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House of Representatives

Call for Constitutional Reform in Bosnia

HON. CHRIS SMITH OF NEW JERSEY

Excerpts of remarks on the House floor:

Mr. Speaker, I rise in strong support of H. Res. 171, a powerful statement calling for meaningful constitutional reform and strengthened U.S. engagement in Bosnia. I want to thank Chairman *Berman* for authoring this legislation, and I am very proud to be one of the cosponsors.

Mr. Speaker, this resolution makes all the important points on the need for real constitutional reform. It notes that the Dayton Accords, notwithstanding their merits in stopping the war and the genocide, “included many compromises imposed by the need for quick action to preserve human life that have hindered efforts to develop efficient and effective political institutions.”

Everyone involved in the Dayton Accords understood that they were not intended to be more than a tourniquet designed to halt the genocide and to act as a bridge towards good governance and a workable constitution. And the time for meaningful, sustainable and just reform has come.

Importantly the resolution notes the progress Bosnia has made since 1995. And by almost all accounts, that progress is truly remarkable. I visited Bosnia again in July of 2007 and was deeply impressed by the economic and social recovery that has taken place within the past 12 years.

On the constitutional arrangements, Mr. Speaker, the resolution points to the history of strong U.S. support for the “legal continuity and territorial integrity of Bosnia-Herzegovina” and notes that the current Dayton-based constitutional arrangements are “neither efficient nor rational.” The resolution praises the value of a “united multiethnic country” and “full incorporation into the Euro-Atlantic community” in stabilizing the Balkans.

Mr. Speaker, efficient and rational arrangements to unite the multiethnic country and enable it to be fully incorporated into NATO and the EU can only mean a major reform that abolishes the “entity” voting system so that the vote of every Bosnian citizen will be of equal weight. Under the current Dayton-based system, only 22 percent of the deputies can block any proposed

legislation. And, in fact, this happens all the time. In the past 13 years such a “super-minority” has blocked over 260 bills. To put this number in context, in the same period, the national legislature passed less than 150 laws. Mr. Speaker, this is a serious problem. It is the reason that we are here today talking about constitutional reform in Bosnia.

Mr. Speaker, as chairman or Co-Chairman for 12 years of the Commission on Security and Cooperation in Europe, known around here as the Helsinki Commission, and Co-Chairman of the Bosnia Caucus with my friend and colleague from Missouri, and chairman of the House Human Rights Committee for 8 years, I’ve had the opportunity to chair numerous Bosnia hearings and author congressional resolutions on Bosnia, including H. Res. 199 on the Srebrenica genocide.

My most recent trip to Bosnia was in July of 2007, and I joined relatives of those killed, murdered--massacred--in the Srebrenica genocide in a ceremony interring hundreds of the approximately 8,000 Bosnian Muslims who were killed in what the U.N. euphemistically designated to be a “safe haven.” It wasn’t. The ceremony was solemn, it was holy, and it was numbing. Reis Cerić, the Grand Mufti, gave a very powerful talk, a sermon, to all of those who had gathered. Reis Cerić is a great man of peace and faith, and, I’m honored to say, a good friend. Dr. Haris Silajđić, the President of Bosnia, is likewise a good friend, and spoke very eloquently about the huge loss of life, the importance of justice as well as about the future. Seeing hundreds of caskets with exhumed victims left an indelible impression on me.

During that visit and after meeting here as well as in Europe with members of the Bosnian community, it has become abundantly

clear that while Bosnia needs to move forward, that there needs to be an accounting for the atrocities committed. And to move ahead they need constitutional reform.

Sometimes we get reports or hear that ethnic tensions are rising in Bosnia and that, therefore, the constitutional reform process has to be slowed for a while--put on the back burner. That would be a big mistake. Bosnia is in a position similar to that of Poland, Romania, and other countries of Eastern Europe in the 1990s. When we debated their admission to NATO, for example, some said that their admission would destabilize the region. They were flat wrong. What could have dangerously destabilized Eastern Europe was continuing uncertainty about whether these countries would join the West or whether they might remain in the Russian sphere of influence. We resolved that uncertainty and further stabilized Eastern Europe by welcoming them to the West.

Likewise, with Bosnia, it’s long past time to send a strong, unambiguous signal that Bosnia does not have to remain a country forever preserved in the amber of the Dayton Accords. With this resolution, we invite the Bosnians to reform their constitution, become a one-person, one-vote democracy, and join the Euro-Atlantic community.

Mr. Speaker, our country has played a constructive role in Bosnia through both Democrat and Republican administrations, and I know the Bosnians appreciate that very much. The great majority of them will welcome strengthening our engagement to complete the American legacy of spreading democracy and security in Bosnia.

This is a good resolution, and I urge its passage by all Members of the House.