

## Conference The Impact of the European Convention on Human Rights on the Constitution and the Electoral Code of Bosnia and Herzegovina

WELCOME SPEECH TO THE CONFERENCE (28.01.2010)

Honorable Chairman Dr. Živković,

Members and Delegates of the Parliamentary Assembly of Bosnia and Herzegovina,

Your Excellency Ambassador Schmidt,

Distinguished judges of the Constitutional Court,  
representatives of the entity and state institutions of Bosnia and Herzegovina,

Excellencies,

Dear Ladies and Gentlemen,

It is a particular honor and pleasure for me to welcome you to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina for our conference on the impact of the European Convention on Human Rights on this country's Constitution and the Electoral Code.

The organizers of this conference, the Council of Europe and the Konrad-Adenauer-Stiftung, chose this topic for a particular reason: On the 22nd of December last year, the European Court of Human Rights ruled that certain provisions of the Constitution of Bosnia and Herzegovina are in violation of the European Convention on Human Rights.

As a member state of the Council of Europe, Bosnia and Herzegovina cannot ignore this decision. Because the ruling of the court is

binding, Bosnia and Herzegovina has to amend its constitution and electoral code in order to end its violation of the European convention. However, we all know that, in Bosnia and Herzegovina, the political situation remains very unique. Due to the Dayton Agreement, which helped end the incredibly destructive war in Bosnia and Herzegovina in the 1990s, the provisions of the electoral code cannot be changed without at the same time amending the constitution.

Given the specific post-war situation, all changes in this respect will unavoidably affect the delicate balance of power in this country, a balance that was created by the international community and the three constituent peoples in the search for peace.

To put it simply: Bringing an end to Bosnia and Herzegovina's violation of the European Convention inevitably seems to mean beginning the search for a new system of power sharing in this country.

Today, we have with us a wide range of renowned experts to explain what this new balance could look like, and I will leave that question to the panelists and the discussions to follow.

However, please allow me to say one thing: The Parliamentary Assembly of Bosnia and Herzegovina is the centre of democratic decision making in this country. Only here can Bosnia and Herzegovina's constitutional framework and the electoral code be pro-

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perly amended. Therefore, we are most happy to have the unique opportunity to hold our discussions in the Blue Room of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. I would like to thank in particular the chairman of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, Dr. Milorad Zivkovic, for his participation and for his generosity in allowing this conference to take place in this distinguished location.

I also wish to thank the speakers from both panels, which will directly follow the presentations by Professor Jean-Claude Scholsem, substitute member of the European Commission for Democracy through Law of the Council of Europe, and Professor Suad Arnautovic, Member of the Central Election Commission of Bosnia and Herzegovina and Professor at the University of Sarajevo. Welcome to you all. Thank you very much for being with us.

I am also very proud to welcome His Excellency Ambassador Joachim Schmidt, ambassador of the Federal Republic of Germany to Bosnia and Herzegovina. We are extremely delighted that Ambassador Schmidt will be providing us with some welcoming remarks of his own for our conference. I would also like to express my gratitude to Caroline Ravaud, special representative of the Secretary General of the Council of Europe in Bosnia and Herzegovina, without whom this event would hardly have been possible. It is a great honor for us to work with this most respected European institution and, in particular, with its representation in Bosnia and Herzegovina. Finally, I would like to thank Ms Ivana Maric of my team, who has done such a wonderful job in preparing this conference. I now give the floor to Mme Ravaud.

Thank you for your attention