoples.
- › Similar mechanisms may be expected also in case of political groups of other constituent peoples at the House of Peoples, since the constituent peoples are strongest in those regions where they constitute a relatively homogenous majority of the population. These regions are now given more consideration as a result of a higher number of MPs at the House of Peoples and adapted proportionality.
- › In addition to this, it also leads to an increase in the number of MPs at the political group of Others, so that now there are 11 representatives instead of 7 representing this group, i.e. at least one representative per canton.

² <http://www.ohr.int/?lang=en>

- › In addition to this, the High Representative adopted a decision on the following procedural changes in order to eliminate the political deadlock in the Federation of Bosnia and Herzegovina:
 - › A deadline for the processing of legislation drafts: as soon as one chamber of the Parliament of the Federation of Bosnia and Herzegovina adopts a certain law, the other chamber must vote on it within 45 days.
 - › Amendment of the procedure for nominating candidates for the president and deputy president: in order to ensure that every national political group at the House of Peoples nominates a candidate for the president and deputy president of the Federation of Bosnia and Herzegovina, the necessary number of MPs that have to be nominated within political groups has been reduced.
 - › Reduction of veto powers: The veto on draft laws by invoking vital national interests of a certain ethnic group that was used excessively in the past has become more difficult. The number of policy areas in which de facto veto can be applied will be limited. Any invocation of vital national interests will have to be assessed by an independent body whose members are appointed by the Constitutional Court of the Federation of Bosnia and Herzegovina.
 - › A greater involvement of the civil society and youth: according to the amendments to the Constitution adopted in the OHR decision, legislative bodies in the Federation of Bosnia and Herzegovina will have to create opportunities for the civil society, and in particular youth, to be able to submit draft laws to the Parliament of the Federation of Bosnia and Herzegovina.

It remains to be seen to what extent the adopted decision can resolve the political status quo in the Federation of Bosnia and Herzegovina. It is generally expected that nationalist parties will have a stronger representation within the relevant political groups at the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina. At the same time, individual national political groups have a limited possibility to invoke vital national interests as a de facto veto in the legislative process.

The reactions of international actors in Bosnia and Herzegovina were divided. Whereas the Embassy of the United States of America and the Embassy of the United Kingdom immediately declared their support for these decisions, the EU Delegation reacted in a distanced manner. It announced that it "took note" of these decisions and stressed that they were decisions of the High Representative alone. The EU also stated that "executive powers of the High Representative (Bonn powers) should be used solely as a measure of last resort against irreparable unlawful acts."³

³ <http://europa.ba/?p=76074>

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