

Statement by the Ambassadors of the PIC SB on the Referendum as Decided by the RSNA on 15 July*



The BiH Constitution states unambiguously that decisions of the BiH Constitutional Court are final and binding, and that the entities are bound to comply with the decisions of BiH institutions. In this context, the proposed referendum in the Republika Srpska (RS), by asking voters to declare themselves on a matter already decided by the BiH Constitutional Court, is destabilizing, and is creating political tensions, which are an unhelpful distraction from the very serious economic and social challenges facing BiH. We urge the RS authorities not to hold the referendum.

While a referendum regarding entity holidays may be within the competence of an individual entity, any referendum must be conducted in a way that is consistent with the BiH Constitution, and cannot violate the General Framework Agreement for Peace (GFAP) or the constitutional framework of BiH. Ambassadors of the Peace Implementation Council Steering Board (PIC SB) note the RS Government's assertion that the referendum is intended as "a step towards implementing the BiH Constitutional Court's decision." But the PIC SB also notes that the RS President and the RS National Assembly (RSNA)[\[1\]](#) have repeatedly challenged the authority of the state level judicial institutions in BiH. Such statements and acts run

counter to the GFAP and the rule of law, and are simply unacceptable.

In this context, we underline that no referendum can change the final and binding nature of decisions of the BiH Constitutional Court. The decision of the BiH Constitutional Court will remain fully in force and must be respected, as required by the GFAP. The PIC SB Political Directors have repeatedly emphasized, including in June 2016 and December 2015, "that the BiH Constitutional Court is an integral part of Annex 4 of the General Framework Agreement for Peace (GFAP), and is key to its implementation." The PIC SB reaffirms its support for the High Representative as the final authority on the interpretation of the civilian aspects of the GFAP, as provided in Annex 10 of that agreement and in relevant UN Security Council resolutions.

The PIC SB encourages the institutions of BiH to resolve this issue through the established legal processes and the existing constitutional framework, and through constructive dialogue. In this context, we note that there are pending proceedings in front of the BiH Constitutional Court initiated by members of state-level institutions to assess the constitutionality of the RSNA decision on the referendum, as well as a request for review of the Decision of the BiH Constitutional Court concerning the RS Law on Holidays submitted by the RSNA. The PIC SB understands that the President of the BiH Constitutional Court has indicated that a session could be held before the referendum.

The PIC SB further calls upon all parties in BiH to refrain from reactive measures and divisive rhetoric, which only further contribute to a negative political atmosphere. In this context, the PIC SB deplores the use of secessionist rhetoric from all sides, and reaffirms its unequivocal commitment to the territorial integrity and fundamental structure of BiH as a single, sovereign state comprising two entities, which have no right to secede. We will not tolerate

any violation of the GFAP, including but not limited to attempts at secession. There will be no redrawing of the map of BiH.

The PIC SB will remain seized with this issue, and will continue to monitor further developments.

* The Russian Federation does not join this statement.

[\[1\]](#) For example, in the explanatory note that accompanied and underpinned the decision taken by the RSNA on 15 July 2016, which referred to decisions by the BiH Constitutional Court as “of questionable legal legitimacy.”