Ten facts on the High Representatives Decision Imposing Changes and Amendments to the Law on the Council of Ministers of Bosnia and Herzegovina

OHR
Office of the
High Representative

1. Measures announced in the Decision are in accordance with the Constitution of Bosnia and Herzegovina and especially with Article 5, paragraph 4.
2. Measures apply equally without discrimination to all members of the Council of Ministers.
3. The decision does not change the composition of the Council of Ministers, and it especially does not change equal representation of constituent peoples.
4. When making decisions, while the deputy minister is temporarily exercising the duty of the minister if the minister is prevented from exercising those duties, that voice cannot be considered as a voice of a member of any of the constituent peoples.
5. The Council of Ministers may hold a session only if more than one half of total number of its members, i.e. six, are in attendance, which means that one people cannot hold a session of the Council of Ministers on their own.
6. Regarding the decision – making in the Council of Ministers. There is no change in the majority vote requirement when the Council of Ministers decides in the

matters in which the final decision is passed by the Parliamentary Assembly: that is by simple majority. The only change is that the majority is calculated on the basis of attending and voting members.

7. When the Council of Ministers decides in the matters in which it passes the final decision e.g. appointment of a director of an agency or bylaws. A requirement regarding the need to reach consensus is not changed but now the consensus is counted on the basis of attending and voting members. If a consensus is not reached the required majority must include the vote of at least one member of each constituent people. There has never been Entity vote in the Council of Ministers.
8. While sessions of the Council of Ministers will be held at least once per week, exceptions are permitted in justified cases, which should be subsequently defined but may include holidays, weather or natural disasters etc.
9. The Constitution sets forth that the Parliamentary Assembly must confirm all the members of the Council of Ministers. There are no changes with that regard which means that the Parliamentarians may still use the Entity vote to secure national balance in the Council of Ministers.
10. The Decision does alter the Law promulgated by the High Representative on Dec 2, 2002. However, the time has shown that these mechanisms were regularly misused since the Ministers failed to attend sessions and carry the duties they are elected to and very well paid for.