

BiH Dayton Project



Republika Srpska's 32nd Report to the UN Security Council

 October 31, 2024

On October 30, 2024, Republika Srpska submitted its 32nd Report to the UN Security Council. Below is the report's executive summary. Read the full report [here](#).

Executive Summary

Republika Srpska (RS), a party to the treaties that make up the 1995 Dayton Agreement and one of the two autonomous Entities that make up Bosnia and Herzegovina (BiH), is pleased to submit this 32nd Report to the UN Security Council.

Part I of the Report reaffirms the RS's dedication to the Dayton Agreement, which includes commitments to respect the sovereignty and territorial integrity of BiH and to resolve disagreements solely through peaceful means. It also includes

an insistence on faithful adherence to the BiH constitutional structure and to the constitutional protections for the interests of BiH's three constituent peoples.

Part II of the Report emphasizes the need for all domestic and foreign actors to likewise respect the Dayton Agreement. The BiH Constitution's consociational mechanisms and federal structure are vital to ensuring peace and stability in a polity formed by three formerly warring peoples. Consociational mechanisms are used in countries with deep ethnic or other divisions to ensure that each community's interests are protected and to prevent domination by a single community. Despite the success of consociational mechanisms in BiH and elsewhere in Europe, some domestic and foreign actors have been working to undermine them in BiH. For BiH to succeed, all actors must respect the Constitution's consociational mechanisms, which are an essential element of the Dayton compromise.

Some actors have also been attacking another lynchpin of the Dayton compromise, BiH's constitutional structure as a federal state that leaves all but a limited set of enumerated powers to BiH's two Entities. Largely due to illegal decrees issued by the Office of the High Representative (OHR), the BiH level of administration has seized many powers that are plainly assigned to the Entities under the Constitution. Yet Bosniak parties and their foreign allies are still not satisfied; they want the BiH level to seize all public property from the Entities, and some major Bosniak parties are seeking to abolish the RS altogether. For BiH to succeed, all domestic stakeholders and interested international parties must respect BiH's federal structure.

Part II also examines the role of Christian Schmidt, a German who claims to be the High Representative and, without any legal basis, exercises unrestrained authority to enact laws in BiH by decree. Such edicts plainly violate the human rights of BiH citizens. Moreover, Mr. Schmidt's rule by edict ravages the rule of law in BiH, because no one—not even a legitimate High Representative—has legal authority to enact laws in BiH by edict. The Dayton Agreement, which is the only source of the High Representative's legal authority, does not give the High Representative anything remotely resembling the power to rule by decree. Part II also explains how Mr. Schmidt and the High Representatives who preceded him have been harmful and destabilizing to BiH.

Part II, lastly, condemns illegal foreign interference in BiH's domestic affairs in response to RS leaders' defense of the BiH constitutional order, in particular, the economic war against the RS being waged by certain elements of the United States government. This counterproductive campaign of bullying will not work and only serves to cause needless pain and resentment among RS residents.

Part III of the Report reiterates the RS's commitment to advancing BiH's EU path while preserving BiH's constitutional order. It explains how BiH's rapid progress on EU integration was derailed by Mr. Schmidt's edict purporting to enact sweeping changes to the BiH electoral law and is further undermined by Bosniak politicians' unconstitutional takeover of BiH foreign policy from the BiH Presidency. It also explains how Mr. Schmidt and the OHR sabotage BiH's EU integration and how the EU has recognized that the OHR must not continue ruling BiH. Part III also emphasizes that BiH's constitutional structure must be respected during the EU integration process.

The RS believes BiH can succeed and advance to EU membership if the Dayton constitutional order is respected by all domestic and foreign parties with a stake in the country's future.

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