

High Representative supports draft Election Law

These are crucial days for the draft Election Law as it is debated by the BiH Parliamentary Assembly. In that context the High Representative, Wolfgang Petritsch, would like to clarify a number of points that seem to have caused confusion.

First, the High Representative confirms that the Election Law is fully constitutional. It was drafted according to European standards and reviewed by the Council of Europe's Venice Commission, whose concerns were taken into account. It was also approved by the Steering Board.

Francois Froment-Meurice, the Chairman of the Election Law Working Group, is an expert in constitutional law, and is confident that the draft law accommodates Bosnia and Herzegovina's unique constitutional structure.

Second, it has been argued that the constitutional provisions that regulate the election of the members of the Presidency conflict with the European Convention on Human Rights, which is enshrined by the BiH Constitution.

According to universally recognized legal principles, when there is a conflict of law, the specific provision takes precedence over the general provision. In this case, the specific language on the election of the members of the Presidency takes precedence over the general provisions of the ECHR.

Third, it has been argued that it is unfair that citizens may not be able to vote for a member of the Presidency who represents the constituent people with which they identify.

But this is a constraint placed on the system by the BiH Constitution itself. This states that there shall be three

members of the Presidency: one Bosniac, one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the RS.

Moreover, a voter is free to vote for any candidate that is standing for office in the entity where he or she is registered to vote.

Finally, the High Representative would like to emphasize again that the election law was drafted by legal experts from Bosnia and Herzegovina.

Feedback from the people of Bosnia and Herzegovina was gathered and considered by the Working Group, who tailored the draft to meet the major concerns of the public.

The result is a draft law created by Bosnia Herzegovinans, for Bosnia Herzegovinans.