

OHR Welcomes Venice Commission Report

Bosnia and Herzegovina's integration in Euro-Atlantic structures cannot be completed until the functionality of its government has been substantially improved. The journey to Europe can be started with the present ramshackle structures, but it cannot be finished unless they are improved, and that can only be done by consensus and agreement, the High Representative, Paddy Ashdown said today. This effort to improve the functionality of government will, in due course, affect the role of the High Representative.

The High Representative was commenting on the findings of a report on BiH's present constitutional set-up that will be sent by the Venice Commission to the Parliamentary Assembly of the Council of Europe.

The Commission's Report, adopted today, concluded that "a process of reconsideration of the present constitutional arrangement in BiH" may now be timely, and that "Constitutional reform is indispensable since present arrangements are neither efficient nor rational and lack democratic content."

The report underlined the fact that Bosnia and Herzegovina's institutions under the current constitutional arrangement are too weak to ensure satisfactory progress in negotiating a Stabilisation and Association Agreement.

The Report pointed out that "a central element of the first stage of constitutional reform has to be a transfer of responsibilities from the Entities to BiH by means of amendments to the BiH Constitution. This is an indispensable step if any progress is to be achieved in the process of European integration."

It emphasized that any such change can only be achieved on the basis of consensus, and concluded that "Further constitutional reforms, changing the emphasis from a state based on the equality of three constituent peoples to a state based on the equality of citizens, remain desirable in the middle and long term."

Acknowledging that without High Representatives' interventions "BiH would not have been able to achieve the progress it has already made," and that removals "pursue a legitimate aim and are based on serious grounds," the Report welcomed the recent announcement by the High Representative that he will initiate a process for lifting the ban against certain individuals.

The report recommends the establishment of a panel of independent international legal experts which would scrutinize removal Decisions of the HR.

"OHR, along with other international and BiH institutions, participated fully in the deliberations of the Venice Commission," the High Representative said today. "The Commission's Report represents a constructive and substantial contribution to a debate which – once it has met the immediate challenge of gaining membership of Partnership for Peace and beginning Stabilisation and Association negotiations with the European Union – this country must embark upon. It is clear that the current constitutional arrangements leave BiH institutions too weak to move forward decisively with the European integration process. As the Report points out, the use of the High Representative's powers has been essential in order to make the unwieldy constitutional system function, but it will be appropriate to amend these powers in due course, in the context of constitutional rationalisation. I welcome this aspect of the report's conclusion, which we in the OHR will now consider seriously."