

OHR and OSCE are forced to review proposed Law on Presidential Succession

The Office of the High Representative and the OSCE Mission to Bosnia-Herzegovina are amazed at the BiH House of Representatives' rush to adopt without public debate or examination by the constitutional commission a law on presidential succession. In contrast, the BiH Parliament has failed consistently to take timely action on vital economic issues.

The proposed law gives rise to considerable doubt as to its constitutionality as did previous drafts on this issue proposed by the Presidency. The proposed law fails to make clear that only those who have been directly elected can be eligible as candidates for the Presidency as provided for under Article V of the Constitution.

Furthermore there are concerns that the proposed law creates an incentive for the respective ethnic caucuses in the House of Peoples to block the vote of the House of Representatives for two rounds so that they can then control the nomination in the third and final round by nominating a candidate themselves. The proposed law also fails to have a provision for voting once the House of Peoples has chosen its nominee.

Thus the House of Peoples would control the succession process from the outset. This contradicts the entire concept of democratic parliamentary practice as it takes the decision out of the hands of those who have been directly elected by the public at large.

OHR and OSCE continue to believe that a decision about succession should be made by the incoming House of Representatives as provided in the interim rule passed by the Provisional Election Commission (PEC). This would be consistent with the spirit of the Constitution.

The law which was adopted by the House of Representatives will be subjected to constitutional interpretation by the High Representative. Until such time only the PEC rule applies where there is a need to fill a presidential vacancy.

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