

BiH DAYTON PROJECT

The High Representative is Wrong about RS Reports to Security Council

May 20, 2019

At the UN Security Council's May 8 meeting about Bosnia and Herzegovina (BiH), High Representative Valentin Inzko made the outlandish claim that BiH's "entities cannot send reports" to the Security Council and suggested that the semiannual reports Republika Srpska submits to the Council are "illegal."

Mr. Inzko's claims flatly contradict the BiH Constitution and a ruling on this very issue by the BiH Constitutional Court. No international or domestic law is violated in even the slightest way by Republika Srpska communicating directly with the Security Council and its members.

Nothing in the Dayton Accords in any way restricts the rights of the Entities to communicate directly with the United Nations and other international organizations, or with individual members of the Security Council.

Not only are there no restrictions on such communications, the BiH Constitution (Annex 4 of the Dayton Accords) explicitly envisions that the Entities may engage in such communications. For example, Article III-2-d of the Constitution authorizes the Entities to "enter into agreements with states and international organizations with the consent of the Parliamentary Assembly."

Indeed, in 2010, the BiH Constitutional Court [explicitly affirmed](#) the right of Republika Srpska to submit reports to the UN Security Council. Mr. Inzko should be aware of this decision, which was announced early in his tenure.

There has never been any objection by the Security Council to Republika Srpska reporting directly to the Council on the situation in BiH. In fact, many international organizations and members of the Security Council maintain offices in Banja Luka or frequently visit the city specifically in order to facilitate direct communications with the RS Government. It would be preposterous to suggest that such direct communications by Republika Srpska are somehow illegal or otherwise improper in any way.

As a party to the international agreements that make up the Dayton Accords, Republika Srpska has the right to communicate with members of the international community regarding its rights and duties under those agreements. Moreover, this right is recognized in the BiH Constitution and was specifically affirmed by the BiH Constitutional Court.

Republika Srpska has been submitting regular reports to the Security Council for ten years. It is inexplicable that the propriety of this practice should be questioned by Mr. Inzko at this late date, and it is particularly difficult to understand how Mr. Inzko could suggest that all such communications need to go through the BiH-level structure at a time when BiH's largest Bosniak party, the SDA, is blockading formation of the BiH Council of Ministers.

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This website presents materials representing a variety of viewpoints with respect to Bosnia and Herzegovina. They are made available by McGinnis Lochridge, the Republika Srpska Government's legal counsel for matters of international law. Additional information is on file with the Department of Justice in Washington, DC.

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