

RS Referendum on Dayton Risks Going Beyond Rule of Law



The planned referendum proposed by the SNSD-led RS Government to question elements of the General Framework Agreement for Peace (GFAP, also known as the Dayton Peace Agreement) falls outside the scope of the entity's constitutional competencies, is contrary to its obligations under the constitution of Bosnia and Herzegovina, and, as the High Representative has already made clear, is a violation of the GFAP.

The SNSD-led Republika Srpska Government is obliged to respect the Dayton Peace Agreement in its entirety and not challenge actions undertaken on the basis of Dayton and UN Security Council Resolutions adopted under Chapter VII of the United Nations Charter. The SNSD-led government should therefore cease from endangering BiH's international obligations and commitments.

By organizing a referendum on these issues, the SNSD is manipulating RS voters to divert attention from the real economic problems facing citizens. Such actions are in defiance of the rule of law and endanger the reputation of the Republika Srpska.

During his last visit to Banja Luka the High Representative was clear that "[r]ejection of the most basic principles of the Dayton Peace Agreement as well as standards of international law, means the SNSD is setting the RS on the dangerous path of legal uncertainty."

Conclusions and public statements that negate the constitutional order of the country and the legal framework regulating BiH judicial institutions, question cooperation

with the ICTY, and deny facts about war crimes proven beyond a reasonable doubt in a court of law, all fly in the face of the rule of law. By resolution of the UN Security Council, all countries are obliged to cooperate with the ICTY, especially Dayton signatories. Article IX on the very first page of the Dayton Agreement obliges the Parties to Dayton to “cooperate fully with all entities involved in implementation of this peace settlement, as described in the Annexes to this Agreement, or which are otherwise authorized by the United Nations Security Council, pursuant to the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.”

The Steering Board of the Peace Implementation Council has repeatedly underlined that the International Community retains the necessary instruments to counter destructive tendencies and that it will not allow attempts to undermine the GFAP and will keep the situation under constant review. The Steering Board of the Peace Implementation Council has also repeatedly reminded the authorities and political party leaders of this country that BiH is an internationally recognized sovereign state whose territorial integrity is guaranteed by the GFAP. Any challenge to the basic features of the GFAP will be considered as unacceptable, including unilateral actions aiming at endangering the constitutional order of BiH.