

Communiqué of the Steering Board of the Peace Implementation Council



Emphasizing that the implementation of the General Framework Agreement for Peace (GFAP) remains the basis for a stable, secure and prosperous Bosnia and Herzegovina (BiH), the Peace Implementation Council Steering Board (PIC SB) reminds all parties of their obligation to comply fully with the GFAP, all its annexes, and decisions of the High Representative. It reaffirms its unequivocal commitment to the territorial integrity and fundamental structure of BiH as a single, sovereign state comprising two entities. The PIC SB restates that the entities have no right to secede from BiH and only exist legally by virtue of the BiH Constitution. The PIC SB reminds authorities in BiH that the BiH Constitution is an integral part of the GFAP and that the decisions of the BiH Constitutional Court are final and binding, and must be implemented. The PIC SB reiterates its full support for the High Representative in ensuring complete respect for the GFAP and carrying out his mandate under Annex 10 and relevant UN Security Council Resolutions, which remains unchanged. It underlines that the International Community retains the necessary instruments to uphold the GFAP. The PIC SB emphasizes the need to fully implement the 5+2 agenda, which remains necessary for the closure of the Office of the High Representative.

The PIC SB Political Directors met in Sarajevo on 7-8 June 2022.

The PIC SB met with civil society representatives and expressed full support for their work to advocate greater accountability from elected leaders. Those leaders have failed to deliver on their promises to their constituents to implement the reforms necessary to advance BiH's Euro-Atlantic integration, promote sustainable economic growth, entrench the rule of law, and combat corruption.

The PIC SB welcomed briefings from EUFOR and NATO on their respective operations. It reiterated the importance of EUFOR-ALTHEA's continued full mandate to ensure a safe and secure environment for implementation of the civilian aspects of the GFAP.

In this regard, the PIC SB notes the unprecedented political crisis which threatens the stability and prosperity of BiH and the Balkans region and calls on BiH leaders and institutions at all levels to reaffirm their commitment to a sovereign and functional BiH. Political actors must participate in good faith in all levels of government and avoid misuse of power-sharing structures; they must put an end to rhetoric and actions that divide the people of BiH; they must govern inclusively, at all levels, with respect for all of BiH's citizens; and they must work collaboratively and cooperatively to implement the reforms necessary to secure a democratic and prosperous future for BiH within the Euro-Atlantic community of nations. The PIC SB underscores that all BiH leaders are responsible for upholding the BiH constitution and ensuring implementation of the GFAP. It expresses resolve to engage with all parties and to use all available tools – whether bilateral, multilateral, or through the full mandate of the High Representative – to protect BiH's sovereignty, territorial integrity, and multiethnic character, to provide for BiH's safety, security, and stability, and to ensure the functionality and accountability of all levels of government

in BiH.

The PIC SB calls upon the Republika Srpska (RS) ruling coalition to cease all activities that threaten state institutions and violate the GFAP. This includes ensuring that the RS Law on Pharmaceuticals and Medical Devices, which hampers access to healthcare and the single economic space, and would undermine BiH's alignment with the EU acquis, does not enter into force. It is also important that the draft legislation on the establishment of an RS High Judicial and Prosecutorial Council does not move forward.

The PIC SB welcomes the 12 April decisions of the High Representative, which suspended the application of the RS Law on Immovable Property for Use by Public Authorities pending review by the BiH Constitutional Court, and expanded the scope of the State Property Disposal Ban to harmonize it with subsequent rulings of the Court. The PIC SB also calls upon the authorities in the Federation (FBiH) and its Cantons to bring relevant legislation in line with the BiH Constitutional Court rulings on state property. The PIC SB expects authorities at every level in BiH to fully implement decisions of the HR and cease any further illegal registration of state property.

The PIC SB expresses its full support for High Representative's efforts to launch a process within the BiH Parliament to resolve the issue of state property in accordance with BiH Constitutional Court rulings. The PIC SB encourages elected representatives to engage in good faith to adopt a State-level law addressing the issue of apportionment of property between the State and other levels of government, which is one of the 5+2 criteria to end international supervision.

Likewise, the PIC SB urges all elected and appointed representatives in state institutions to enable and fully participate in decision-making in those bodies. The PIC SB

calls upon state-level authorities to fulfill their legal obligation and adopt the long-overdue 2022 Budget of the Institutions and International Obligations of BiH, thereby ensuring sufficient funds for BiH institutions, such as the BiH Armed Forces, to perform their functions and deliver services to citizens. The PIC SB calls on the BiH authorities to reengage with reforms and implement the key priorities from the European Commission's Opinion without further delay. In particular, the PIC SB calls upon BiH authorities to pass without further delay key anti-corruption legislation at the State level: the Public Procurement Law, the Law on Conflict of Interest, and the amendments to the BiH Law on the High Judicial and Prosecutorial Council.

The PIC SB regrets that the 6 June decision of the BiH Council of Ministers allocating funding to the BiH Central Election Commission (CEC) to organize the 2022 General Elections on 2 October was both belated and insufficient. With the aim of ensuring citizens can exercise their basic constitutional and democratic right to choose their elected representatives, the PIC SB supports the High Representative's 7 June decisions. These ensure sufficient funds for the CEC to organize the Elections, while also providing durable systemic solutions to ensure election funding as well as continuous temporary financing of BiH institutions in the future.

The PIC SB calls upon all political actors to support the CEC in organizing the 2022 General Elections and to refrain from any political pressure on this body, and to ensure the timely implementation of the election results at all levels.

The PIC SB regrets that political parties, in particular HDZ BiH and SDA, were unable to reach agreement on constitutional and electoral reforms needed to restore citizens' confidence and required by the EC Opinion on the BiH membership application.

The failure to reach agreement on electoral reforms before the

elections in no way justifies repeated calls by the political parties under the Croat People's Assembly (HNS) umbrella for the institutional and territorial reorganization of BiH. The PIC SB notes that all rhetoric or unilateral actions undermining the stability and constitutional structure of BiH as one state comprising two entities are anti-Dayton and calls upon all political parties to cease such behavior.

The PIC SB condemns the stagnation and dysfunctionality in the FBiH, including the failure to appoint Federation-level and Herzegovina-Neretva Canton governments for three and a half years since the 2018 General Elections, which is a constitutional, and therefore GFAP, obligation. Moreover, the Federation President has failed in his constitutional duty to nominate judges to the Federation Constitutional Court, leaving the Court barely able to function and its Vital National Interest Panel completely unable to function.

In the context of the upcoming commemoration of the July 1995 Srebrenica genocide, the PIC SB notes that the guilt for this crime rests with the individuals who committed it, not with entire ethnic groups. However, society, political leaders, and institutions have a profound responsibility to acknowledge what occurred at Srebrenica and an enduring obligation to address this and other wrongs of the 1992-1995 war in BiH.

The PIC SB calls upon all parties to promote an environment conducive to reconciliation. This requires accepting and acknowledging the facts, teaching the truth to future generations, honoring and remembering all victims regardless of their ethnicity, working to locate, recover and identify the missing, and investigating and prosecuting the suspects who remain at large. This is the only path to a future that heals and binds the wounds of BiH and that guarantees a just and lasting peace between the children and grandchildren of those who suffered and died between 1992 and 1995.

The PIC SB commends the efforts of Mr. Michael Scanlan, the

Principal Deputy High Representative (PDHR) and Brčko District Supervisor, in working with the Steering Board members to uphold the Dayton Peace Accords, advance the 5+2 agenda and create a dynamic of reforms in Brčko District. The PIC SB welcomes Mr. Jonathan Mennuti, who will assume the role of PDHR and Brčko District Supervisor.

The PIC SB will hold its next regular meeting on 6-7 December 2022.