The High Representative, Wolfgang Petritsch, on Constitutional Court for Pogled, Oslobodjenje”The most difficult test since Dayton”

The Constitutional Court’s ruling is historic. Its implementation will ensure the representation and full protection of Bosnia and Herzegovina’s constituent peoples and others in both Entities, thereby hopefully ending all forms of ethnic discrimination, boost return, and decisively contribute to the establishment of a just, multi-ethnic society.

Since this ruling is so important, I expect the responsible political leaders, who represent BiH’s three peoples, its citizens and the two Entities, to implement it. This is not just my personal view, but one shared by the Peace Implementation Council.

I am fully aware that this is a difficult task. It requires hard work, negotiations, political maturity and the ability to compromise, and it should boost the culture of dialogue, a prerequisite for every democractic country. However, more than six years after the Dayton Agreement was signed, Bosnia and Herzegovina’s political class should have acquired these skills.

If the political leaders fail to meet their obligations, it will be a huge setback, making the outside world wonder where BiH stands so many years after the war, especially now as it is scheduled for membership to the Council of Europe.

Bosnia and Herzegovina’s leaders have to prove that they have

learnt over the last few years that personal fiefdoms are a thing of the past, and that public office brings along the responsibility for building a prosperous and stable Bosnia and Herzegovina.

So, over the next few weeks, I expect full-scale political engagement. I am very encouraged by the meetings in Mrakovica and Sarajevo. This may be the first time since Dayton that the top leaders from both Entities and all three constituent peoples are coming together without mediation by the international community in order to solve a question that is crucial for the future of Bosnia and Herzegovina.

There is not much time left. The Court ruled in four Decisions from January to June 2000. Nothing happened until I formed the Constitutional Commissions in January 2001, which were, among others, charged with drafting proposals for the amendment of the Entity Constitutions. They have finished their job, and now it’s up to the Entity parliaments, specifically to the main parties represented there, to decide which mechanisms will turn the ruling of the Constitutional Court into political and social reality.

They have a few weeks to do it. By around mid-March, the Entity Constitutions must have been brought in line with the Court’s ruling. Only this will allow for the timely amendment of the Election Law so that general elections can be held under the Election Law in October, as scheduled and legally and constitutionally required. I do not have to remind you that the Election Law was the main precondition for BiH’s accession to the Council of Europe. It would look more than strange if the elections would be conducted on the basis of an incomplete Election Law and some institutions would have to be elected under the Rules and Regulations of the Provisional Election Commission.

What the international community as a whole wants to see are comprehensive, substantial solutions – solutions that will

ensure the representation and full protection of BiH’s peoples and citizens in the two Entities.

If Bosnia and Herzegovina’s political leaders are able to agree on them, they will have mastered the probably most difficult test of their maturity since Dayton, and I will be leaving Bosnia and Herzegovina full of optimism and confidence in its future.