Communiqué of the Steering Board of the Peace Implementation Council

The Peace Implementation Council Steering Board (PIC SB) Political Directors met in Sarajevo on 6-7 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 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 reviewed current developments in BiH since its last meeting on 7-8 June 2016 and in particular noted the following:

The PIC SB took note of the annulment by the BiH Constitutional Court of the results of the referendum on the Day of Republika Srpska on the grounds that it was carried out on the basis of a decision which the Court had confirmed is not in accordance with the Constitution of BiH and contrary to the order of the Court set forth in its interim measure. The PIC SB called for full respect for the relevant decision of the BiH Constitutional Court on the RS Law on Holidays. They also underlined the need to respect the rule of law, and the authority of all State-level judicial institutions.*

The PIC SB encouraged all BiH's leaders to contribute to political stability by resolving disputes through dialogue. State-level competences must not be undermined and entity-level competences should also continue to be fully respected. The PIC SB called on the authorities to ensure the proper functioning of institutions at all levels, including those responsible for upholding the rule of law. The PIC SB in particular called upon the responsible political leaders in the FBIH to unblock the work of the Federation parliament, whose houses have met infrequently since July, and which must not be held hostage by the lack of consensus over certain legislative proposals.

The PIC SB noted the progress achieved by BiH in its EU ambitions, as confirmed, in September 2016, by the decision of the Council of the European Union to invite the European Commission to submit its opinion on BiH's membership application. In this context, it welcomed the agreement on the Coordination Mechanism. The PIC SB called upon the leadership in BiH to accelerate implementation of the Reform Agenda – socioeconomic, rule of law, justice and public administration reforms – as also agreed upon in the Written Commitment to EU Integration. These actions are meant to improve the lives of

BiH citizens and will help them, *inter alia*, realise their long-standing EU aspirations.

The PIC SB noted the final election results published by the Central Election Commission on 2 November. The PIC SB regretted that the election process was interrupted in Stolac. Election irregularities and intimidation are unacceptable and must be investigated and processed by the competent institutions. The PIC SB called upon the Central Election Commission to take a decision on the re-run of elections in Stolac without further delay. The PIC SB also encouraged the elected representatives in those municipalities and cities across BiH who have not already constituted their authorities, to do so in accordance with the law. It called upon all municipal authorities to work for the benefit of all citizens irrespective of their ethnic or religious background.

The PIC SB deplored the utter failure of the political parties over the past six years to meet their obligations to implement the ruling of the BiH Constitutional Court on the electoral system for Mostar. The PIC SB called upon all parties, in particular SDA and HDZ BiH, to reach a compromise to allow voters in Mostar to exercise their basic right to vote. The PIC SB reaffirmed its principle that the city of Mostar must remain a single, coherent, multi-ethnic unit of local self-government, with some level of local authority/administration below that of the city.

The PIC SB strongly urged all political, social and religious leaders in BiH to advance mutual understanding and tolerance and to refrain from negative and divisive policies, actions and rhetoric, as well as historical revisionism and the provocative use of symbols, which can have a radicalising effect on individuals and communities. In particular, it is wholly inappropriate for anyone, particularly leaders and institutions, to praise, celebrate or decorate war criminals or WWII-fascist ideology. Genocide, war crimes and crimes against humanity must not be forgotten or denied. The PIC SB

encouraged all leaders to jointly take concrete steps towards reconciliation. The PIC SB also called upon all political, social and religious leaders to support the independent work of justice institutions dealing with war crimes and fighting impunity and to promote intensified cooperation among justice institutions of countries in the region.

The PIC SB voiced its concern over the threats of radicalism and extremism in BiH, including the financing of terrorism. Welcoming the BiH authorities' efforts to counter radicalism and terrorism, the PIC SB encouraged the relevant authorities in BiH at all levels to continue efforts to tackle these threats through improved coordination and full cooperation, both internally and with the international community, and to complete the necessary legislative and regulatory steps required by the Financial Action Task Force.

The PIC SB stressed that education is of the utmost importance for reconciliation, sustainable peace and economic development. It called upon the authorities in BiH to advance decisively with education reform aimed at improving education standards to meet the demands of 21st century labour markets, based on principles of non-politicization, non-discrimination, non-segregation and inclusiveness.

The NATO member states and Japan congratulated the BiH authorities on the completion of the Defence Review and invited them to proceed with its implementation. They expressed full support to all competent authorities in the defence property registration process, and urged them to intensify their efforts, with the aim of activating the NATO Membership Action Plan, in line with the 2009 formal request by the BiH Presidency and the 2006 Law on Defence. The NATO member states and Japan recalled the 2012 ruling by the BiH Constitutional Court, according to which prospective defence property, along with other state property, belongs to the state, and called on the RS authorities to enable and not delay the registration of such property located on the

territory of the RS. They expressed concern over the RS authorities' refusal to comply with decisions taken by the Court of BiH in the case concerning the prospective property location in Han Pijesak ("Veliki Zep").

The PIC SB met with members of civil society to discuss, among other issues, the pervasive corruption in BiH, which remains a serious problem impeding the country's social, economic and political development. The PIC SB again called on BiH leaders and competent authorities to redouble their efforts to protect and advance the rule of law and to prevent and fight corruption and organized crime in BiH. The PIC SB reiterated its full support for the development of independent, efficient, impartial, and professional judicial, prosecutorial, and law enforcement institutions throughout BiH. The PIC SB urged these institutions to investigate and prosecute corruption, especially at high levels, and implement court decisions at all levels, without further delay.

The PIC SB will hold its next meeting in Sarajevo on 6-7 June 2017.

* The Russian Federation disagrees with this paragraph.