

Civic Forum on Constitutional Amendments

Bosnia and Herzegovina's civic society has to play a decisive role in ensuring that the recent amendments to the Entity Constitutions are fully implemented and their goal – the representation of BiH's constituent peoples and citizens at all levels of government and public administration and their participation in the political decision-making process – is reached. The constitutional amendments are a crucial step forward for Bosnia and Herzegovina if they are properly implemented and part of a wider process.

This was informally the conclusion of the fifth and his last Civic Forum that the High Representative, Wolfgang Petritsch, hosted at the OHR premises in Sarajevo on Saturday morning.

The High Representative's guests were, in alphabetical order: Fra Petar Andjelovic, Guardian of the St. Anthony Monastery; Mladen Bosnjak, freelance journalist from Ljubuski; Ozren Kebo, editor-in-chief of the magazine "Start"; Rusmir Mahmutcehajic, president of "International Forum Bosna"; Senka Nozica, vice-president of the BiH Helsinki Committee and lawyer; Mirko Pejanovic, chairman of the Serb Civic Council; and Ivan Plejic, a professor of literature and Croatian language.

Opening the discussion, the High Representative explained that he insisted on a home-grown solution with regard to the 2000 Constitutional Court's ruling on the constituency of BiH's peoples in both Entities in order to force the domestic leaderships to sit down and work out a compromise. In particular after the September 11 attacks in the USA, which demonstrated the danger that "weak" states generate, it became imperative that Bosnia and Herzegovina's leaders demonstrated

maturity by implementing the Court's ruling on their own, he said, adding, "Agreement and compromise between the three constituent peoples are Bosnia and Herzegovina's life saver and guarantee of its existence."

The High Representative further clarified that the basis of the negotiations under his auspices was the Court's ruling, and not "to find a new political organisation and structure for this country." He said Bosnia and Herzegovina's political structure is defined by the Dayton Peace Agreement, and if one part of the equation were taken out, the whole Agreement would unravel, while there is not yet a new vision for Bosnia and Herzegovina's organisation that has broad support among its leaders and citizens.

The High Representative said he considered the harsh criticism of the constitutional amendments by some intellectuals counter-productive. "These intellectuals are trying to extinguish what is the beginning and substance of democracy at work," he said. "If somebody who walks out in the middle of the negotiations becomes a hero, while the other ones who stay and try very hard to find a solution, spending days and nights on end on it, are branded 'Karadzics' – why should any politician ever try to agree on anything that concerns this country? Compromise and agreement among the representatives of BiH's three peoples is the only way forward," he said.

While his guests concurred with the High Representative's view that compromise is the essence of democracy, some said that compromises should not be made with certain political parties and political options. The High Representative replied saying that those parties that participated in the negotiations were all part of BiH's political reality, and that it was important to accept that as a basis for further work.

The participants of the Forum all complained that Bosnia and Herzegovina's society and political reality was still deeply divided and marked "by ignorance about one's self identity,

and even more ignorance about the identity of the other ones," as one participant put it. They mentioned the ethnically segregated education system and ethnically defined political structures as obstacles to BiH's becoming "a strong state" as opposed to "a weak state."

One of the participants suggested that the guiding principle of political work in BiH be its integration in Europe. "In other post-Communist countries, this has allowed for real miracles to happen," he said. The High Representative fully consented with this view.

Talking about the details of the constitutional amendments, all participants were of the opinion that it was important that the amendments envisage the representation of all three peoples at all levels of government and public administration. "It will be the first time in a decade that the RS public will see Bosniacs and Croats in the leading positions in the RS," said one participant. Another one stressed that it should be made abundantly clear to municipal authorities that they have to restructure the municipal administration and courts in accordance with the 1991 ethnic composition, as prescribed by the amendments, which will require a public discourse, seminars and meetings.

All things considered, the participants agreed that the civic society will play a decisive role in the implementation of the constitutional amendments, and that if they are properly implemented, they will represent real progress. Some stressed that the amendments should be considered part of a long-term process at the end of which Bosnia and Herzegovina should be a self-sustainable and functioning state.

At the end of the Forum, the participants thanked the High Representative for his work in Bosnia and Herzegovina's and his efforts to strengthen the civic society, and wished him all the best for his future endeavours.