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2022 General Elections in Bosnia and Herzegovina: Competing Visions of Representation in a Consociational System

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The 2022 General Elections in Bosnia and Herzegovina were the ninth set of elections for state-level, entity and cantonal governments since the signing of the Dayton Framework Agreement for Peace in Bosnia and Herzegovina (“Dayton Framework Agreement for Peace in Bosnia and Herzegovina” 1995) that signaled the end of the war and established the Dayton constitution. The election itself resulted in incremental rather than radical change, continuing patterns of ethnic voting and party system fragmentation in a polity caught between a constitution built around ethnic representation and broad recognition that governance in Bosnia is not up the challenge of solving big problems and laying the foundation for prosperity. The election itself was overshadowed by attempts by the Office of the High Representative (OHR), representing the international community in Bosnia and Herzegovina to push through election law changes in the country, resulting finally in the election night imposition of changes to the way members of the Federation and state-level upper houses are chosen. This article will contextualize the results of the elections, including the actions of the High Representative, within the framework of Bosnia’s consociational structure and patterns of party competition and representation within that structure. In a system characterized by perpetual crisis without meaningful change, the 2022 election reflects the fundamental conflict over the nature and future of the Bosnian state. We proceed by describing the political and constitutional structure of Bosnia, placing the results of the 2022 elections within the context of trends in party competition in the country, and analyze the OHR’s election law decision as a continuation of the struggle between liberal and corporatist visions of representation in the country.

Political Structure of Bosnia and Herzegovina

The political structure of Bosnia and Herzegovina is rooted in the Dayton Framework Agreement for Peace. In order to gain support for the agreement from the parties involved in the war, the resulting con-

stitution is built upon the ethnoterritorial subdivision of the country, whereby the country is divided into two halves: Republika Srpska and the Federation of Bosnia and Herzegovina.² Republika Srpska corresponds roughly to the territory under control of the Army of Republika Srpska, the main Serb military force during the war, while the Federation corresponds to the territory controlled by the Bosniak and Croat military forces. The Federation’s internal structure results from a peace agreement between Bosniak and Croat groups preceding the Dayton agreement and is further subdivided into ten cantons, each of which has its own legislature and government. The ethnic composition of the two entities and, to a certain extent, the cantons is an outcome of ethnic cleansing during the 90s war. So Republika Srpska (RS) is overwhelmingly Serb and the Federation (FBiH) is mostly Bosniak and Croat. Furthermore, some cantons are overwhelmingly Bosniak or Croat and others are mixed.

At the state level and at the level of the Federation, the constitutions set out power sharing systems that are built around distribution requirements for government coalitions and vetoes for vital national interests (Keil 2014). At the state level, there is a three-member presidency with one president representing each of the country’s “constituent peoples:” Bosniaks, Croats and Serbs. The members of the presidency are directly elected, with the Serb member elected from the territory of RS and the Bosniak and Croat members elected from FBiH. The state-level House of Representatives is composed of a fixed number of representatives from FBiH (28) and RS (14), elected through proportional representation in multimember districts. Compensatory seats are calculated at the entity level, resulting in a proportional outcome despite the small number of seats. The upper house of the state level legislature is the House of Peoples, which has 5 members for each of the three constituent peoples chosen by the entity legislatures of each entity. The state-level government, the Council of Members, is nominated by the Presidency and must maintain the confidence of the Parliament. Furthermore, a third of its members must come from Republic Srpska and the ministers and deputy members are allocated according to an ethnic key. During general elections, voters in RS also choose the President of Republika Srpska and the RS Assembly, while voters in FBiH election the FBiH Parliament and the assemblies of each of the cantons.

In its use of segmented autonomy, proportional representation, elite

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² Brčko district is a municipality with special status that renders it outside of either district. (Bieber 2005; Zdeb 2022)

power-sharing and veto rights, Bosnia and Herzegovina embodies consociational principles in its design and practice (Lijphart 1977). Further, through its incorporation of explicit representation and vetoes tied to specific groups, Bosnia is an example of corporate as opposed to liberal consociationalism (McCulloch 2014). In terms of ending the war and maintaining peace for more than 25 years, the Dayton agreement and constitution has been a success, but almost from the beginning it came under criticism for focusing too much on representation through the vehicle of constituent peoples, lacking mechanisms to change away from the ethnic model of representation and failing to produce responsive government because of the lack of genuine competition in office. The criticisms have focused on the provisions of the constitution that most strongly characterize it as a corporate consociational system, such as the ethnicity-presidency, which has been identified as a violation of the human rights of “others,” who do not identify as one of the three constituent peoples (Bardutzky 2010). Other criticisms focus on the overuse of veto rights tied both to constituent peoples and entity voting, which is an obstacle to government formation and legislation, reinforcing the power of the ethnic parties (Bahtić-Kunrath 2011; McCulloch and Zdeb 2022).

Party Competition in Bosnia and Herzegovina and the 2022 Election Results

Due to the way that boundaries for political units and electoral boundaries align with the ethnic demography of the country both as a result of ethnic cleansing and the drawing of political boundaries to reflect the patterns of control at the end of the war, elections vary in their ethnopolitical context (Hulsey 2010). There is no single party that competes in all elections across Bosnia and Herzegovina and no party that receives a high proportion of the vote across the entire country. For example, the Stranka za demokratska akcija (SDA), the party that received the most votes in for the state-level House of Representatives received 25% of the votes from FBiH and less than 5% in RS. SDA was the only party to receive a mandate from both the RS and FBiH in the 2022 House of Representatives elections. Most parties in Bosnia and Herzegovina are ethnic parties, meaning that they explicitly represent the interests of an ethnic group, with their leadership, candidates and support coming from one group. Three of the four parties who received the most seats in the House of Representatives, SDA, Savez nezavisnih socialdemokrata (SNSD) and Hrvatska demokratska zajednica (HDZ), are ethnic parties that traditionally represent the Bosniaks, Serbs and Croats, respectively. These parties are not in competition with one another for votes, as their ethnic appeals constrain their support. Instead, they are in competition with other ethnic parties seeking to represent the same group of people as well as civic or non-nationalist parties, which have leadership and candidates from multiple ethnic groups, and who seek voters across group boundaries. In practice, the civic parties in Bosnia receive most of their votes from Bosniaks or those who don't strongly identify with an ethnic group. As a result of this segmentation of the party system

by ethnicity, scholars sometimes refer to Bosnia as having three or four party systems, which barely interact with one another at the electoral level (Piacentini 2020; Hulsey and Keil 2019; Kapidžić 2019).

While there is little or no electoral competition, in the sense of competing over the same voters, across ethnic blocs, there is competition within ethnic blocs, which is tied to the other major characteristic of party politics in Bosnia—party system fragmentation. Fully fourteen parties gained mandates in the 42-seat state-level House of Representatives in the 2022 elections and many more parties received mandates in entity and cantonal legislatures. Bosnia's very high party fragmentation is driven by an electoral system with low thresholds to representation and patterns of competition of the ethnically stratified party system. While the initial post-war elections were dominated by the ethnic parties that prosecuted the war, opposition ethnic parties have emerged alongside the older ethnic parties. Since 2006, new parties have tended to be splinter parties from existing parties, whereby leadership fights or regional differences resulted in new parties, which are sustained by the low barriers to entry, particularly in mono-ethnic contexts such as cantons where only one ethnicity is prevalent.

Since 2010, this pattern of fragmentation through splintering has extended to the civic parties. To that point, the Socialdemokratska partija BiH (SDP), which is the successor to the pre-war socialist party, stood out as the largest civic party. Since then, new parties split from SDP. In the 2022 elections four civic parties are represented in the state-level legislature.

2022 Elections to the state-level Presidency

In terms of direct results of the election, the election to the three-person state-level Presidency deviated most from prior years. The state-level presidency has members who represent each of the constituent peoples, whereby the candidates must attest to being from one of the three ethnic groups, but voters are not required to prove their ethnic background when voting for a candidate. Instead, voters are limited only by the entity in which they live. This process works in a straightforward way for the Serb member of the presidency, in that the candidate must be Serb and only voters living in Republika Srpska may vote for the Serb member. Since the overwhelming majority of voters in RS are Serbs, the process and spirit of the election are in alignment. Želka Cvijanović from SNSD was elected at the Serb member of the presidency in 2020. Four of the last five Serb members have been from SNSD, reflecting SNSD's dominant position in RS politics.

The match between the process and spirit of the presidency elections are more complex in the Federation, as both the Bosniak and the Croat member of the presidency are elected from the Federation. Voters are not required to prove their ethnicity; rather, voters may choose to vote either for the Bosniak or Croat member. Furthermore, there are approximately three times more voters who identify as Bosniak than identify as Croat. This has created the possibility that a minority of Bosniak voters could vote in the Croat election and decide the outcome

(Bochsler 2012). In four of the last five elections³, with the exception of 2014, a Croat leader of one of the civic parties⁴, Želko Komšić won the race for the Croat member of the presidency, despite the dominance of the HDZ in Croat majority areas. Voting patterns suggest Bosniak voters casting ballots for Komšić have been decisive in each of those elections. This outcome highlights a conflict between two principles or representation. On the one hand, the purpose of the position is to guarantee representation for each ethnic group in the Presidency, and the, likely-correct, impression that Komšić is voter for primarily by Bosniaks undermines Komšić as a representative for the group the position is meant to represent. While undermining the corporatist idea of representation, all indications are that the voters who choose Komšić are choosing him because he is closest to their preference and therefore does represent them well, regardless of his ethnicity or the ethnic label of the position. So, in fulfilling one vision of representation, whereby votes are equal and voters are free to choose the candidate they prefer, Bosniak voters for Komšić undermine the corporatist vision of equality between constituent peoples and representation of the smallest such group (Bochsler 2022).

The remaining Bosniak member of the presidency had been won by the candidate from the SDA all but once since the end of the war. SDA's dominance is one reason that Bosniak voters who preferred civic parties began voting in the Croat election. While Bakir Izetbegović of SDA received approximately as many votes as the 2018 winner, who also represented SDA, the opposition parties succeeded in coordinating around SDP candidate Denis Bećirović and won with 57% of the vote. 2022 was the first time that one of the civic parties won the Bosniak member of the election. Combined with Komšić's victory, the civic parties hold a majority of the three member presidency for the first time. While the Presidency is relatively weak, the fact that civic parties won both races from the Federation suggests an appetite for change at least in that entity. However, the results of the parliamentary elections suggest there are limits to that conclusion.

2022 Elections to the House of Representatives

The elections to the House of Representatives are the most conventional of the state-level institutions in Bosnia and Herzegovina. The results in 2020 show a continuation of the trends identified above: party fragmentation and competition limited to ethnic blocs. Fragmentation is clear from the sheer number of parties represented in the parliament. The proportional representation system with low barriers to entry does not create incentives for parties to combine their efforts. To the contrary, intra-party disagreements routinely result in the creation of new parties. This splintering is the primary form of electoral competition in Bosnia. The limits to competition are clear in Table 1, which showed the results

for the last two elections for the parties that won at least one mandate in either election. Only one party received enough votes to achieve a mandate in both Republika Srpska and in the Federation.

Table 1: 2018 and 2022 Results for State-Level House of Representatives⁵

	2018			2022			Change	
	Vote %	Mandates (FBiH)	Mandates (RS)	Vote %	Mandates (FBiH)	Mandates (RS)	Vote Change	Mandate Change
SDA	17.0%	8	1	17.2%	8	1	0.2%	0
SNSD	16.0%	0	6	16.3%	0	6	0.3%	0
SDS	9.8%	0	3	7.1%	0	2	-2.7%	-1
SDP	9.1%	5	0	8.2%	5	0	-0.9%	0
HDZ	9.0%	5	0	8.8%	4	0	-0.3%	-1
DF	5.8%	3	0	6.4%	3	0	0.6%	0
PDP	5.1%	0	2	4.6%	0	2	-0.4%	0
DNS	4.2%	0	1	1.4%	0	0	-2.8%	-1
SBB	4.2%	2	0	1.6%	0	0	-2.6%	-2
NAŠA STRANKA	2.9%	2	0	3.1%	2	0	0.2%	0
NEZAVISNI BLOK	2.5%	1	0	0.0%	0	0	-2.5%	-1
PDA	2.3%	1	0	0.9%	0	0	-1.4%	-1
SOCIJALISTIČKA PARTIJA	1.9%	0	1	1.4%	0	0	-0.4%	-1
A-SDA	1.8%	1	0	3.0%	2	0	1.1%	1
BOSANSKOHERCEGOVAČKA INICIJATIVA		0	0	1.2%	1	0		1
NAROD I PRAVDA		0	0	5.0%	3	0		3
ZA PRAVDU I RED		0	0	2.1%	0	1		1
DEMOKRATSKI SAVEZ-DEMOS		0	0	1.9%	0	1		1
UJEDINJENA SRPSKA		0	0	1.5%	0	1		1

The clearest conclusion from comparing the 2018 to 2020 is that very little changed. The vote share for the major parties shifted by only a few percentage points and only resulted in an increase or decrease of a single mandate if at all. There is certainly no clear mandate for change. The high degree of fragmentation means that many configurations of the Council of Ministers are possible. As of January 2023, state-level coalition negotiations are still underway.

Imposition of Electoral Law Changes

Alongside the constitution, the Dayton agreement also created the Office of the High Representative, a European diplomat selected to be responsible for the civilian implementation of the Dayton Accords. In response to disappointing progress in creating functioning institutions after the war, the Peace Implementation Council, a body of countries

3 In 2014, Komšić ran instead for the House of Representatives as head of DF.
4 Komšić ran as a member of SDP in 2006 and 2010 but split from SDP to form his own party, Demokratska Fronta (DF) in 2013.

5 The vote percentages show the percentage of the overall vote. Only parties that receive enough votes to win a mandate in 2018 or 2022 are shown. All data from the Electoral Commission of Bosnia and Herzegovina (www.izbori.ba).

involved in guaranteeing the peace agreement, in 1997 invested the Office of the High Representative (OHR) with the power to remove officials and enact legislation. For the next ten years, the OHR was the driving force behind the strengthening of state-level institutions and implementation of the Dayton agreement (Belloni 2007; Martin 2003). Thereafter, the lead peacebuilding role shifted to the European Union. The OHR remained in place and formally retained its powers, but many decisions that were in place were reversed in 2010 and no new decisions followed until the evening of the General Election just after polls had closed (“Decisions of the High Representative” n.d.). The OHR’s decisions enacted changes to the constitution of the Federation entity and changed way that members of the House of Peoples are selected by cantonal legislatures in a way that strengthened the position of the HDZ in that body. The OHR justified the changes in the name of streamlining the process of government formation after elections, in that procedures that had been used to hold up that process were changed (“Statement by High Representative Christian Schmidt: Functionality Package” 2022). The decision produced a strongly negative response⁶ owing first of all to the timing of the decision which, despite not affecting direct elections, did give the impression of shifting the outcome of elections even as ballots were being counted. For others, the main objection was the way in which the decision doubled-down on the corporate aspects of Bosnia’s consociational system and strengthened those Croat-oriented parties which had most obstructed the function of Federation institutions. The decision sought to streamline government formation, and it remains to be seen whether the changes will break the logjam or merely empower and encourage those most responsible for gridlock.

Conclusion

The results of the 2022 General Elections in Bosnia and Herzegovina offer mixed signals on the fundamental questions about representation in the country. The corporatist elements in its consociational model have long been thought to suppress the possibility for authentic political change by privileging ethnic politics over civic politics. Ironically, the greatest successes for parties that challenge the ethnic vision for Bosnian politics took place in precisely the institution most associated with corporatist representation, the state-level presidency. In contrast, the Office of the High Representative, which in the past has been a strong proponent of strengthening central institutions and allowing a move away from ethnic representation has instead re-committed to ethnic representation in the hope of improving cooperation between ethnic parties in government. Within this unresolved tension, the results of the 2022 elections for the House of Representatives continue the trends of previous elections: continued strength of established par-

ties despite party fragmentation. The signs of a coalition for change in the Presidency are not replicated in the other representative bodies.

Works Cited

- Bahtić-Kunrath, Birgit. 2011. “Of Veto Players and Entity-Voting: Institutional Gridlock in the Bosnian Reform Process.” *Nationalities Papers* 39 (6): 899–923. <https://doi.org/10.1080/00905992.2011.614224>.
- Bardutzky, Samo. 2010. “The Strasbourg Court on the Dayton Constitution: Judgment in the Case of Sejdić and Finci v. Bosnia and Herzegovina, 22 December 2009.” *European Constitutional Law Review* 6 (2): 309–33. <https://doi.org/10.1017/S1574019610200081>.
- Belloni, Roberto. 2007. *State Building and International Intervention in Bosnia*. New York: Routledge.
- Bieber, Florian. 2005. “Local Institutional Engineering: A Tale of Two Cities, Mostar and Brčko.” *International Peacekeeping* 12 (3): 420. <https://doi.org/10.1080/13533310500074523>.
- Bochsler, Daniel. 2012. “Non-Discriminatory Rules and Ethnic Representation: The Election of the Bosnian State Presidency.” *Ethnopolitics* 11 (1): 66–84. <https://doi.org/10.1080/17449057.2010.549735>.
- . 2022. “A Poisonous Cocktail: Ethnic Quotas, Liberal Voting Rights and the Democracy Problem.” *Democratization* 0 (0): 1–20. <https://doi.org/10.1080/13510347.2022.2157404>.
- “Dayton Framework Agreement for Peace in Bosnia and Herzegovina.” 1995.
- “Decisions of the High Representative.” n.d. Office of the High Representative. Accessed January 22, 2023. <http://www.ohr.int/decisions-of-the-high-representative/>.
- “EU in BiH on the Decision by the High Representative to Amend the BiH Election Law and the Constitution of the Federation of BiH.” 2022. *Europa.Ba* (blog). October 2, 2022. <http://europa.ba/?p=76074>.
- Hulsey, John, and Soeren Keil. 2019. “Ideology and Party System Change in Consociational Systems: The Case of Non-Nationalist Parties in Bosnia and Herzegovina.” *Nationalism and Ethnic Politics* 25 (4): 400–419.
- Hulsey, John W. 2010. ““Why Did They Vote for Those Guys Again?” Challenges and Contradictions in the Promotion of Political Moderation in Post-War Bosnia and Herzegovina.” *Democratization* 17 (6): 1132.

⁶ It is notable that the Delegation of the European Union moved to clearly distance the EU from the decision (“EU in BiH on the Decision by the High Representative to Amend the BiH Election Law and the Constitution of the Federation of BiH” 2022).

Kapidžić, Damir. 2019. “A Mirror of the Ethnic Divide: Interest Group Pillarization and Elite Dominance in Bosnia and Herzegovina.” *Journal of Public Affairs* 19 (2): e1720. <https://doi.org/10.1002/pa.1720>.

Keil, Soeren. 2014. *Multinational Federalism in Bosnia and Herzegovina*. Ashgate Publishing, Ltd.

Lijphart, Arend. 1977. *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press.

Martin, Gerald Knaus and Felix. 2003. “Travails of the European Raj.” *Journal of Democracy* 14 (3): 60–74.

McCulloch, Allison. 2014. “Consociational Settlements in Deeply Divided Societies: The Liberal-Corporate Distinction.” *Democratization* 21 (3): 501–518. <https://doi.org/10.1080/13510347.2012.748039>.

McCulloch, Allison, and Aleksandra Zdeb. 2022. “Veto Rights and Vital Interests: Formal and Informal Veto Rules for Minority Representation in Deeply Divided Societies.” *Representation* 58 (3): 427–42. <https://doi.org/10.1080/00344893.2020.1778065>.

Piacentini, Arianna. 2020. ““Nonaligned Citizens’: Ethnic Power-Sharing and Nonethnic Identities in Bosnia Herzegovina. The Case of Sarajevo.” *Nationalities Papers*, 1–14. <https://doi.org/10.1017/nps.2019.61>.

“Statement by High Representative Christian Schmidt: Functionality Package.” 2022. *Office of the High Representative* (blog). October 2, 2022. <http://www.ohr.int/statement-by-high-representative-christian-schmidt-functionality-package/>.

Zdeb, Aleksandra. 2022. “Accommodating Liberal Consociations: The District Brčko Case and the Role of Informal Institutions in the Consociational Model.” *Ethnopolitics* 21 (5): 517–37. <https://doi.org/10.1080/17449057.2021.1973729>.