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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPORT
ROUND TABLE
ON CONSTITUTIONAL JUSTICE

Banja Luka, 23 – 24 October 1998

The Banja Luka Round Table on Constitutional Justice was organised by the Venice Commission, the American Bar Association, the EU Phare Programme and the Constitutional Court of the Republika Srpska. It was a follow-up to the Sarajevo Round Table organised in April this year by the same international partners and the Constitutional Court of Bosnia and Herzegovina.

Almost all judges and legal staff of the RS Constitutional Court, the RS Minister of Justice, Mr Cancar, together the President of the Constitutional Court of Bosnia and Herzegovina, the President of the Federation Constitutional Court and other Constitutional and Supreme Court judges from the entities participated in the Round Table. International experts from the Council of Europe (Mr Gil Robles, Mr Bardiaux), the Phare Programm and the American Bar Association attended the Round Table. The Round Table took place in the prestigious meeting room of the Building of the Presidency of the Republika Srpska.

Most of the work in the Round Table focused on specific problems of overlapping competencies and « hierarchy » of the various bodies entrusted with constitutional review in Bosnia and Herzegovina, the most complex problem being, this time, the admissibility of appeals to the BH Constitutional Court against decisions of the entities' constitutional courts. The question of the relations of the Constitutional Courts with the Human Rights bodies established by the Dayton Agreement was also discussed.

However, what is most important about the Round Table is the fact that constitutional judges from the two entities and from the State Constitutional Court met for a second time this year and that this meeting took place in Banja Luka. Although discussions were not conclusive, it is important to note that highly political issues such as the « federal » nature of BH, the « integration » process of BH, rights of « constituent peoples » and hierarchy of norms in BH, were approached and discussed in a very legal way.