

OHR: Transfer of Competency Agreement Withdrawal Legally Questionable



The Office of the High Representative believes that the possibility of withdrawing unilaterally from a transfer agreement previously passed by the democratic consent of both Entity legislatures is legally questionable and could only be determined by the Constitutional Court of Bosnia and Herzegovina.

The OHR made clear its position on this matter in response to recent statements by the RS Government concerning agreements on transfer of competency.

To date, there have been only three formal transfer agreements – in the fields of judicial reform, defence reform and indirect taxation – none of which was imposed by the international community.

In the wake of the transfer agreements, a series of important benefits have accrued to Bosnia and Herzegovina. Transfer agreements have also contributed to progress regarding Euro-Atlantic integration.

The invitation to join NATO's Partnership-for-Peace programme, increased revenues through the single account and ITA collection method, and uniform rules and regulations with regard to judges and prosecutors all resulted from transfer agreements. Steps to roll back transfer agreements would place these benefits at risk and could put into question Bosnia and Herzegovina's European perspective.