

# HR decision on the Federation government of 27 April 2023: A short explanation



## The situation that led to the problem

- On 2 October 2022, the people of FBiH elected a new Parliament of the Federation which is supposed to approve a new Government. Now 7 months later it is still not in place.
- A functional Federation is needed to ensure the State of BiH functions effectively on behalf of citizens. The lack of a functional Federation government creates a vacuum in which secessionist tendencies, inflammatory rhetoric, and destructive policies of the RS can grow. Without a strong Federation, the BiH's progress on EU membership and Euro-Atlantic integration will slow or stop, and momentum is given to the forces of division.
- The Federation President and the two Vice-Presidents were supposed to agree on a Federation government by 6 April. Regrettably, they could not reach an agreement. **All legal deadlines for Government formation in FBiH have long expired.**
- The current technical government of the Federation consisting of ministers from SDA, HDZ and SBB in coalition was formed on the basis of the election results of 2014 and does not reflect the will of the

voters of 2022. Besides that on April 5, the acting Prime Minister Fadil Novalic was given a first-instance sentence of four years for abuse of office.

- **Another four years with the current technical government, are simply unacceptable. This disregards voters' will.**
- It is the constitutional responsibility of the Federation President to appoint a government and of the Federation House of Representatives to vote on electing it.
- When the legal deadline expired on 6 April, the High Representative once again urged the President and the two Vice-Presidents to find a compromise. He offered political leaders additional time to allow for domestic consultations.
- **Still, the FBiH government formation remained blocked.**
- The High Representative had always made clear that he cannot tolerate long-standing blockades in the Federation for the sake of a functional entity. It is not his task to compose and appoint a government.
- The President and Vice-Presidents have their constitutional rights and obligations to come together. Party interests have to be placed aside. Public interest and ethnic diversity have to be observed. Bosniaks as the largest people in the federation have by constitution to be represented with 8 (or 7 plus one Other), the Croatian people with 5 and the Serb people with 3 ministers. They have to guarantee ethnic, not party composition.
- The current constitution offers no solution if the President and Vice-Presidents do not agree.

**How to solve the problem now!**

- The High Representative, therefore, decided **to hand the case to the newly elected Parliament of the Federation to vote on a future government.**
- On 27 April, he signed a decision at last resort which enables the House of Representatives of the Federation to vote on a government proposal which was submitted by Federation President Lidija Bradara in accordance with one Vice-President and the designated Prime Minister. This decision is not in support of any proposal but the sheer necessity to continue the government-building process.
- Thereby, he brought the democratic process back into the Parliament. A vote by the House of Representatives as the Federation's directly elected parliamentary body is the most democratic way to resolve the deadlock.
- The Federation House of Representatives will have to decide which composition of the government presents the will of the people as expressed in the elections of October 2<sup>nd</sup> 2022.

### **How to solve the problem for the future**

- The High Representative appreciates the parliamentary initiatives to fill the gap for the future. Several initiatives for amending the FBiH Constitution have already been submitted to Parliament and such initiatives surely will be considered in parliament, the decision of the High Representative gives sufficient time to the Parliament to agree on such constitutional changes which prevent similar blockages of Federation Government formation in the future.
- If the politicians don't agree on such amendments, a deblocking mechanism defined by the High Representative will enter into force after 12 months as a fallback solution.

- The decision of the High Representative is neither in favor of any nor against any party. It assures the ethnic composition of the government and balancing them with civic democratic principles. It is strongly in favor of all citizens of Bosnia and Herzegovina. These amendments promote more transparent and inclusive development of the Government.
- If no consensus could be found by political parties, new elections are the democratic answer. **If political parties fail, the voter has a say.**

**Election integrity is also a vital part of a permanent solution!**

- The High Representative strengthened the criminal code to make it easier to punish bribery of officials more severely.
- A fair playing field and the confidence of citizens that their vote will count and matter as they intend is the cornerstone of democracy.
- There have been credible accusations of abuse, bribery, and intimidation that deepened this stalemate.
- The High Representative strengthened the criminal code, expanding the definition of bribery of officials and imposing more severe punishments to both those who offer and accept bribes to betray the public trust.
- It is for local political leaders to follow up and enact legislation that fully ensures the integrity of elections.