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# CONSTITUTIONAL REFORM AND THE 'SPIRIT' OF BOSNIA AND HERZEGOVINA

Valery Perry

Critics of the General Framework Agreement for Peace (GFAP, or Dayton Peace Agreement) have been pointing out its inherent flaws and inconsistencies from the moment the terms became public, and the real challenges of implementation quickly became clear. For the past six years there have been calls to revisit, reform, or rewrite Dayton through a variety of suggested procedures. The most aggressive voices for change have suggested convening a meeting to develop a 'Dayton II', which would have as its main goal solidification of the peace, rather than just termination of the war. Instead, a more subtle approach has been in practice since 1997, when the High Representative's powers were strengthened and his mandate effectively widened. Under a more aggressive implementation policy, the GFAP would be implemented not purely according to the letter of the accords, but according to 'the spirit of Dayton'.

Defining this 'spirit' has been controversial and challenging, and the current debate concerning the reform of the Entity Constitutions to comply with the Bosnia and Herzegovina (BiH) Constitutional Court's decision on the status and equality of the constituent peoples in BiH will be a significant step in defining both the spirit of Dayton, as well as the spirit and character of BiH as a state. This brief explores this complex issue and its potential implications for local and international politicians in BiH. First, a short background on the Constitutional Court decision is presented. Second, the options currently under discussion are reviewed, within the framework of symmetrical and asymmetrical reform alternatives. Third, the broad relevance of this single issue to the larger issues concerning the legitimacy of the current organization of the state of BiH is considered.

## **Background**

The Constitutional Court was established by the Constitution of BiH, which itself is Annex 4 to the GFAP. In February 1998, Alija Izetbegovic, at that time the Chairman

of the Presidency of BiH, initiated proceedings with the Court to determine whether the Entity constitutions were consistent with the BiH Constitution. In a decision made at a session on 30 June and 1 July 2000, the Court found elements of each Entity constitution to be unconstitutional. The Court confirmed that the Constitution of BiH designates Bosniaks, Serbs, and Croats as *constituent peoples*<sup>1</sup> throughout the entire territory of BiH, and outlined specific items in each Entity constitution that had to be reformed in order to bring them in line with the BiH Constitution.<sup>2</sup> The essence of the reform task is to ensure that the rights of all three constituent peoples are protected and guaranteed everywhere throughout the territory of BiH.

The constitutional review process of the Entity constitutions was not undertaken by the governments in an expedient manner, despite ongoing pressure from the international community (IC) to complete the reforms. In the absence of reform initiatives, in January 2001 the High Representative established Constitutional Commissions in each Entity, comprised of members of each constituent group, to begin the process of constitutional reform.<sup>3</sup> The work of the Commissions has been highly political, as reforms suggested by the Commissions will eventually have to be adopted by the Entity governments.

While this issue was on the agenda throughout 2001, it began to attract increasing attention in late 2001, as deadlines set both by the IC and *de facto* by the impending October 2002 general elections have increased the urgency of identifying satisfactory compromise solutions and completing reform. The recently recommended accession of BiH to the Council of Europe, as well as the anticipated entry of a new (fourth) High Representative (widely expected to be Paddy Ashdown) in the first half of 2002 are also issues likely to affect the newfound urgency of this long-awaited reform.

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<sup>1</sup> The term 'constituent peoples' is used to ensure that the term 'minorities' or 'national minorities' is not applied to these three primary groups. In BiH, the national minorities (termed 'Others' in the Constitution) include the Roma, Jews, Turks, Albanians, Czechs and other minority groups.

<sup>2</sup> For example, with regard to the Constitution of the RS, the Court found the wording, "State of the Serb people" to be unconstitutional. Similarly, with regard to the FBiH Constitution, the Court found the wording "Bosnians and Croats as constituent peoples, along with Others" to be unconstitutional.

<sup>3</sup> Each Commission consists of four Bosniaks, four Croats, four Serbs, and four 'Others'. The inclusion of the 'Others' in this process is a noteworthy development, as the state's national minorities are often not included in political discussions that tend to revolve around the three main groups.

As time pressures increase, there has been concern over the possibility that the Office of the High Representative (OHR), the chief implementing body of the civilian aspects of GFAP, might have to impose a decision in the absence of satisfactory solutions proposed by the governments themselves. Imposition of such an important constitutional decision is not a step that the IC is eager to take, nor is it something that BiH's politicians would accept. It is also not a solution that would promote ownership or long-term sustainability. As the rhetoric has been raised by all parties, an encouraging step was made on 25 January 2002, when the leaders of the eight major political parties from the Federation of BiH (FBiH) and the Republika Srpska (RS) met in Mrakovica near Prijedor to discuss all aspects of the constitutional reforms. This in itself was a sign of progress, as it marked the first post-Dayton meeting of multiethnic political party leaders independent of international sponsors, patrons, or onlookers. However, based on reports following the meeting, the parties are still a long way from agreement and compromise on several key issues. A follow-up meeting was held on 1 February in Sarajevo to continue the talks, and further meetings throughout February have been suggested, as pressure is increasing on all sides.

### **Symmetrical vs. Asymmetrical Reform**

A large part of the debate concerns the extent to which equal treatment throughout BiH can only be guaranteed by symmetrical (identical) constitutional protection mechanisms instituted in each Entity. Some parties argue that the constitutional court decision, and in turn basic human rights, can only be guaranteed through symmetrical structures, while others argue that *asymmetrical* systems can adequately address the terms of the Constitutional Court decision. The question, then, is whether consistent implementation of the protection of the constituent peoples can exist in an asymmetrical system, or whether symmetrical systems in the Entities are needed to ensure truly equal status and protection.

The High Representative has already noted that the Peace Implementation Council and major countries want to see a symmetrical solution that will ensure human rights protection in BiH.<sup>4</sup> Many Bosniaks and Croats support a symmetrical approach for a

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<sup>4</sup> The PIC Steering Board met in Stockholm on 21 June 2001, and referred to the issue of symmetry in its communiqué: "The Steering Board supports the High Representative in his endeavours to facilitate

variety of reasons set out below. However, RS Prime Minister Mladen Ivanic told journalists from *Glas Srpski* that he does not believe that identical, symmetrical solutions are possible in both entities.<sup>5</sup> The debate is being shaped in stark and contrasting scenarios, presenting a significant challenge to those seeking a common, middle ground. The following section reviews five general reform options – two symmetrical and three asymmetrical – that have been widely reported in recent weeks.

#### *Symmetric Option 1: Introduction of a House of Peoples in the RS*

This reform option has generated the most attention among all parties, and as a controversial option has been the focus of recent efforts by the parties to identify joint compromise solutions independent of the IC. Essentially, supporters of this option argue that *consistent* protection can only be guaranteed if identical governing bodies are developed in the RS that mirror those that currently exist in the FBiH. In particular, this refers to the creation of a House of Peoples in the RS. In the current organization of the BiH governments, both the state level government and the FBiH Entity government consist of bi-cameral legislatures. In each case, the House of Representatives is directly elected according to the will of the people as expressed through elections, while the House of Peoples are comprised of representatives selected by the House of Representatives according to a formula that ensures an equal number of seats to the various groups.<sup>6</sup> The RS, on the other hand, has a single-chamber parliament, the RS National Assembly (RSNA), which consists of eighty-three members who are directly elected. Therefore, while the state and FBiH governments guarantee a certain level of formal legislative representation based on the constituent peoples, the RS does not. Introduction of a House of Peoples in the RS would mirror the structure and representation principles of the FBiH.

While several parties and voices in the FBiH have voiced their strong support for this option, there has been considerable opposition from politicians in the RS. Many politicians in the RS view this option as an illegitimate attempt by outsiders to change

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the implementation of the ‘Constituent Peoples’ decision of the BiH Constitutional Court in both entities so as to ensure that symmetry in substance and principle in the entity constitutions is achieved within realistic and prompt time limits.”

<sup>5</sup> *Glas Srpski*, 1-14-02, as noted in OHR Media Round Up, 1-14-02.

<sup>6</sup> The BiH House of Peoples consists of fifteen representatives: five Bosniaks, five Croats, and five Serbs. The FBiH House of Peoples consists of sixty representatives: thirty Bosniaks and thirty Croats, with provisions for the possible inclusion of ‘Others’ based on a similar ratio.

the RS Entity Constitution and political structure, aimed more at destroying the RS Entity rather than achieving consistent protection of human rights. Bosniak parties see this solution as a way to fundamentally change the structure of the RS, to reverse the monoethnic structures put into place after the war. Croat parties view this option as a means of protecting the House of Peoples in the FBiH, which guarantees them predetermined representation. The High Representative has attempted to strike an impossible balance, noting that he is “not opposed to introduction of a House of Peoples in the RS”, while at the same time seeking to encourage an open discussion among the parties to develop further options. Parties on both side of this debate therefore find his response inadequate.

The strengths of this symmetrical option include the development of harmonized political structures throughout the BiH, the institution of a two-house legislature in the RS that would guarantee broad representation, and the introduction of a bi-cameral system that could serve as a mechanism of checks and balances *vis à vis* the directly elected Assembly. The primary weakness of this option is the strong opposition to the plan by RS officials that could make adoption of the reform difficult.

As an option that would entail significant constitutional and structural changes, many details concerning procedures and structures would have to be fully developed. One outstanding question is the *structure* of an RS House of Peoples. A *purely symmetrical approach* would presumably structure the body with an equal number of representatives of each of the three constituent peoples (as in the state level and FBiH structures), with possible inclusion of ‘Others’ as in the FBiH. A *modified symmetrical approach* could also be considered, with a structure based on proportional seat allocation reflecting the population. This option, however, would invite further controversy concerning the course of demographic statistics to determine proportionality (for instance, the 1991 census, or post-war voter registers).

Finally, if this option, and a commitment to symmetrical protections in each Entity were adopted, then it would logically follow that the House of Peoples in the FBiH would also have to revise its current structure, to allow for similar representation of all three groups (a revision that has been discussed by the FBiH Commission. These significant and far-reaching constitutional and structural reforms would change the

dynamics of the general elections scheduled for October 2002, and be the most substantial governmental change in post-war BiH.

*Symmetric Option 2: Elimination of House of Peoples in the FBiH*

The symmetrical option of *eliminating* the House of Peoples in the FBiH has been more of a reactive proposal than a seriously debated alternative. The solution has been noted primarily to offset demands that a symmetrical solution would inherently have to mean the development of a House of Peoples in the RS. The potential option of achieving symmetry through elimination of the House of Peoples in the FBiH would likely establish uni-cameral legislatures in each Entity, presumably with a non-legislative commission charged with protecting the interests of constituent peoples within the territory of each Entity. This would enable the RS to maintain its current structure, while developing a harmonized set of parallel structures in both Entities.

This option has been most vehemently dismissed by the Bosnian Croat parties, who have made it clear that retention of the House of Peoples is a necessary part of ensuring the continued existence of the Muslim-Croat Entity. The House of Peoples structure in the FBiH was developed to ensure equality of political relations between the Bosniaks and Croats in the Federation. Development of this legislative body was a key aspect of the talks leading up to the Washington Agreement that created the Federation in 1994, as it addressed the concerns of the Bosnian Croats, who are a numerical minority in the territory of the Federation. The importance of the House of Peoples in the FBiH is clear, and was a significant element of the tensions before the elections in November 2000, and in the Third Entity Crisis in 2001.<sup>7</sup>

This option has few strengths. At best, it is an option that would be acceptable to parties in the RS who are loathe to establish a House of Peoples in the Entity, and therefore see this as the answer to desired symmetry. Its weaknesses are clear: it is unacceptable to the Bosnian Croats and, on a more general level, would eliminate the checks and balances offered by a two-chamber parliament.

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<sup>7</sup>. See Florian Bieber, "Croat Self-Government in Bosnia – A Challenge for Dayton?", *ECMI Brief #5*, Flensburg, May 2001.



The spectre of a renewal of the Third Entity movement, a possibility feared by the international community, is likely to ensure that this option will not go far.

*Asymmetric Option 1: Development of a Special Non-Legislative RS Body*

As resistance to the creation of a House of Peoples in the RS is widely known, the OHR offered the suggestion that a Commission for the Protection of Vital National Interests be established. Similarly, the Bosniak members of the RS Constitutional Commission proposed an initiative, which has been supported by the FBiH Constitutional Commission, to establish a Council of Peoples in the RS. Such a Council would be an alternative to the establishment of a legislative House of Peoples. These proposals are similar in that they are *non-legislative* options for the development of institutions focused on the protection of human rights. Potential means, mechanisms and procedures for such bodies have not been broadly discussed.

While this could be viewed as a compromise measure with the theoretical potential to serve as a supervisory body in the entity, the establishment of a Commission/Council would be very different from the development of a legislative body. First, and possibly most importantly, a Commission/Council would likely consist of members appointed by some mix of entity, state, and international officials, rather than being elected directly by the people, or selected by representatives of the other House (the RSNA).<sup>8</sup> Second, as a Commission/Council rather than a legislative body, the institution may turn into a weak, under-resourced ombudsman office, with little impact on legislative matters. Third, it is possible that such a Commission/Council would have few, or very weak, decision-making, implementation, or enforcement powers.

In spite of these issues (many of which could potentially be ironed out in discussions on the mandate and procedures of such a body), some strengths and weaknesses of this alternative can be identified. A strength of this option is that, if such a Commission/Council was found to adequately address the concerns of the Court, then the RS could maintain its current structure, and the FBiH would not have to consider

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<sup>8</sup> However, it would certainly be possible for representatives to be directly elected to this non-legislative body. Direct election could in fact lead to some interesting electoral procedure options to promote moderate candidates.

altering its current two-chamber system. This would minimize the constitutional changes needed in each entity, and would make eventual adoption easier (particularly considering the tight timeframe for reform). Additionally, if effectively empowered and implemented, such a body could in theory serve as an adequate ombudsman or arbiter of human rights protection. The key weakness of this option is that, as a non-legislative, purely advisory, body, the Commission would not have direct input into policy decisions. Unless given powers of binding decision-making authority, it would be possible for its recommendations to be ignored by legislators.

*Asymmetric Option 2: Guaranteed Broad Representation in the RS Government*

Another asymmetric method of meeting the standards of the Constitutional Court would be through the development of guaranteed representation of constituent peoples in the RS's executive, judicial, and legislative bodies. This option, supported by Sulejman Tihic, a member of the RS Constitutional Commission and head of the nationalist Bosniak Party of Democratic Action (SDA), would essentially place *quotas* on representation based on the demographic make-up of the RS. By ensuring that all constituent peoples have guaranteed representation, the basic human rights of the three peoples would presumably be protected through their representatives' participation in the legislative process.

The main point of controversy surrounding this alternative concerns the source of the demographic data that would serve as the basis for determined representation. This revolves around the question of whether the present-day demographics of the RS should be used, whether the 1991 pre-war census data should be used, or whether some other source of demographic data could be acceptable and appropriate. Moreover, the number of allocated seats and positions, and the level of such representation (low-level functionary vs. high-level decisionmaker), would likely prove to be another lengthy debate. Many politicians in the RS have stated that they are against this option, including Dragan Kalinic, the RSNA Speaker, and it faces its share of difficulties.

On a positive note, effective guarantees of representation at all levels of government would enhance the participation of all three constituent peoples in the political process. Further, adoption of this option would not require the development of a new

legislative chamber in the RS, and so would maintain the structural status quo. Finally, however, one must again wonder if a similar quota system would have to be introduced in the FBiH as well, or if proposed inclusion of Serb representation in the FBiH House of Peoples would ensure equal protection in such an asymmetrical approach.

*Asymmetric Option 3: Retain the Entity Status Quo, Increase the Scope of BiH House of Peoples*

A third method of resolving this issue through an asymmetrical approach would be for the Entities to maintain the current status quo, while the state BiH House of Peoples would play a more powerful role as an arbiter of human rights protection and guarantor of the constituent peoples. This option was under consideration at the second meeting of the main BiH political parties, and would seek to protect these basic rights under the umbrella of the BiH constitution, rather than through major revisions to the Entity constitutions.<sup>9</sup> The ‘vital interest’ clause (BiH Constitution Article IV, 3(e)) would presumably be more actively invoked, and the current legislative review of state-wide issues would likely be complemented with an ongoing review of Entity laws to ensure their compliance. Significant work and compromise would be needed to ensure that relevant procedures guaranteeing an effectively empowered BiH House of Peoples were established and implemented. The key question to be considered would be the potential recourse of the BiH House of Peoples if it determined that an Entity law (draft or adopted) did not adequately protect the rights of all three constituent peoples.

The strengths of this option include that it would enable the status quo to continue in each entity, thereby necessitating fewer major changes in the Entity structures or constitutions. Second, a truly empowered state-level House of Peoples, with enforcement powers reaching into the Entities, could serve as a centralized constituent peoples’ protection clearinghouse, providing a comprehensive structure for claims, complaints, and solutions. Third, if properly implemented, it could also serve as a valuable example of a *functioning state-level institution*, working for the good of all citizens of BiH.

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<sup>9</sup> See OHR Media Round Up, 2-4-02.

The weaknesses of this option lie in the enforceability of such an approach, and in the details concerning how the House of Peoples would conduct relevant procedures. If the BiH House of Peoples does not have the mandate to review and comment on legislation in each Entity for their compliance, or more importantly, does not have the means to reject such proposed Entity legislation on the basis of inadequate compliance, then this solution would not successfully resolve the issue. It could be argued that the BiH Constitution itself would have to be revised to ensure that it was clear to all parties what the scope and mandate of the newly empowered House of Peoples would be, to avoid potential future problems of an Entity arguing that a legislative matter falls exclusively under the purview of the Entities rather than the state. Therefore, to be effective, clear assignment of accountability and responsibility would have to be formally and legally defined.

Perhaps the most interesting aspect of this option is its support in the RS. The RS has consistently sought to limit the scope and reach of the common BiH state institutions, and to bequest upon it a responsibility as important as the protections of the three constituent peoples is a significant shift.<sup>10</sup> The fact that this is being proposed and discussed as an option illustrates the extent to which many politicians in the RS will go to ensure that significant changes to the RS structure or constitution are not needed for the implementation of the Constitutional Court decision.

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Throughout this debate, other possibilities have been offered, sometimes in seriousness, and sometimes simply as a rebuke to the other offers on the table. The issue of state-wide cantonization in a BiH without entities has been proposed, though is often quickly dismissed. In response to what it feels are maximalist demands from the FBiH, the Serb National Alliance (SNS) has noted that its maximum demands could include the reorganization of BiH based on three entities and two districts (Brcko and Sarajevo).<sup>11</sup>

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<sup>10</sup> See *Dnevni Avaz*, 2-4-02; also OHR Media Round Up, 2-4-02.

<sup>11</sup> *Nezavisne Novine*, 1-16-02; OHR Media Round Up 1-16-02. RS Prime Minister Mladen Ivanic's noted in an interview with *Vecernji List* that he would not mind the establishment of the third entity in BiH as long as the action does not have negative consequences for the RS. *Vecernji List*, 1-29-02; OHR Media Round-Up 1-29-02.

Further development of other innovative and potentially viable options would necessitate a broad public dialogue, true and honest understanding among all parties of the goals of the exercise, and a commitment to a viable and sustainable compromise solution. It would, in essence, be the equivalent of a Constitutional Convention, in which the overall organs of governance would be reviewed and possibly revised.

## **Conclusions**

There is a sense of urgency to adopt and implement the mandated changes quickly, for four main reasons.<sup>12</sup> First, the rush is in part due to the fact that the Constitutional Court decision was issued in 2000, and until recently little has been done. Second, the impending general elections in October 2002 are another reason for an efficient resolution of this issue. Third, it is likely that the outgoing High Representative Wolfgang Petritsch would like to finish the process that was initiated during his tenure, and similarly likely that his successor would prefer to be able to begin his job with such a long-lingering issue resolved. Finally, it is in the basic interest of human rights protection for the citizens of BiH that action be taken in an expedient manner.

While rarely openly admitted by the international sponsors and interlocutors, the current debate is at its core a question of the legitimacy of the Republika Srpska as a quasi-state. Acceptance of such a quasi-state was deemed necessary by the backers and drafters of GFAP, but its existence within a larger, internationally recognized, weak umbrella state has proved to be difficult in practice. It has also called into question the equal treatment of the constituent peoples within the Entity, as illustrated by the Court's decision. The fact that this debate concerns the viability of the 'three people, two Entities, one state' system developed at Dayton illustrates that we are in many ways witnessing the long -called for 'Dayton II'.

Quasi-statehood is clearly the goal of many politicians in the RS. Suggestions of a reworked BiH based on highly autonomous cantons (potentially based on the Swiss model) lacks those elements of statehood/quasi-statehood that protectors of the RS

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<sup>12</sup> Petritsch has noted that the constitutional changes must be adopted by mid -March.

intend to preserve, namely an Entity defence<sup>13</sup> and special relations with neighbouring states.<sup>14</sup> If basic autonomy and devolution of power to the lowest regional and community level were truly the goal of RS leaders, then the cantonization solution would not be so quickly and immediately rebuked. There are still international borders where the only welcome sign present reads 'Welcome to the Republic of Srpska' without any mention of the internationally recognized state of BiH. Likewise, the official RS Government website makes no mention of the existence of the state of BiH. Such facts make it clear that devolution and high degrees of local self-government are not the goals of the politicians in control. The trappings of quasi-statehood are the goal, and the terms of the GFAP the means to ensure that goal.

The RS, therefore, has in many ways found the GFAP to be its ally in the protection of its Entity status. They interpret the GFAP as a 'ceiling', while many in the FBiH view it as a 'floor'. Just as politicians in the RS view the RS Entity as an issue that was necessary to complete the peace agreement and end the war, so opponents of the RS who view the Entity as a reward for a campaign of ethnic cleansing see the constitutional reform process as a means to advance a BiH without entities, in order to try to right a past wrong.

Complete harmonization and symmetry of constitutional reform would call into question the need for the two-entity system. Logically speaking, if a House of Peoples was introduced in the RS in which the three constituent peoples were represented, then the FBiH House of Peoples would have to ensure Serb representation as well. If these changes were made, then in many ways the entity structures would duplicate the state level structure, with its own bi-cameral parliament in which all three peoples are equally represented in the House of Peoples. The redundancy of such a system would become clear in a country in which the cumbersome multi-tiered structure of government is beyond the means of the cash-strapped state.

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<sup>13</sup> As enshrined in Issue VII of the RS Constitution, 'Defense', and expressly *not* mentioned in Article III point 1 of the BiH Constitution, 'Responsibilities of the Institutions of Bosnia and Herzegovina'.

<sup>14</sup> Guaranteed in Article III, 2(a) of the BiH Constitution, and with the RS Constitution specifically mentioning "special parallel relations with the Federal Republic of Yugoslavia and its member republics" (Article 4).

The interpretation of the final outcome will truly be based in the eyes of the beholders, as some parties and interests will invariably identify the ultimate reforms in the simplistic yet populist terms of ‘winners and losers’. However, from the perspectives of the international community, three potential scenarios could play out. The optimistic scenario would be to have a symmetrical solution, based on the introduction of the House of Peoples to the RS, adopted by the parties rather than imposed, with elections held in October according to the new structures that would produce more moderate leaders, thereby setting in motion a chain of incremental changes that in time will create a unified state with effective joint institutions and truly equal implementation of human rights throughout the territory of BiH. The pessimistic scenario would envision the inability of the parties to develop and implement a compromise solution by themselves, forcing the High Representative to impose a solution, quite possibly unacceptable to all parties, followed by continued obstructionism and intransigence among political hard-liners, and leading to a tough moment of decision for action by the IC. A realistic scenario might involve the non-legislative Commission adopted in the RS, providing a palliative solution to the current crisis, and serving as a first step in an incremental process of change, moderation and reform through both the carrot and stick approach of the IC, and a persistent and patient continuation of election cycles through which hard-liners will hopefully be gradually voted out, potentially enabling future constitutional reform.

Whatever the outcome of the debate, whether imposed or democratically adopted, the losers in this exercise could continue to be that group of BiH citizens consistently and dismissively entitled ‘Others’. These ‘Others’ are in fact the real national minorities of BiH – the Roma, Jews, Czechs, Albanians, numerous other numerical minorities, and individuals of ‘mixed’ backgrounds – who have been all but forgotten in the rush to placate the Big Three. Ethnic quotas and provisions existed even before this current constitutional debate began, such as the requirements that commission members or elected representatives be (or at least declare themselves) Bosniak, Croat or Serb. In such a system of entrenched quotas dominated by three peoples, under what banner could a qualified Roma or Jewish candidate possibly run for the tri-partite BiH Presidency? Any proposed constitutional changes should address the needs of this group, and full acceptance into European bodies such as the Council of Europe should

require compliance with European conventions for minority rights to ensure that the true minorities are not forever forgotten in the midst of the duelling majorities.

Long-term constitutional reforms should take these issues into account to provide a basis for BiH becoming a truly representative multiethnic society. In that sense, the reforms under consideration now are important not merely in terms of 'revising Dayton', because if successfully completed they will illustrate that political change in BiH can be brought about democratically and peacefully. Such a success would be important to the institution-building process in BiH, as well as serve as a positive example of a negotiated compromise solution in a region in which political controversy and conflict has too often been framed in 'win-lose' terms and often with disastrous results. Peacefully negotiated change should be the ultimate goal of local and international officials, as only such political maturity can ensure the sustainability of BiH, and that the 'spirit of Dayton' results in a BiH with a spirit that reflects both a multiethnic past as well as a commitment to a multiethnic future.