

H.E. Josep Borrell

High Representative of the European Union for Foreign Affairs and Security
Policy/Vice-President of the European Commission

Sarajevo, 17 May 2021

Respected High Representative, dear Mr. Borrell,

As the end of my mandate is approaching and the situation on the ground is deteriorating to a level that has made many of us on the ground seriously worried, I wanted to share with you some of my thoughts about the situation in Bosnia and Herzegovina. I am writing to you as the High Representative for BiH, in charge of the civilian implementation of the Dayton Peace Agreement.

Although in over 12 years I have faced various problems in the process of implementation of the peace agreement, to date I have not sought the application of the European sanctions for the violations of the Dayton Peace Agreement. Much to my regret, I am forced now to seek the application of the EU sanctions in order to defend Bosnia Herzegovina, the Dayton peace treaty, Copenhagen criteria, but also universal civilizational values, to further prevent the glorification of convicted war criminals in BiH.

General remarks:

Allow me first, to give you an overview of the situation, which, regrettably it is on a downward trajectory for several years.

The overall political situation has deteriorated further with a number of negative actions suggesting that BiH is further away from lasting political stability than ever before. Political leaders continue to pursue wartime goals, generate divisive narratives and nationalistic political agendas. Thus, hate speech, outright denial of genocide, despite the verdicts of international judicial bodies, remain very common in the political discourse.

The affirmative and prescriptive engagement of the international community under the leadership of the EU and the US remains crucial in order to adopt the reforms that will eventually be needed for integration of the European Union. However, while these efforts are ongoing, we have had great difficulty to address the numerous challenges to the Dayton Peace Agreement, which are increasingly difficult to handle without more robust international presence. As the appointment of a successor is being discussed, I believe that it will be crucial, to recalibrate the approach of the international community as a whole, in order to ensure that the small steps forward, that BiH is taking with great difficulty, are not accompanied by major backlashes. For that, I believe it is time to consider the options and use the tools that the international community still has at its disposal.

Much to my regret, in the last weeks and even days, the attempts to undermine the General Framework Agreement of Peace, including by questioning the territorial integrity of the Bosnia Herzegovina, have accelerated and reached a level where push back at international level is critical. Political leaders still face no consequences for their destructive actions while the current situation strongly suggests that the current approach of only positive incentives with no “sticks” or other punitive measures must be reconsidered. To the contrary, these policies are being rewarded and enable those in power to remain in power.

Recent challenges by the Republika Srpska (RS) authorities – led de facto by BiH Presidency member and leader of the main Serb party, the Independent Union of Social Democrats (SNSD), Milorad Dodik – to the fundamentals of the General Framework Agreement for Peace (GFAP), including to the sovereignty and territorial integrity of BiH, as part of their longstanding policy, aiming at roll back reforms and reclaim competences from the State, are a cause for grave concern. In March, the RS National Assembly (RSNA) adopted several conclusions in this regard, which also call for an end to the military component of the international mission in BiH under Annex 1A of the GFAP. Most troubling, the RSNA calls on local political actors to engage in discussions on the future of BiH and warns that if the issue is not tabled on the agenda soon, “**talks on peaceful dissolution should be launched.**”

I see the mention of “peaceful dissolution” while also calling for the withdrawal of the international military presence and the call for recreation of a RS Army, as a threat to the sovereignty and territorial integrity of BiH, and thus to peace and stability of the country. This is definitely, how a great many of its citizens understood it. SNSD leader Milorad Dodik is the most frequent exponent of such proclamations, including renewed threats to organize an **RS referendum on secession** and more recently, as mentioned, the notion of a “**peaceful dissolution**” of BiH, and at the same time calling the entity Republika Srpska a State. I attach to this letter some of his latest statements in that respect.

In addition, the Chair of the Presidency, Milorad Dodik, at the recent anniversary of the 3rd Regiment of the BiH Army called for the **re-establishment of the RS Army**, calling the RS a de facto state and reiterating his views about the need to undo what has been achieved so far at state level. He further mentioned that the RS is working on making the internal IEBL thicker, a hint that it could be turned into an international border.

I must reiterate that the Peace Implementation Council Steering Board (PIC SB) has consistently reaffirmed its unequivocal commitment to the territorial integrity and fundamental structure of BiH as a single, sovereign state comprising two entities and that there will neither be any redrawing of the map of BiH, nor any discussion in that regard. This however, will not suffice to contain the secessionist tendencies that are on a daily basis being acted upon.

The international community, more than ever, needs to take a decisive stand to stop such centrifugal tendencies which are taking the country further into a downward spiral.

This downward spiral could have both political and security implications and promotes disintegration rather than integration. This is also the case for those reforms that are currently being discussed under EU and US leadership. The main lesson I draw from the last decade is that, institutionally, with few exceptions, **Bosnia and Herzegovina does not have the instruments to defend itself** from attacks on its institutions, attacks, that are coming from both inside and sometimes outside the country. In this context, I strongly believe that the tools that the international community has at its disposal, need not only be retained, but that it is time for the EU to show that it can truly have a transformational effect in BiH by using these tools.

Whereas Bosnia and Herzegovina should indeed find its place in Europe, which would strengthen also our own security, I believe that the very serious situation in the country requires a change of policy and requires reforms that could transform the BiH political landscape. These changes must be prioritized, to ensure that EU integration is a reward to parties that truly share European values.

Every single issue, which I mentioned above, would deserve sanctions (dissolution of the country, reestablishing the army of Republika Srpska, making out of the internal, Inter - Entity Boundary Line a State border, the disrespect of the verdicts of the BiH Constitutional Court and the ECHR), but definitely all issues put together.

Glorification of convicted war criminals, request for introduction of EU sanctions

However, the issue I am today concretely asking sanctions for, is the repeated glorification of war criminals.

Regretfully, several initiatives since 2011, including a recent one, to modify the Bosnian Herzegovinian Criminal Code, in order to legally prohibit the negation of genocide have failed.

In this regard, EC Opinion is crystal clear, which underlines that “revisionism and genocide denial contradict the most fundamental European values”.

It is evident that the glorification of war crimes and the implementation of peace are a *contradictio in adiecto*, and that, in such conditions, neither I nor my potential successor are able to fulfill our mandate without a strong European support. As German Foreign Minister Heiko Maas said on 28th of October 2020 in his landmark speech, addressed to the Youth of the Balkans: “In a country that wants to join the EU, there is simply no place for nationalistic agitation, for the denial of war crimes or the **glorification of war criminals**”.

I therefore ask you to take into account our attached list of recent explicit supporters – politicians (11), of war criminals in BiH. I am deeply convinced that concrete European sanctions, a travel ban to the EU and a freeze of accounts would have serious effects and greatly reduce anti-Dayton behavior in this beautiful, but troubled country.

Concretely, on 11th May 2021, the Republika Srpska National Assembly adopted a set of 10 Conclusions in which it **rejected my call for revocation of decorations** that it had awarded to convicted war criminals in 2016. These convicted war criminals are Radovan Karadzic, Momčilo Krajišnik and Biljana Plavšić. I addressed a letter in this regard to the National Assembly Speaker Cubrilovic, dated 27th January 2021., (copy attached) I gave the RS National Assembly a three-month deadline to annul the decorations themselves, firmly believing that they would choose the way of catharsis, a better life for their children and that they would choose the European perspective instead of sanctions and isolation.

Unfortunately, I was wrong. That did not happen. In its session held on May 11, 2021, the National Assembly of the Republika Srpska adopted three conclusions, in which it “**rejects the request of the High Representative** and supports the earlier decisions made by the Committee for the 25th Anniversary of the National Assembly of Republika Srpska (1991-2016)”. Thus, the ruling parliamentary majority adopted the conclusion supporting the initial decision of the ad hoc parliamentary body which had decided to award three convicted war criminals in the past. The conclusions were signed by the presidents of the clubs of deputies of SNSD, NDP-NPS, DEMOS, DNS, United Srpska and SP.

I request you therefore, to apply the European restrictive measures, for the signatories of the conclusions (the heads of caucuses) as well as for their party leaders (the list of names is attached).

I understand that on 29 March 2021, the EU adopted Council Decision (CFSP) 2021/543, which renewed its sanctions measures concerning Bosnia and Herzegovina for 1 year until 31 March 2022. Thank you for the extension of this mechanism ! It came timely ! This mechanism provides the EU with a framework to sanction individuals mentioned on the attached list, who threaten Bosnia and Herzegovina's security and integrity.

Against these individuals restrictive measures contained in the Regulations can be applied as their activities undermine the sovereignty, territorial integrity, constitutional order and international personality of Bosnia and Herzegovina; seriously threaten the security situation in Bosnia and Herzegovina; or undermine the General Framework Agreement for Peace (Art 1,1 a), b), c).

Yours sincerely,

Valentin Ink

"How are we going to leave? Of course, the international context is important here. We, the people in the RS, we are absolutely living the RS as our state, we are staring at Serbia, none of that is unknown. Formally speaking, I often hear from foreigners, from the High Representative, that it is not written anywhere that the RS can hold a referendum and determine its status." BiH Presidency member SNSD President Milorad Dodik, RTV Pink, 25 October 2020 (<https://www.youtube.com/watch?v=xI0mNnOPKs8t-4089s>)

"Why then is my proposal not legitimate when I say that the Serbs will go to a referendum one day, they will decide where they want to go and what they want to do. Decide on their status, whether they are going to stay in Bosnia, etc. Why is this not legitimate, if we say it? BiH Presidency member SNSD President Milorad Dodik, RTRS, 21 January 2021 (https://www.youtube.com/watch?v=p_rCuhNGiHS)

"Only the parties, the two parties that can decide what to change in this country are exclusively the RS and the Federation as entities. And no one else. No High Representative. And that is why Bosnia was brought before the collapse. Here, too, it is sought and I suggest a peaceful separation." BiH Presidency member SNSD President Milorad Dodik, RTRS, 29 March 2021 (<https://www.youtube.com/watch?v=74hICgd0fE>)

"[BiH] will certainly fall apart and you will see that it will be without war. It will simply collapse and only that what can work will function, and the only thing that can function on its own in BiH is Republika Srpska. Not BiH, nor the Federation." BiH Presidency member SNSD President Milorad Dodik, TV Kurir, 31 October 2020 (https://youtu.be/doggt1_SX0AM)

"You know, I admit that I was a man who was in favor of the European Union and I thought we should be there and I was a big fan. But that was 15 years ago. Today everything has changed, the EU has changed." BiH Presidency member SNSD President Milorad Dodik, TV Kurir, 31 October 2020 (https://youtu.be/doggt1_SX0AM)

OHR

Office of the High Representative for Bosnia and Herzegovina
P. Blumaj 1, 71000 Sarajevo, Bosnia and Herzegovina
Tel: ++387 33 283 500 Fax: ++387 33 283 501