

**Elections in Bosnia and Herzegovina:
the Wind of Change between War and Peace?**

Választások Bosznia-Hercegovinában:
a változás szele háborút vagy békét hoz?

DŽENITA ŠILJAK



KKI Policy Brief

Series of the Institute for Foreign Affairs and Trade

Publisher:

Institute for Foreign Affairs and Trade

Reviewed by:

Julianna Ármás, Ferenc Németh, Cintia Viola

Typesetting:

Tamás Lévárt

Editorial office:

H-1016 Budapest, Bérc utca 13-15.

Tel.: + 36 1 279-5700

E-mail: info@ifat.hu

<http://kki.hu>

The present analysis and its conclusions reflect the author's opinion and cannot be considered the official position of the Institute for Foreign Affairs and Trade, the Ministry of Foreign Affairs and Trade, or the Government of Hungary.

© Dženita Šiljak, 2022

© Institute for Foreign Affairs and Trade, 2022

ISSN 2416-0148

<https://doi.org/10.47683/KKIElemzesek.KE-2022.54>



Abstract: Bosnia and Herzegovina (BiH) held presidential and parliamentary elections on 2 October 2022, amid the most severe political crisis since the 1992-1995 war. Inefficient institutions and problems created by political leaders led the country to the bottom of economic and political statistics in Europe. While citizens were hoping for a change, it did not come as the nationalist parties won the majority again. The change of the election law imposed by the High Representative during the election night did not bring much hope either. The country is still stuck in its nationalist rhetoric and the lack of dialogue among the decisionmakers. It is difficult to see how the newly elected political leaders will be the ones finally taking responsibility for bringing change.

Keywords: Bosnia and Herzegovina, general elections, the election law, institutions, European Union.

Absztrakt: Bosznia-Hercegovinában (BiH) 2022. október 2-án elnök-és parlamenti választásokat tartottak, az 1992-1995-ös háború óta a legsúlyosabb politikai válság közepette. A nem megfelelően működő intézmények és a politikai vezetők által gerjesztett problémák az országot a politikai és gazdasági statisztikák legaljára juttatták Európában. Miközben az állampolgárok valamiféle változásban reménykedtek, addig a nacionalista pártok ismét többséget szereztek. Nem sok reménnyel kecsegtetett a Főképviseelő által a választás éjszakáján meghozott választási törvény módosítása sem. Az ország így továbbra is megrekedt a nacionalista retorikában és a döntéshozók közötti párbeszéd hiányában. Nehéz megjósolni, hogy az újonnan megválasztott politikai vezetők milyen felelősséget vállalnak végre a változásért.

Kulcsszavak: Bosznia-Hercegovina, parlamenti választások, választási törvény, intézmények, Európai Unió.

INTRODUCTION

In democratic countries, it is not the question whether elections will be held; the question is when they will be held. That is not the case in Bosnia and Herzegovina (BiH). On the other hand, BiH is not a democracy. According to the Economist Intelligence Unit's (EIU) [Democracy Index](#), BiH is a hybrid regime with the second lowest index score in Europe, after Turkey. How did it come to that? BiH is a country with one of the most complicated and highly decentralized political systems in Europe. The state consists of two entities – the Federation of Bosnia and Herzegovina (FBiH), where the majority are Bosniaks and Croats, and Republika Srpska (RS), where Serbs form the majority - and the Brčko District,

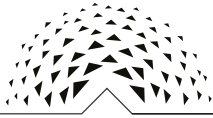
a self-governing unit. Furthermore, the FBiH consists of ten cantons, each of them having their own government and parliament. In general elections, which are held every four years, the representatives of these units are directly elected, as well as the national House of Representatives and the members of a tripartite Presidency. A national upper chamber, the House of Peoples are indirectly elected by the abovementioned parliaments. Only members of the three constituent peoples – [Bosniaks \(50.1 percent of the BiH population\), Serbs \(30.8 percent\), and Croats \(15.4 percent\)](#) – can be elected to the Presidency and the House of Peoples. Members of minorities, often referred to simply as ‘the others’ cannot be elected to these posts. BiH has 142 municipalities, whose representatives are elected in local elections, held every four years as well, but two years after the general elections. BiH’s ethnic divisions came to be even more obvious in the year before the 2022 elections – the eighth general elections since the end of the war – and the pre-election campaign.

The complicated political system has its consequences – according to the World Bank’s [Worldwide Governance Indicators](#), government in BiH is the least effective in Europe, regulatory quality is low, it is one of the least politically stable countries. After Turkey, it is the second most fragile state with fragmented state institutions along ethnic and religious lines, and one of the most corrupt countries with one of the steepest [economic declines](#).

The aim of this brief is to analyse the economic and political situation of BiH since the 2018 general elections, the results of the 2022 elections, and the possible outcomes.

THE ECONOMIC AND POLITICAL CONSEQUENCES OF THE SYSTEM

While politics in BiH is anything but boring and it can be an interesting research field, the system has its economic consequences which also affects regular people. When it comes to the economy, BiH is one of the worst performing countries. This is the country with the fourth lowest [per capita GDP](#) in Europe and [the second-lowest GDP growth rate](#) in the Western Balkan region. It is the least [competitive](#) country in Europe, where the cost of starting a business is the second highest (after Italy). [The quality of roads](#) is only worse in Moldova and the [shadow economy](#) is estimated to be at around 30 percent of GDP. These are the reasons why [FDI inflow](#) is only 2.2 percent of GDP, compared to the Western Balkan average of 5.4 percent. With low wages and no opportunity to get a job, people opt for a career in politics, where salaries are high, jobs are safe, and sometimes they do not even have to work for months because the state institutions are being blocked and they still get paid. At the same time, people who have not had an opportunity to work in their field or work at all (the [unemployment rate](#) in BiH is 15.3 percent, compared to EU’s 7 percent) decide to migrate, mostly to EU countries. BiH’s [Human flight and brain drain](#) index is the third highest



in Europe. However, this is not a matter of concern for political elites as a candidate for the Presidency, Bakir Izetbegović, stated in July 2022 that people who left would be [replaced with robots and drones](#). After a few days and public judgement, he started focusing on the problems of the youth, but the damage was already done. [Milorad Dodik](#), old-new president of RS, recently stated that he was meeting young people who had left and a lot of them want to come back because „the West is not what it used to be“. The reality shows a different story. Even though the exact number of people who have migrated is not known because no one registers it, it is estimated to be [170 thousand](#) in 2021, which is approximately 5 percent of the official population. At the same time, [90 percent](#) think that the country is going in the wrong direction.

WHAT HAS HAPPENED IN THE PAST FOUR YEARS?

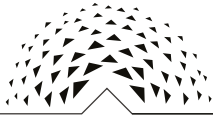
The four years since the 2018 elections may have been the most challenging for BiH since the end of the war. The elections were held on 7 October 2018 and even though the preliminary results were known within 24 hours, due to a large number of political subjects and internal problems, the Council of Ministers, (the country's de facto government) was not formed for the next 14 months. The Council of Ministers was formed on 5 December 2019, when Zoran Tegeltija from Milorad Dodik's Alliance of Independent Social Democrats (Savez nezavisnih socijaldemokrata, SNSD) was appointed Chairman of the Council. One of the main reasons for the delay was the dispute whether the Presidency should submit its Annual National Plan (ANP) to NATO. While the leading Bosniak and Croat parties supported NATO membership, the leading Serb parties opposed. The Council of Ministers formally took office on 23 December 2019 and within an hour, a paper was submitted to NATO. In BiH, it is still not clear what the paper was; while not bearing the formal title of ANP, it was accepted in NATO headquarters, thus [paving the way](#) for BiH to move forward with its Membership Action Plan (MAP). [66 percent](#) of the country's population support the country's accession to NATO. It is no surprise that the support is the highest among Bosniaks (90 percent) and Croats (92 percent), while 82 percent of Serbs oppose membership.

While the state government was eventually formed, the government in the FBiH has been in a technical mandate since the 2018 elections because the leading Croat party, the Croatian Democratic Union BiH (Hrvatska demokratska zajednica BiH, HDZ BiH), has been blocking the appointment of ministers. The reason for this is that the Croats wanted to change the election law that has been in place since the Dayton Peace Agreement was signed in 1995. According to the existing law, the Bosniak and Croat members of the Presidency are elected in the FBiH and the winner is whoever gets the most votes. That means that all citizens of the FBiH can vote for either of the two members.

The problem occurred when Željko Komšić, a Croat, from the Democratic Front (Demokratska fronta, DF), a party that is an advocate for a state of citizens, not of ethnical groups, won the Croat seat of the Presidency in 2006, 2010, and 2018. [Komšić also won](#) more votes (225.500) than Dragan Čović, the president of HDZ (154.819). The two candidates won more votes than the number of Croats in BiH with voting rights ([325.057](#)). Dragan Čović – along with HDZ BiH – has been trying to change the election law for years because they find it discriminatory (even though he was elected a member of the Presidency under the same law in 2002 and 2014) since Bosniaks can also vote for the Croat member. While this is true and there could be Bosniaks who did it, HDZ BiH has been neglecting the fact that next to the three major ethnic groups, i.e., Bosniaks, Serbs, and Croats, there are people who do not or do not want to belong (i.e., Jews, Romas, children of mixed marriages, or people who simply refuse to identify with one group or another) in the three groups and cannot vote for their representative in the Presidency or the House of Peoples, to be precise, [130.054](#) of them, according to the 2013 census. Also, Serbs from the FBiH cannot elect their representatives. All of them could have voted for Željko Komšić and elected him. HDZ's suggestion was that the Croat member of the Presidency should be elected in the regions where Croats had the majority. The same would apply for the Bosniak member. This implied that a Croat from the mainly Bosniak-inhabited Sarajevo or Tuzla, or a Bosniak from a predominantly Croat Mostar would not be able to elect their representatives. This would cause a further division and discrimination in the already highly divided country.

In July 2022, the media announced that Christian Schmidt, BiH's High Representative (HR) who has been in the office since August 2021, would impose changes on the election law. As HR, he is entitled to make such changes given the Bonn powers. However, the content of the new law was worrying. Basically everything that HDZ BiH and Zagreb wanted would have been achieved through the new law. The members of the Presidency would be elected in the areas where the share of their people exceeds [3 percent](#) of the total number in the FBiH. It was [confirmed](#) that the law draft was sent from Zagreb and that the employees of the Office of High Representative (OHR) created the amendments. After major public protests in front of the OHR building, which some political parties used to start the election campaign prematurely, the HR gave up the idea of imposing the changes and gave political leaders more time to agree. The deadline was mid-September, and nothing was achieved. In the end, the HR made some technical changes to the law and imposed them on the election night, 2 October 2022.

However, Croatia's direct involvement in BiH's internal matters has never been more obvious and the country has shown that it does not respect BiH as a sovereign country. The latest intervention occurred on 24 September 2022, when Croatian Prime Minister Andrej Plenković (HDZ) during his speech in the [UN General assembly](#) asked the High Representative to use the Bonn powers and



act so that “the legitimate representation of Croats in BiH” would be ensured. Two days later, [Plenković admitted](#) that the Croatian Government was directly involved in negotiations with Christian Schmidt regarding the election law changes.

HDZ and HDZ BiH were referring to the so called Ljubić verdict. [Božo Ljubić](#), president of the General Council of the Croatian National Congress of Bosnia and Herzegovina (Hrvatski narodni sabor Bosne i Hercegovine, HNS) argued that the way delegates in the upper house of the Federation entity parliament were put forward (explained in the section Sunday Night Live below) and that it violated the principle of equality enshrined in the Dayton Peace Agreement. In 2014, Ljubić appealed to the Constitutional Court of BiH, which ruled that the state and entity election laws should be harmonized. [Experts](#) feared that the ruling would lead to political crisis and obstructions of the formation of the government after the 2018 elections – which was indeed what happened. The Federal government has been in a technical mandate since 2014.

What is a matter of concern is that Christian Schmidt, a German politician with a long career in the German Bundestag, would even consider imposing a law that would bring an even bigger division within the country and strengthen the position of ethnicities. The existing law was a subject of a trial in front of the European Court of Human Rights. In 2009, two representatives of BiH minorities, Dervo Sejdić, a representative of the Roma group, and Jakob Finci, a representative of the Jewish community, sued the country for the reason of not being able to run for the Presidency. The verdict was in their favour, and they have been waiting for it to be implemented ever since. By tinkering with the existing system, the HR is more likely to entrench it rather than reform it.

ELECTIONS BY DECREE

The elections were announced on 4 May 2022 and for a while it was a matter of concern if they would even be held because the Council of Ministers did not allocate the financial assets in a timely fashion. The High Representative had to intervene and use [the Bonn powers](#). He decreed that the amount of 12.5 million KM (EUR 6.4 million) would be transferred to the Central Election Commission of BiH (*Centralna izborna komisija*, CIK) to finance the general elections. The Council of Ministers approved the amount which was not the complete amount asked by the CIK, after the deadline. Schmidt had to make the decision after the Minister of Finance and Treasury Vjekoslav Bevanda (HDZ BiH) was [blocking the passing](#) and adoption of the budget.

Christian Schmidt became high representative of BiH on 1 August 2021, but his appointment was not without controversy. Although not technically required under the Dayton Agreement, all of Schmidt’s predecessors had been formally

approved by the UN Security Council. Schmidt was officially appointed by the member states of the Steering Board of the Peace Implementation Council (PIC) in May, but without the approval from the [Russian representative](#) in the PIC, and without the UN Security Council. Therefore, [the Russian embassy](#) in Sarajevo said that ‘Schmidt’s appointment was a violation of the established practice of electing the High Representative in BiH via consensus, that no nominee without the approval of the UN Security Council will have the necessary international legal legitimacy and will not be able to be considered a High Representative in terms of the Dayton Peace Agreement’. In [April 2022](#), the Russian Federation informed the OHR that it was suspending its participation in financing it. Consequently, [Milorad Dodik](#) has also not recognized Schmidt as a high representative and he hired a legal team to sue the HR in Germany for “false representation and wrongful acting in BiH” in May 2022. For [Dodik](#), Schmidt is “an absolutely non-existent person in terms of the function called high representative in BiH and he should be deported from the country in the manner provided by the law dealing with foreigners in BiH”. Dodik has also been a vocal advocate of abolishing the OHR for years.

Christian Schmidt is not the first HR that Dodik had a problem with. Valentin Inzko, an Austrian diplomat, was in the office for 12 years. His mandate ended on 31 July, 2021 and while he did not use the Bonn powers often, he decided to use them 8 days before he left to impose ‘[an amendment](#)’ to the country’s criminal code to outlaw the public denial, condoning, trivialization or justification of genocide, crimes against humanity or war crimes when this is done in a way that is likely to incite to violence or hatred. Transgressors can be punished with prison sentences ranging from six months to five years. The amendment is now known as the Inzko law. Dodik, who was very vocal in denying the genocide in Srebrenica that happened in July 1995, stated that the law would not be accepted nor published in the Gazette of RS. Also, this created one of the many, but probably the most severe crisis in BiH after the war. Dodik threatened to withdraw the Serb representatives from the state institutions. On 10 December 2021, [the Parliament of RS](#) voted to begin the process of severing ties with the country’s armed forces, judiciary and tax system, which would gradually lead to secession. RS passed [the Law on non-application](#) of the Decision of the High Representative. The Constitutional Court of BiH later declared the RS law unconstitutional.

Dodik’s aspirations to make RS either an independent state or to merge it with Serbia had consequences – he was blacklisted by the USA and the UK, together with several of his associates. One of them is Željka Cvijanović, the newly elected Serb member of the Presidency. The war in Ukraine forced the Bosnian Serb leaders to postpone their plans to withdraw from the state institutions, but secession was the leitmotif of Dodik’s pre-election campaign.



A COUNTRY FOR OLD MEN (AND WOMEN)

The pre-election campaign did not bring anything new. The candidates defined the (very well-known) problems but did not provide any solutions. They gave promises such as that they would create new jobs or increase salaries and pensions, but this is something that people have heard before. Or they focused on their opponents and their past, just to make themselves look better. No one provides a real agenda or a plan on how to make the promises come true. Even though most political parties have been in power in the past four or even eight years (which is the case in the FBiH), they all act like the current situation is the opponents' fault. But the question is why they have not done anything while they were in power. It is estimated that [83 percent of the promises](#) from the previous elections have not been fulfilled.

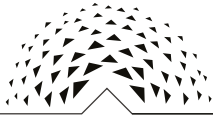
The Party of Democratic Action's (*Stranka demoratske akcije*, SDA) member was a Bosniak member of the Presidency since 1996 (with the exception of the period between 2006-2010). That did not stop the Party's candidate for the Presidency, Bakir Izetbegović, the son of the country's first and war-time president Alija Izetbegović, who ran for his third term, to ask for more votes during the pre-election rallies. Unfortunately, the party embraced the war rhetoric during the campaign. Threatening with a new war has been 'a solution' for most crises in the country on all sides. While the citizens are used to the threats, it was concerning that Izetbegović stated that [the heads had been counted](#) when he was talking about the military power in July 2022. It was irresponsible of him to do so considering that the country survived a war that lasted between 1992 and 1995, genocide in 1995 and that it counted more than 100.000 victims. Considering that Izetbegović is 66, he definitely will not fight in the new war, just like he did not personally fight in the last one. The war talk may have run its course. After all, [surveys](#) show that the idea is not popular with anybody.

The majority of the candidates had previously been on ballots. The three Bosniak candidates for the Presidency – Denis Bećirović, Bakir Izetbegović, and Mirsad Hadžikadić – were also candidates before. Bakir Izetbegović was in the Presidency between 2010 and 2018. Incumbent Željko Komšić was running for a fourth term as the Croat member of the Presidency, while his only opponent, Borjana Krišto of HDZ BiH was a presidency candidate in 2010 (but also lost to Komšić back then). She was the President of the FBiH prior to this election and a member of the House of Peoples. The dominant Serb party SNSD put up Željka Cvijanović, former President and Prime Minister of RS, as their candidate, while Milorad Dodik, after one term in the national presidency, sought the position of RS president, which he previously held between 2010 and 2018.

NOT JUST POLITICAL CRISES, BUT ECONOMIC ONES AS WELL

The war in Ukraine created an economic crisis that will be more severe than the crises caused by the Covid-19 pandemic or the 2008/2009 financial crisis. This one will lead to stagflation – a combination of stagnation of the economy and inflation. Usually, financial crises lead to a decrease in aggregate demand and a decrease in prices, i.e., deflation. When prices decrease, the demand can increase, and, as a consequence, the economy can grow. In the case of stagflation, the demand for the products do not increase and the economy declines, i.e., it goes into a recession. Most countries imposed measures to stabilize prices and decrease the inflation rate (rates this high have not been registered in Europe since the mid-1990s). BiH was not one of them. While the state should not be directly involved in the market, its role is to provide a stable macroeconomic environment and one of them is to keep the inflation rate stable. BiH's monetary policy functions under the currency board arrangement – the convertible mark (KM) is pegged to the euro – and it is one of a few stable aspects in the state. Therefore, BiH has had stable inflation since the late 1990s since there are no changes in the money supply. However, this is imported inflation and has nothing to do with an increase in the money supply. The state institutions – led by the unholy trinity of SDA-HDZ-SNSD - could help the citizens, but they decided not to. There were several mechanisms – to freeze the prices of essential groceries, to abolish the excise on gasoline, or to decrease or abolish taxes, but nothing has been done. While there were attempts, they all failed. Only pensioners got a minor increase of their already low pensions (the minimum pension in FBiH is [EUR 216](#) and in RS [123 EUR](#)).

This is the second economic crisis since the last general elections. The previous one, caused by the Covid-19 pandemic, happened only two months after the Council of Ministers was formed.. The pandemic showed how dysfunctional BiH was as a state. While BiH is not the only state where high officials were involved in corruption in public procurement, the people of BiH were left without the essential equipment. During the pandemic, the law on public procurement was suspended and companies that were not registered for the procurement of medical equipment were able to do so. In the FBiH, a company that produces raspberries bought 100 ventilators from China. The ventilators were overpaid and useless for patients in the intensive care unit (ICU). Prime Minister of the FBiH Fadil Novalić and head of the Crisis Headquarters Fahrudin Solak, both members of the SDA, together with the owner of the company, were indicted on charges of [money laundering and abuse of their position](#). It is an ongoing process, but none of them has resigned from their positions. Novalić, who became famous for saying that a liter [of oil had not become more expensive](#), you could just buy less of it, was again a candidate for the general elections. In October 2022, he was [blacklisted](#) by the USA for using pensioners' personal information to send them letters describing his accomplishments and promising higher pensions.



In RS, the government ordered a mobile hospital from a company that was not registered for the procurement of medical equipment. Two months later, the complete equipment was not delivered; therefore, the government cancelled the contract. The Institute for Public Health of RS purchased face masks from an architecture and engineering company and medical equipment from a travel agency. In September 2021, an accusation that the patients were receiving [industrial instead of medical oxygen](#) during the pandemic emerged. Oxygen was purchased by a company that was [not registered](#) to produce or distribute medication. The affair was soon overshadowed by the constitutional crisis in BiH caused by the imposition of the Inzko law, and it has never been thoroughly investigated.

Last, but not least, BiH was not able to purchase vaccines against Covid-19. Since the country does not have a ministry of health at the state level, it could not be decided who would be in charge of the procurement process. In the end, people went to Serbia, which was able to purchase more than enough vaccines for its citizens. However, many did not want a jab, and Serbia instead offered vaccines to citizens of BiH (as well as Montenegro and North Macedonia), while BiH was still waiting for donations.

The behaviour of political actors had negative consequences on the country's path towards the EU, which is supported by [85 percent of people](#). BiH and Kosovo are the only countries that are still 'potential candidates' for EU membership. BiH signed the Stabilization and Association Agreement (SAA) with the EU in 2008, which entered into force in 2015. BiH officially applied for EU membership in 2016 and no progress has been made ever since. According to the [European Commission \(EC\) opinion](#), BiH is the country that has made the least progress in the Western Balkan region. Most progress has been made in creating a functioning market economy and the level of progress was described as 'some.' On the other hand, the political elites have been convincing the people that EU membership is the final goal and that they are doing everything to achieve it. However, what they are not saying is that among the fourteen recommendations from the EC, only one has been partially fulfilled. The politicians have been acting like membership is a right, not a privilege that they have to work for and deserve. It was speculated that BiH would get a candidate status together with Ukraine and Moldova in June 2022. To the consternation of the political elites, the EU still holds on to the fourteen conditions they set three years ago. Politicians said that it was unfair to BiH; realistic people knew that it was the only right decision. If the EU had granted candidate status, it would have been an undeserved reward to the politicians right before the elections, who could have claimed it their success during the pre-election campaign. They are the only ones who know why no progress has been made.

THE ELECTION RESULTS – (ALMOST) NOTHING NEW ON THE BIH FRONT

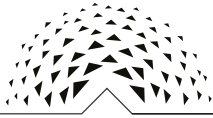
The 2022 general elections in BiH were an opportunity for the country to take a different direction and bring a much-needed change – political and economic – to the people. However, the only significant change that happened is that a non-SDA member was elected for a Bosniak member of the Presidency.

Politics is still the most desirable job in BiH. Therefore, there were 7258 candidates on ballots, which is a large number, considering that these were general elections in a country with officially [3.5 million](#) people, according to the last 2013 census, out of which [3.283.194](#) have the right to vote, which includes a sizeable diaspora. In total, there were [145 political subjects](#) on ballots – 90 political parties, 38 coalitions, and 17 independent candidates. The [turnout](#) has been lower for each election – it decreased from 56.6 percent in 2010 to 50 percent in 2022. The reason for this is that the voters are disappointed in the politicians and their unfulfilled promises and the lack of progress; they think that their vote will not change anything, or they do not have anyone to vote for.

For the national presidency Denis Bećirović among Bosniaks, Željko Komšić for the Croats, and Željka Cvijanović for the Serbs all won convincingly; in fact, this was the first time since the 1996 general elections that all three members of the presidency won the majority of votes in their respective elections. However, only Cvijanović's victory was without controversy.

Bećirović, who is a member of Social Democratic Party (*Socijaldemokratska partija*, SDP) represented a coalition named United for Free Bosnia and Herzegovina (*Ujedinjeni za slobodnu Bosnu i Hercegovinu*), which was formed by 11 opposition parties, and he won 57.37 percent of the votes. The tactics behind this was that the opposition united. In 2018, there were 6 candidates for the position. In 2022, there were only three. After the domination of SDA on the position since 1996, with the exception of the period 2006-2010, this is the first time a Bosniak member of the Presidency is a social democrat. Bakir Izetbegović, who won 37.25 percent of the votes, was convinced that he could win during the pre-election campaign. However, after the elections, Izetbegović stated that [11 parties merged against him](#), that if it had been 9 parties, he would have won, but he accepted the results.

Željko Komšić, who won 55.8 percent of the votes, was again accused by HDZ BiH that he won due to votes of the Bosniak election body. Borjana Krišto stated that as she was the only representative of Croats in the elections, [she was the true winner](#) because mostly Bosniaks voted for the winning Croat member of the Presidency. The hostility went so far that MOST – a populist party in Croatia - started a procedure to declare Komšić [persona non grata](#) in Croatia. Even during his previous term in the Presidency, Zagreb basically cut off ties with Komšić and also considers HDZ BiH reps as the true Croat reps of Bosnian Croats.



Željka Cvijanović won 51.65 percent of the votes and is set to become the first woman in the Presidency. While the opposition in RS had mostly united behind a single candidate, Mirko Šarović, they only scored a combined [35.45 percent](#). Interestingly, her performance among voters was significantly better than that of her party leader, Milorad Dodik, who ran for the RS presidency (more of which below). In theory, this term will be the first time that all members of the Presidency are social democrats, although in practice, Željka Cvijanović's SNSD is an ethno-nationalist party with little social profile.

SUNDAY NIGHT LIVE

While the first surprise of the election night was when SDA conceded that Izetbegović had lost, the second one was when Jelena Trivić from the Party of Democratic Progress (*Partija demokratskog progresa*, PDP) announced that she had won in the race for the President of RS against Milorad Dodik, the current Serb member of the Presidency and former president and prime minister of RS. While Trivić was celebrating in the streets of Banja Luka, Dodik was more cautious in his statements and said that he would wait the official results. Dodik declared his victory the next morning, with [48.36 percent](#) of the votes, while Trivić won 43.27 percent. When the first official results were available, PDP demanded a recount and possibly new elections due to fraud. The suspicion arose after Trivić had not received even [one vote](#) from the village she came from. The [President of the election committee](#) in the village where Trivić's mother was born admitted that he had sent incorrect results to the CEC and that he had given Trivić zero votes. The votes were recounted and the official results for the President of RS were declared on 27 October 2022 with Dodik winning [47.06 percent of the votes](#), and Trivić winning 42.84 percent. Maybe situations like this would not be possible if there had been better polling before the election, exit polls across the country on Election Day, and greater transparency in the vote counting and publication of the results. Jelena Trivić and the PDP still dispute the election results as of mid-November.

However, the biggest surprise on election night happened when, one hour after the polls were closed, Christian Schmidt announced that he had used the Bonn Powers to impose changes to the election law. In his [public appearance](#), Schmidt stated that he 'imposed measures that will improve the functionality of the institutions of the Federation. They will enable all citizens to have their voice heard and to assure them that those whom they elected will represent them.' He also stated that the introduced changes would not affect the votes of the people. Instead, they are about the post-election party coalition negotiations and the establishment of indirectly elected bodies.

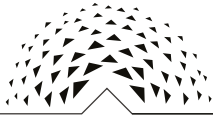
[The gist of the changes](#) is that the number of delegates in the House of Peoples of the Parliament of FBiH has been increased from 58 to 80 – from 17 delegates of each constituent people to 23, and from 7 to 11 for the Others;

candidates for the positions of President and Vice President of the FBiH will be proposed by 11 (47.8 percent) delegates, instead of 6 (one third) as it has been so far; and the House of Peoples of the Parliament of FBiH will be able to elect the judges of the Constitutional Court without the President and Vice President of the Federation.

While the changes are technical, they have created a lot of controversy in the country and abroad. A positive change is that the increase in seats in the House of Peoples now [allows the Others to select](#) a representative from each canton, which was not the case earlier. The other two changes can also create a better functioning of the FBiH. However, [the increased number of delegates](#) and the way they are elected has now strengthened the power of the three ethnic groups and their representatives. [Before the modifications](#), the entire cantonal assembly decided on which particular ethnic representatives would go to the House of Peoples. Now each ethnic group from a certain canton picks its representatives that will go to the House of Peoples, which [suits ethno-nationalist](#) parties and their candidates.

On 14 October 2022, Tineke Strik, a representative of the European Parliament, said that 'together with a broad coalition of over 25 representatives from the European, German, Dutch, and French parliaments, they were calling on the OHR, i.e. the High Representative Christian Schmidt, to revoke the recent amendments to the Election Law'. Strik said that the reason why her and 26 colleagues believed that Schmidt's move was ['disastrous and should therefore be recalled'](#) is because 'one cannot simply change the election rules after voters have already cast their vote. In order to have free and fair elections, the framework in which these elections are held should be clear to voters in advance'. When it comes to the content of the changes, Strik wrote that Schmidt had changed the Election [Law in favour of HDZ BiH](#), the party that has always blocked all attempts to democratize the country and that he had rewarded them for bad behaviour. His proposals cement the ethnic division into the Electoral Law and removed all incentives for a cooperative approach in future negotiations on constitutional reforms aimed at implementing the rulings of the European Court of Human Rights.

While [Schmidt in his public appearance](#) on 2 October stated that the changes were not 'the implementation of state-level and international court judgements, this was still urgently needed'. [He said the following](#): "If I could and would have the right to do it myself, I would already have done it!... It is my urgent request to the today elected BiH parliament to go for a fast decision on what now for more than a dozen years has been only discussed, awaited, sometimes hidden under a cascade of words without consequences: Implement Sejdić-Finci, Zornić and the other court decisions from Strasbourg and Sarajevo!" It is true, Schmidt cannot change the state constitution, but he should create a healthier environment for a better functioning country and not fulfil wishes of one group, whoever it is.



WHAT CAN HAPPEN NEXT?

Bosnia and Herzegovina has been experiencing the most severe political crisis since the end of 1992-1995 war. Part of the reasons for the crisis can be traced back to the Dayton Peace Agreement that ended the war, but created a weak, decentralized state with two entities, which enjoy a high degree of autonomy, and one of the entities, the Federation of BiH, consists of ten cantons, which, again, have a high degree of autonomy. While other countries, such as Belgium, also have a complicated political structure, BiH's situation has an impact on its economy, which results in the lack of investment, job opportunities, and consequently, immigration.

With every election people are hoping for a change. Somehow, that change has never arrived, which has led to ever-lower participation in elections, and thus to ever-lower chances of change. BiH is stuck – economically and politically. Politicians, [who people think](#) are the second biggest problem in the country, are aware that there are no opportunities and that emigration is a problem. Therefore, they emphasize the problem and the need for the solution in every pre-election campaign. However, they do not provide solutions.

BiH has come back to the 1990s, the war rhetoric is omnipresent among politicians. Milorad Dodik looks set to continue his secessionist posturing, which hardly makes BiH a more attractive place to do business. While actual secession would be a nightmare for RS, both politically and economically, the issue is good for mobilizing support, for all nationalist parties. The Bosniak SDA party can take a hard line on Dodik's initiatives, make warlike statements which will put pressure on the more moderate Bosniak elements, and will give Dodik something with which he can rev up his supporters. And thus the unholy alliance looks set to continue. But while politicians act irresponsibly, should they miscalculate, and things spin out of control, it will not be them fighting on the battlefield; ordinary people, whose main concern is [unemployment](#), inflation and low salaries, will.

This behaviour has had a toll on BiH's path towards EU membership. It is only a potential candidate for membership, together with Kosovo. When Ukraine and Moldova were granted the candidate status, politicians in BiH were protesting because the country signed the Stabilization and Association Agreement in 2008 and is still waiting. There were rumours that the EU would grant the status after the election, so that it would not reward nationalist leaders for the lack of progress. Now it is highly likely that those same leaders will be in power again. The country is waiting for the (conditional) status in December 2022, but while a lot of [EU members](#) supported BiH even in June 2022, now [France and the Netherlands](#) are against, which is again a good call. BiH in this state has no place in the EU; it is a country with a weak economy, inefficient institutions, and no [respect for minority rights](#). Once BiH politicians are aware of this, they should start working on improving the country and then expect the candidate status.

The EU has its criteria for membership, which have to be fulfilled. Accepting BiH as it is would not bring good to anyone. But somehow, BiH politicians are presenting the situation as they have done everything that was asked from them, but the EU is the enemy that will not grant the status, but always demands more. They are holding people hostage in an inefficient country where the support for EU membership increased by [9 percentage](#) points since between 2020 and 2021 and it has the majority of support among all three constituent peoples.

What can happen next? The politicians have two options – either to accept the election results and to start working for the good of the people or the leading nationalist parties will try to block the process of forming the government – something that we have seen before. Considering that Bosnia and Herzegovina has lost an estimated 700.000 people to emigration since 2013, if the politicians continue at this rate, there will soon enough only be drones and robots left to rule.