

Draft RSNA Declaration goes against fundamentals of Peace Agreement

High Representative Valentin Inzko today urged members of the Republika Srpska National Assembly to show their commitment to the Dayton Peace Agreement by refraining from adopting a Declaration that denies the authority of the Constitutional Court of Bosnia and Herzegovina.

The draft Declaration, which is due to be discussed by the RSNA tomorrow, is of particular concern because it expresses the intent not to implement the pending decision of the Constitutional Court in the case concerning the Law on Holidays of the RS, as well as to review past decisions of the BiH Constitutional Court. This would directly contravene the Constitution of BiH, as set forth in Annex 4 to the Dayton Peace Agreement, which states explicitly that decisions of the BiH Constitutional Court are “final and binding.”

In addition, the draft Declaration represents a direct challenge to the independence of the BiH Constitutional Court, insofar as it amounts to an unacceptable attempt by the RS National Assembly to exert political pressure on a Court in its deliberations on a particular case.

These actions raise serious questions about the commitment of the RS authorities to the basic principle of the Rule of Law, which is at the core of the BiH Constitution and the Dayton Peace Agreement.

The Constitutional Court is the only BiH institution that has the capacity to resolve disputes between BiH institutions and the different levels of government and has contributed greatly to the implementation of the Dayton Peace Agreement and the advancement of the rule of law in Bosnia and Herzegovina.

The international community has repeatedly reminded the authorities of their constitutional obligation to implement all decisions of the Constitutional Court. Observance of the rule of law and abiding by the Dayton Agreement, and in particular the constitutional and legal framework of BiH, is a prerequisite for both the stability and development of Bosnia and Herzegovina.