HR Inzko: Budimir Does Not Have My Support

Federation Presidency Should Meet in Permanent Session Until They Can Meet Their Obligations

How do you comment behaviour of the BiH Federation President Živko Budimir with regards to the Decision to appoint judges of the FBiH Constitutional Court? The Decision is signed and agreed and yet Budimir keeps addressing different institutions, often placing himself in a role of an investigator, in order to check allegations related to candidate Šahbaz Džihanović, a present judge in the Court of BiH, who already passed all possible enquiries because of his present office.

We have made our position clear to all parties involved in the FBiH disputes and I expect the FBiH President and vice-presidents, the Government and the Parliament to act in line with the Constitution and in the public's interest. The appointment of judges to the constitutional court has been dragged out since 2008; first by former president Kristo, then by vice-president Pudaric and now by President Budimir, who inherited the problem. President Budimir does not have my support in this regard. The FBiH President and two Vice-presidents must play their roles constructively and in good faith and come to a consensus as required by the Constitution. The Constitutional Court, including its panel for protection of vital national interests must be fully functional. Accordingly, I am giving full support to the institutions and the judiciary. This means I support institutions and their functioning, not individuals.

Any political party or individual who claims to represent the interests of the citizens of the Federation of BiH should not

act to block the functioning of the institutions of the FBiH. Those who delay these appointments should think very carefully before acting in a way that will paralyze the system.

Let me use this opportunity to once again say clearly on the record that no individual politician or political party has my support. What matters to me is that we have institutions that are functioning in the interests of citizens and acting in line with the constitution and the law.

SDP called upon the OHR and the PIC to intervene, considering that the action of the FBiH President was anti-Dayton and anti-Constitution. Are you going to react?

The PIC and I are following developments closely and we are aware of potential ramifications if this is not resolved. I have made my views known on several occasions in the past when I believed that the constitutional framework was not being adhered to. My Deputy, Ambassador Roderick Moore, spoke recently with President Budimir and once again reminded him on my behalf of the obligation to ensure the appointment of the judges to the Federation Constitutional Court without further delay. Many ambassadors have also voiced their concerns over the implications if these appointments are not made. But let me make this clear, the responsible officials and institutions must finally do their jobs. Why would we fix a problem that was created by politicians who simply are not ready to do their jobs? That is not our role; we can assist your politicians when they come to an agreement but what is needed is the political will to constructively compromise and for officials and institutions to meet their responsibilities in accordance with the constitution and the law.

If this generation of politicians cannot change their habits and prove that they are capable of engaging in meaningful political dialogue that results in healthy compromise solutions that will advance this country then it is only a matter of time before they will be put out of a job by the

electorate. Their time is running out to prove they are part of the solution rather than the problem.

To what extent is it acceptable to delay filling vacancies in the FBiH Constitutional Court at the time when this institution of vital importance for the FBiH's functioning can barely work with a quorum of five judges and as such it is almost not able to pass decisions? Furthermore it is known that the Council for protection of vital national interest cannot work at all and the Bosniak Caucus in the House of Peoples of the Federation Parliament invoked the protection of the vital national interest.

As I said, it has been more than 4 years, since the presidency of Borjana Kristo, that the appointment of the judges has been purposely stalled. We have repeatedly expressed our concerns about this situation and urged the authorities to meet their obligations and resolve this issue. No delay is acceptable. It is FBiH President and two Vice-presidents who, according to the Constitution are now required to act. We have reached the point where the President and Vice-Presidents should go into permanent session until they can meet their obligations is regard to the appointment of the missing judges to the Federation Constitutional Court.

Government reshuffling was launched by a majority of delegates in both chambers of the Federation Parliament, but their democratic right was denied to them because of obstructions made in key offices in executive authorities such as the FBiH President. The agony lasts more than seven months and meanwhile the Federation Government does not work in full capacity and the FBiH citizens suffer because of that. It appears that this Gordian knot cannot be resolved without an intervention of the International Community as parties such as SDA do not wish to leave authorities. Your comment?

Parties that are forming a new majority in FBiH Parliament have a clear and legitimate right to demand the formation of a

new government which will reflect this new majority. But democracy and the rule of law is not a menu from which you pick and choose. Both the Parliamentary majority and the opposition are equally bound to adhere to the constitutional framework and the rule of law. This includes also respecting the division of powers between the existing authorities. Thus until the procedure is completed, and at the moment we have a pending VNI claim raised over the vote of non confidence, the vote of no confidence cannot be considered to be adopted and is not in force. This also means that the current Government must continue to act in its full capacity until the Constitutional Court resolves the issue.

SDA, together with HDZ, represent key factors for resolving implementation of the Decision of the Constitutional Court on Mostar. Functioning of the authorities in this town is also blocked. Situation is exceptionally grave and we are running out of time. Can the OHR, by its next move, facilitate a final unblocking of this situation since it is apparent that SDA and HDZ, without which nothing can be done at the moment, reinforced their positions?

Let’s be clear: the solution for the mounting political and social problems in Mostar is for the politicians to finally meet their Dayton obligations and come to an agreement which will implement the ruling of the BiH Constitutional Court. I say Dayton obligations because according to the Peace Agreement rulings of the BiH Constitutional Court are final and binding. They must be implemented. Everything else, from the questionable mandates of the Councillors to the various attempts to adopt the City budget only divert attention from meeting this basic obligation which would allow Mostar and its citizens to return to a sense of normality and to get on with making Mostar an effective motor for the Herzegovina region. Instead, the citizens of Mostar are left to suffer.

Healthy compromise and implementation of the Constitutonal Court’s decision is the only solution. All participants were

very clearly told at the beginning of the OHR led mediation process – which has included over 80 meetings –that they must compromise and reach an agreement. They were clearly told that I will not do their jobs for them by using my executive powers. Many of the parties have shown a readiness to compromise, now the international community wants to see this from the SDA and the HDZ BiH as well.

The views of Mostar's citizens are clear. Recent public opinion polling shows that 91% of Bosniaks and 88% of Croats want SDA and HDZ BiH to reach compromise. The people of Mostar consider these two parties as the most responsible for the current situation. How long they intend to subject the people of Mostar to this situation by refusing to compromise is a question you will need to put to them. The spotlight is on them to show they are ready to show the courage to compromise and in so doing to be part of the solution. It is time for this beautiful city to come alive and be a genuine bridge between hills, but also between people!