

Process of Constitutional Change in Bosnia and Herzegovina's Entities is completed

In partnership with Bosnia and Herzegovina's political leadership and the governments of the two Entities, the High Representative, Wolfgang Petritsch, has today completed the long process of constitutional change in BiH's Entities by issuing three Decisions. By closing a small number of gaps in the constitutional amendments, the High Representative has ensured that these amendments are fully in line with the Mrakovica-Sarajevo Agreement on the Implementation of the Constituent Peoples' Decision of the BiH Constitutional Court, which was reached by BiH's political leaders on 27 March 2002. Through these Decisions the High Representative has also ensured that resistance by nationalist opposition parties in the Federation does not prevent the amendments from taking effect. The High Representative has also amended the BiH Election Law, placing it in accord with the new Entity Constitutions.

The new Entity Constitutions, fully incorporating the Mrakovica-Sarajevo Agreement, ensure that Bosnia and Herzegovina's peoples and citizens are represented at all levels of government and public administration in both Entities, and provide them with far-reaching rights in the decision-making process. This gives BiH a political system that fully represents its multi-ethnic character and conforms with European values and internationally recognised human-rights standards. Almost seven years after the signing of the Dayton Peace Agreement, the discriminatory elements of the previous Entity Constitutions have been eliminated, in line with the BiH Constitution and the 2000 Constitutional Court's decision on the constituency of peoples, in this way decisively advancing the terms of the Dayton Agreement.

The Mrakovica-Sarajevo Agreement, reached last month after nearly one hundred hours of negotiation under the auspices of the High Representative, is a significant achievement and has served as the indispensable yardstick for the constitutional amendments. The agreement was fully signed by three political parties – the Social-Democratic Party (SDP), the Party for BiH (SBiH) and the New Croat Initiative (NHI) – and signed with two reservations by another four parties – the Party for Democratic Progress (PDP), the Serb Democratic Party (SDS), the Serb Independent Social-Democrats (SNSD) and the RS Socialist Party (SPRS). For the first time since Dayton, the elected representatives of BiH's peoples and citizens reached a substantial compromise, living up to the requirements of democracy, the rule of law and the multi-ethnic character of Bosnia and Herzegovina.

The High Representative appreciates yesterday's adoption of amendments by the Federation House of Peoples and the positive vote of a majority of the delegates in the Federation House of Representatives. He also acknowledges the corrections made to the amendments passed by the National Assembly of the RS on 4 April, which originally fell short of, and did not fully reflect, the Mrakovica-Sarajevo Agreement.

In order to overcome the obstructionist tactics of opposition parties in the Federation, in particularly the Croat Democratic Union (HDZ) and the Party of Democratic Action (SDA), which prevented the amendments securing a two-thirds majority in the Federation House of Representatives, the High Representative has issued a Decision promulgating amendments in the Federation. In the RS, the High Representative has issued a Decision correcting a small number of technical shortcomings. These Decisions fully harmonise the amendments with the Mrakovica-Sarajevo Agreement.

The High Representative also today amended the BiH Election Law, harmonising it with the new Entity Constitutions, so that general elections for 5 October 2002 can be announced today in accordance with the Election Law.

Today, the long and difficult process of implementing the Constitutional Court's ruling has drawn to a conclusion. The readiness of the Federation parties from the ruling Alliance coalition and the RS leadership to engage in discussion and make brave decisions has been remarkable, and the High Representative applauds them for their efforts. This process has shown that the ownership which the High Representative has fostered since the beginning of his mandate three years ago is taking root. Soon to take his leave of Bosnia and Herzegovina, the High Representative, Wolfgang Petritsch, looks at the country's future with confidence and optimism.