

Statement of the High Representative Valentin Inzko

The High Representative has noted with great concern recent public statements, including by the President of the Republika Srpska, that deny the statehood of Bosnia and Herzegovina, that characterize the country as a state union [državna zajednica], and that claim that BiH derives its sovereignty only from the entities. Considering that similar incorrect characterizations of the constitutional status of Bosnia and Herzegovina have become all too common, the High Representative would like to recall the text of the Dayton Peace Agreement.

The Constitution of Bosnia and Herzegovina unambiguously states that *“the Republic of Bosnia and Herzegovina, the official name of which shall henceforth be ‘Bosnia and Herzegovina,’ shall continue its legal existence under international law as a state.”* The Constitution also specifies that *“Bosnia and Herzegovina shall be a democratic state”* and *“shall consist of the two entities.”* In other words, the entities were legally established by the Constitution of Bosnia and Herzegovina, while Bosnia and Herzegovina continued its existence under international law as a state with its internal structure modified.

Moreover, the High Representative recalls the position of the Constitutional Court of Bosnia and Herzegovina in the Constituent Peoples case. The Court held that the Entities are subject to the sovereignty of Bosnia and Herzegovina and that the Constitution of BiH does not recognize the Republika Srpska and the Federation of Bosnia and Herzegovina as “states” but instead refers to them as “Entities”. The Court concluded that the Constitution of BiH does not leave room for any “sovereignty” of the Entities and that the Entities’

powers are in no way an expression of their statehood, but are derived from this allocation of powers through the Constitution of BiH.

Bosnia and Herzegovina is a sovereign state. The Peace Agreement could not be clearer on this point, and the High Representative rejects any assertion to the contrary. He earnestly calls on all parties to refrain from making false and potentially destabilizing statements about the constitutional arrangements provided for under the Dayton Peace Agreement.