

Editorial for Jutarnje Novine by Alexandra Stiglmayer, Head of the OHR Press Office: "Constitutional Reform in BiH: RS is becoming multi-ethnic"

Undoubtedly, this Agreement does not "cement divisions" or "Ethnic cleansing", but instead, it ensures that the RS is departing from its mono-ethnic character.

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Over the coming week, the reform of the Entity Constitutions will hopefully reach another important stage. By April 18, the two Entities should have got amended Constitutions that fully and without any changes incorporate the Sarajevo Agreement of 27 March. Undoubtedly, this process will be accompanied by as many public comments and expressions of opinions as has been the case so far.

I have rarely witnessed a public debate that has been as politicised and instrumentalised and in which things have been turned upside down so much as in this one. The first untenable argument often heard is that the Constitutional Court's ruling on the constituency of peoples "doesn't need to be discussed, but simply implemented." Nobody mentions that the Court has not defined the details of how its ruling should be implemented, that terms such as "vital national interests", "constituent status", "full representation" are empty and must now be filled with concrete meaning – which of course requires discussion.

Who else should conduct this discussion and answer all the open questions than the elected representatives of the peoples and citizens of this country. This is the approach that the High Representative, Wolfgang Petritsch, and the entire international community have taken from the outset. And during the negotiations that followed, the representatives really managed to reach the so-called Mrakovica-Sarajevo Agreement of 27 March.

The Agreement is not perfect. It is not to the full liking of any party that participated in the negotiations. It is, of course, a compromise – the best one that is possible at the moment. And it represents a good basis for the constitutional amendments in both Entities. That is why we demand that it be fully and without any changes incorporated in the amendments.

Inflammatory Language

Now, we come to the problems that appear in the context of the public debate in the Federation: the fact that many people use terrible, inflammatory phrases against this Agreement – such as that the Agreement "cements division", "legalises genocide", "puts a stamp on ethnic cleansing." At the same time, the wider public does not even know what the Agreement provides for in Republika Srpska.

The Agreement states that Bosniaks, Croats and Others have to fill posts in the public administration, from the municipal level to the Entity level, according to the 1991 census. According to the 1991 census, this means 45% of all posts – tens of thousands of jobs.

The Agreement states that out of 16 ministries, half must be headed by non-Serbs – five by Bosniaks, three by Croats. It further stipulates that none of the constituent peoples and the group of Others can hold more than two out of a total of six top offices in the RS, which include the posts of the Prime Minister, Speakers of the National Assembly and Council of Peoples, Presidents of the Constitutional and Supreme Courts, and Public Prosecutor.

The Agreement creates a Council of Peoples as part of the legislative authority in the RS. The Council, where each constituent people will hold at least eight seats and the Others half this number, will deal with every law and legal act that affects "vital national interests", which are broadly defined.

Multiethnic entities

A simple majority of each caucus can amend or block it. The Council can also deal with any other issue they consider a “vital national interest” if two thirds of the delegates from one of the caucuses demand so and two judges of the Vital Interest Panel of the RS Constitutional Court (where there will be two Bosniak judges, two Croats, two Serbs and one Other) uphold their view.

There are arguments that could be used against the Agreement. But what it definitely does NOT do is “cement division” or “ethnic cleansing”. How can an Agreement under which Bosniaks, Croats and Others will fill almost half of all the jobs in the public administration, at some levels even more than half, under which they will have a real say in the legislative process, be a step toward mono-ethnicity? With this Agreement, Republika Srpska is departing from its mono-ethnic character.

Seven years after the war, both Entities are becoming multi-ethnic, which cannot but help Bosnia and Herzegovina’s integration and coming closer to European standards. This is a small revolution, which everybody who advocates a multi-ethnic Bosnia and Herzegovina should support.

Note: The version published by Jutarnje Novine is slightly shorter.