Op-ed by High Representative: Decisions are in line with the Constitution, let us move on

By Christian Schmidt

The BiH Constitutional Court, the highest legal body in the country, has recently evaluated the legal challenges to the amendments to the FBiH Constitution and the Law on Amendments to the BiH Election Law that I enacted on October 2, 2022.

The Court has decided that the amendments enacted by this decision are in accordance with the BiH Constitution and do not violate the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, nor the International Convention on the Elimination of All Forms of Racial Discrimination, nor Article 25 of the International Covenant on Civil and Political Rights.

I am a staunch advocate of the principle that court decisions should not be commented on but implemented, as they are final and binding, and will follow the same principle on this occasion. As the Constitutional Court has established legal certainty on this issue, it is time for all those who call for further reforms and progress to rise to the occasion and seek solutions.

Political stakeholders must act responsibly and complete the

process of forming authorities.

Over the past few months, I have witnessed the widespread willful misinterpretation of my decisions and attempts to use them as an excuse for stalling and creating a destructive atmosphere. As I have said repeatedly, the sole purpose of my October 2 decisions is to make the Federation institutions more functional. The decisions set the preconditions for creating a democratic environment in which all citizens are reassured that their votes matter, that the democratic will of the people will be translated into a government and action. It is time for politicians to redouble their efforts, be constructive, and put forward concrete models to improve the system to the benefit of this country and its citizens. I follow the mantra of Helmut Kohl, the former German Chancellor: “I do not want to hear what is not possible, I want to hear what is possible!”

Too often in BiH, I hear about what has gone wrong and who is doing it wrong. Let us engage in discussion in a constructive manner to implement what is possible and move this country forward. With my October 2 decisions, I did not implement all the necessary reforms on state and entity level, nor did I want to. Elected politicians, this is your job and your obligation! I am always ready to assist, but in this case, you are the responsible ones!

The deadline for the formation of the FBiH Government is just around the corner. It is time to move forward. This country needs men and women who are committed and will work tirelessly on moving Bosnia and Herzegovina towards the European Union. The people of Bosnia and Herzegovina deserve no less.

I am encouraged that many positive ideas are being discussed, and I particularly appreciate the commitment among some NGOs and civil society concerning constitutional reform.

It is time to bring all citizens in this country closer

together. While respectful to ethnic diversity, we will master the challenges of the future only if we focus on what we all have in common instead of wasting time on trying to separate people.