

Decision on the implementation by the BiH authorities of the GFAP with a view to reconciliation and multi-ethnicity

Acceleration of implementation

The High Representative wishes to remind the authorities in Bosnia and Herzegovina and its Entities that the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and its Annexes (GFAP) by them needs to be accelerated in order to establish enduring peace and stability in Bosnia and Herzegovina, to create the necessary conditions for the peaceful, phased and orderly return of refugees and displaced persons and to guarantee the respect to the basic constitutional principles of reconciliation and multi-ethnicity.

Pursuant to his authority under Annex 10 to the GFAP, emphasised in Section X of the Bonn Document of December 1996 as well as in paragraph 107 of the Luxembourg Declaration of June 1998, the High Representative has the authority to take any measures which he deems necessary in order to ensure that the GFAP is speedily implemented by the competent authorities in Bosnia and Herzegovina and its Entities in accordance with the principles laid down therein and by taking a number of confidence building measures.

Respect of general principles

1. Laid down in Annex 4 to the GFAP

General principles of peace, justice, tolerance and reconciliation, as well as respect for human dignity, liberty and equality, as laid down in Annex 4 (Constitution of Bosnia and Herzegovina) to the GFAP, must be respected and applied by all authorities in Bosnia and Herzegovina vis-a-vis citizens of all cultures and religions and other persons within their jurisdiction. In particular, the following provisions of the BH Constitution need to be underscored:

- **Second sentence of its Preamble**

Stressing the dedication “to peace, justice, tolerance and reconciliation”

- **Article II: Human rights and fundamental freedoms**

- 1. **Human Rights**

“Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognised human rights and fundamental freedoms.”

- 2. **International Standards**

“The rights and freedoms set forth in the European Convention for the protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.”

- 3. **Enumeration of Rights**

- e. “The right to a fair hearing in civil and criminal matters, and other rights relating to criminal procedures” (in particular, the right to an independent and impartial judiciary);
 - g. “The freedom of thought, conscience and religion”;
 - h. “The freedom of expression” (in particular, the right to independence, fairness and freedom of the media);
 - l. “The right to education”;
 - m. of ethnic origin, religious belief or political opinion.

Sarajevo, the 1st of July 1998

Carlos Westendorp
High Representative

Office of the High Representative