

Weekly column by Christian Schwarz-Schilling, High Representative for BiH: “Time to Re-launch Constitutional Reform”



In the past ten days, I have been meeting separately with individual party leaders together with the US Ambassador, the Head of the European Commission's Delegation and the German Ambassador representing the EU Presidency to discuss the greatest and probably most important political challenge that this country faces: reforming the constitution.

The aim of these meetings, that have generated much media speculation, has been to assess attitudes towards an institutionalised constitutional-reform process to take this country forward and help equip it for the challenges of Euro-Atlantic integration.

Bosnia and Herzegovina has a particularly complex constitutional arrangement. The current set-up was agreed at Dayton during peace negotiations after nearly four years of war and is an integral part of the peace accord.

The peace accord helped to end the war and has enabled Bosnia and Herzegovina to move forward during the past 12 years and to establish peace and security. But it also created a complicated and inefficient structure that will increasingly hamper this country's future development.

The current arrangement functions but it has required frequent interventions of the High Representative to unblock political stalemates.

Now that the peace implementation process and with it the institution of the High Representative are gradually coming to an end – and Euro-Atlantic integration is the key task – it is time to reform the constitution and develop a stable, self-sustaining and efficient state structure.

A first phase of talks among party leaders aimed at constitutional reform started in 2005 and took place in a constructive atmosphere. Those resulted in the package of constitutional amendments that came extremely close to being passed in April last year, falling just two votes short of the necessary two-thirds majority in parliament.

The so-called April package remains on the table and, if adopted in its current form or revised form, would represent an important step forward. It would not, however, be the end of the process but the beginning.

Other countries that have undergone successful constitutional reform have usually established constitutional-reform commissions or conventions to provide the institutional framework for a broad process with the capability of bringing in technical expertise from national and international experts.

As I said in my speech to the Parliamentary Assembly earlier this week, Bosnia and Herzegovina needs a similar institutionalised and transparent process, set within the country's institutions – primarily the Parliament – and led by BiH politicians with input from across BiH society, including civil society, supported by facilitation and assistance from the international community.

In the meetings that my colleagues and I have had with party leaders during the past week, we have been sounding out views

and seeking commitment for the establishment of such a process.

I am pleased to say that most party leaders have been constructive in these talks and have shown a willingness to move beyond unilateral declarations and media sound bites to engage in practical dialogue within the framework of an institutionalised constitutional-reform process.

Since constitutional reform is almost invariably a long-term undertaking, such a process must be set on track now, so that results can be delivered within the life of this parliament.

The international community – in particular the European Union and the United States – stands ready to assist with facilitated guidance, but ultimately this reform must be taken forward and agreed by Bosnia and Herzegovina's political leaders. This will require constructive engagement and a willingness to make compromises. .

I hope that it will be possible in the coming days to set in motion a process that culminates in a settlement that will both successfully balance the interests of all peoples in Bosnia and Herzegovina and help speed this country's Euro-Atlantic integration.

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