

Communiqué of the Steering Board of the Peace Implementation Council *



The Peace Implementation Council Steering Board (PIC SB) Political Directors met in Sarajevo on 7-8 December to review the process of implementation of the General Framework Agreement for Peace (GFAP), which remains the basis for a stable, secure, and prosperous Bosnia and Herzegovina (BiH). The PIC SB reminded all parties of their obligation to comply fully with the GFAP, all its annexes, and decisions of the High Representative. It reaffirmed its unequivocal commitment to the territorial integrity and fundamental structure of BiH as a single, sovereign state comprising two entities. The PIC SB restated that the entities have no right to secede from BiH and only exist legally by virtue of the BiH Constitution. The PIC SB reminded 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 reiterated 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 underlined that the International Community retains the necessary instruments to uphold the GFAP. The PIC SB emphasized 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 with the BiH Presidency to discuss the political situation in BiH and the coalition priorities by the end of this mandate, and with BiH judicial authorities:

- The PIC SB Political Directors expressed grave concern about the persistent divisive rhetoric by politicians in BiH. Rhetoric about secession of entities, talk about hypothetical war scenarios or negation of ICTY verdicts is unacceptable and creates a climate which undermines interethnic dialogue and reconciliation, and any progress in improving the lives of the citizens of BiH.
- The PIC SB deplores the lack of progress, the wasted opportunities and the loss of considerable funding over the past six months, due to political infighting and the authorities avoiding their responsibilities, including the state-level institutions being unable to pass key legislation and implement reforms crucial to social and economic progress, as well as the 5+2 conditions. The PIC SB regrets that the FBiH has failed to pass and implement legislation, including on the entity government's own Reform Agenda priorities.
- With regard to the claims in the 7 November 2017 RSNA Conclusions, the PIC SB reiterated that under the GFAP sovereignty and statehood rests with the state of Bosnia and Herzegovina, and that BiH is not a union of states. Republika Srpska is a component entity of the state of Bosnia and Herzegovina, and not a state in its own right. The PIC SB recalled that foreign policy and seeking membership in international organizations and institutions is the exclusive responsibility of the state-level institutions.

The PIC SB focused on the challenges in the period ahead, and called on the relevant authorities in BiH to deliver on the following urgent priorities:

Take steps toward improving the overall atmosphere in the

country. Use the time until the elections to refocus and deliver on issues important to the citizens of BiH. Refrain from unilateral actions and strictly adhere to the fundamental principles of compromise, dialogue and consensus among the three constituent peoples in making decisions, thereby contributing to political stability and creating opportunities for economic development.

Engage constructively and responsibly towards effective implementation of all those reforms crucial to improve the lives of the BiH citizens, strengthen regional cooperation, increase the country's competitiveness, and advance BiH's EU aspirations. To this end undertake concrete actions to fulfil the Written Commitment to EU Integration, which the BiH political leadership signed in 2015. These include, *inter alia*: reforms to create jobs, to further strengthen the rule of law and improve the judiciary, to deliver better and more efficient public administration, as set out in the Reform Agenda; submission of a comprehensive and single set of answers to the Commission Questionnaire; continued implementation of the obligations under the Stabilisation and Association Agreement; measures to accelerate strengthened regional cooperation, infrastructure efficiency and connectivity, as well as the reconciliation process.

Meet the outstanding requirements under the IMF Extended Fund Facility with the utmost urgency, in keeping with the clear commitments made by the authorities to the IMF, in order to unlock international assistance to the country's fiscal stability and economic development. Improve the donor coordination mechanism in BiH and exercise more ownership in the economic and social development process.

Take the necessary steps to enable the smooth conduct and implementation of the results of the 2018 General Elections. As an immediate priority, the 1 December 2016 ("Ljubic case") decision of the BiH Constitutional Court, which specifically concerns the elections to the Federation House

of Peoples, must be implemented, and not made more challenging by combining it with political demands. The PIC SB also supports efforts to bring the electoral system in line with decisions of the European Court of Human Rights. The PIC SB further encourages the resolution of the issues of the Serb Caucus of the FBiH House of Peoples, and the implementation of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Group of States against Corruption (GRECO) recommendations aiming to improve the electoral process. The PIC SB urges the relevant political leaders to implement the BiH Constitutional Court decision on Mostar and thereby enable the holding of elections in the city, which must remain a single, multi-ethnic unit of local self-governance, in addition to relevant administration below the city level.

Take concrete steps to address recent setbacks in, and strengthen the rule of law and fight corruption as a matter of priority. Refrain from attempts to undermine the authority of judicial institutions. Develop independent, efficient, impartial, and professional judicial, prosecutorial, and law enforcement institutions throughout BiH, which are able to investigate and prosecute corruption, especially at high levels, thus enhancing the authority of judicial institutions on all levels and building people's confidence in them. Implement court decisions without delay.

Find durable solutions to overcome discriminatory practices in education, such as the 'two-schools-under-one-roof', lack of access to National Group of Subjects, breaches of the Criteria for School Names and Symbols, and to implement the constitutional rights of citizens in the sphere of education, including the right of constituent peoples and others to name and use their own language. Refrain from any actions which further politicize education in BiH and impede reconciliation, including breaches of the Criteria for

School Names and Symbols, the most recent example being the Mustafa Busuladzic School in Sarajevo Canton, which the authorities have committed to address. Support education reform also as a precondition for socio-economic development.

Continue efforts to improve coordination and full cooperation, internally and internationally, to counter the common threat of terrorism, and all forms of violent radicalism and extremism.

Advance reconciliation, mutual understanding and tolerance and refrain from divisive events, actions and rhetoric, including the glorification of convicted war criminals, historical revisionism and the provocative use of symbols. Support the Mechanism for International Criminal Tribunals (MICT), which will succeed the ICTY when it closes its doors in December 2017. Respect the rulings of the ICTY, which has made a considerable contribution to international criminal justice and accountability for serious international crimes during the course of its 24-year mandate, and the body of international jurisprudence that will be its legacy. Encourage the BiH judicial institutions to complete the processing of war crimes cases.

Continue to enhance regional cooperation in different formats aimed at contributing to sustainable reconciliation, increased mutual understanding, fostering new opportunities for economic development and broadened cultural ties.

NATO members of the PIC SB and Japan encouraged the authorities to implement the BiH Defense Review, adopted in December 2016, to modernize the country's defense-related institutions and capabilities, and to register prospective defense properties in both entities. The RS authorities must comply with binding decisions by the Courts of BiH in the case concerning the prospective property location in Han Pijesak ("Veliki Zep").

The PIC SB will hold its next meeting in Sarajevo on June 2018.

** The Russian Federation does not join this Communique.*