

Date: 28 July 2022

No: 02-06-994

TI BiH strongly condemns the imposition of amendments to the Election Law

The decision of the High Representative to impose amendments to the Election Law two months before the elections is unacceptable, undemocratic and inexplicable.

Banja Luka, 28 July 2022 - TI BiH feels that the imposition of amendments to the Election Law by the High Representative is completely unacceptable, and strongly condemns this step, considering it to be irreconcilable with the principles of democracy.

The imposition of amendments to the Election Law, even if they are only “technical”, a mere two months prior to election day, is a breach of the fundamental principle that legislation impacting the holding of elections should not be changed after the call for elections has been issued, and is instead a total suspension of democratic procedures, public debate and participation of relevant institutions which are normally involved when devising solutions so pertinent to the integrity of the election process. In addition, if the imposed amendments are expected to be implemented during the current election cycle, they can seriously jeopardize the ability of the election administration to hold the elections, which can cause legislative uncertainty and bring about additional issues in holding the elections.

Unfortunately, this practice is just a continuation of electoral reform processes previously set in motion by the international community in BiH, which have proven to be highly non-transparent and exclusive, leaving room for manipulation and raising tensions.

Furthermore, the imposed amendments, except in the segment on penal provisions, do not bring any essential improvements to the election process, but instead represent merely superficial and partial solutions, not even including proposals already made by the relevant institutions and organizations. For example, the imposed amendments cover the issue of trading in seats on election boards, but do not in any way address the manner of selection of members to the election boards and to municipal election committees. Provisions on preventing the misappropriation of public resources do not cover key forms of misuse through employment and public expenditure, nor do they address other issues relevant to monitoring the behaviour of political subjects, independence of the election administration, and transparency and objectivity of the election process. Having in mind the nature of the imposed amendments, which do not essentially resolve key issues, it is even less clear that why such amendments should be imposed by a decision from the High Representative.

In addition, announcements of impositions and other amendments to the Election Law and FBiH Constitution, which would endanger the core rights of BiH citizens and work towards ethnic nationalist policies, have only served to needlessly open up room for destabilization and raising tensions in the already strained political situation in BiH. This is contrary to the very role originally assigned to the institution of the High Representative, and seriously endangers the credibility and justifiability of the continued existence of the Office of the High Representative as an institution, since it is becoming part of the problem, instead of the solution, for issues of the utmost importance to the citizens of BiH.

TI BiH would like to reiterate that as far back as in 2004, the Parliamentary Assembly of the Council of Europe warned that the fact that the High Representative has a broad mandate and yet is not accountable to the citizens of BiH is contrary to basic democratic principles, while the 2005 Opinion of the Venetian Commission warned that the longer such mandate remains in place, the more problematic it becomes, because it leaves long-lasting effects on the development of democracy, i.e. it fosters a situation in which local institutions and political parties shy away from assuming responsibility for reforms, let alone making compromises.