

RS Views U.S. Sanctions Against Dodik as Unwarranted and Contrary to International Law

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In the last week of the Obama administration, the outgoing administration on Tuesday imposed sanctions on RS President Milorad Dodik claiming that he had defied the BiH Constitutional Court and by so doing had obstructed the Dayton Accords. The sanctions ban his travel to the United States, block any U.S. assets, and forbid U.S. persons from engaging in transactions with him. This provocative action came shortly after President Dodik sent a letter to the U.S. Ambassador to BiH and the U.S. Deputy Assistant Secretary for European Affairs rejecting demands that the two U.S. officials had made in a telephone call to the President and Prime Minister of Republika Srpska just days before. Republika Srpska has expressed in official letters its view that the sanctions are unjustified and that the United States has violated international law by interfering in the domestic affairs of another sovereign state.

There has been no indication, so far, that other countries will join the United States in imposing sanctions against President Dodik. The European Union said it was not considering sanctions. A spokesperson for the EU delegation and EU Special Representative in BiH told [BIRN](#) that “no restrictive measures are being actively considered.” According to [BIRN](#), Serbian Prime Minister Aleksandar Vučić said the idea of Serbia imposing similar sanctions against Dodik “is not realistic and it will not happen.” [Sputnik News](#) reports Russia condemned the sanctions decision as a “biased step.”

After the sanctions were imposed, President Dodik expressed hope that the United States will take a more positive view toward Republika Srpska after the Trump Administration takes office. [Oslobodjenje](#) reports Dodik said, “I am convinced that the new U.S. administration will establish new relations with Republika Srpska.” [Reuters](#) quotes President Dodik as saying, “We do hope that new administration will introduce the politics of stabilization in Bosnia.”

In a January 19 letter the European Union and other members of the Peace Implementation Council (PIC) Steering Board, Republika Srpska explained why the sanctions and the U.S. demands that preceded them violate international law. The RS letter emphasized that whether President Dodik violated a decision of the Constitutional Court is an internal BiH matter and that no court has made any such determination. The RS letter also noted that the U.S. Government’s pronouncement puts pressure on BiH authorities, interferes in a purely domestic affair, and undermines the rule of law in BiH. In addition, the BiH letter pointed out that since 2004, authorities of various governments in BiH have failed to implement 91 decisions of the Constitutional Court, which is often criticized for its political decisions and lack of independence. Yet these cases did not result in U.S. sanctions.

Far from obstructing the Dayton Accords, the letter explained, President Dodik and the RS Government have shown their commitment to the Accords, including through official statements and reports to the UN Security Council. In fact, the letter said, it is President Dodik’s insistence that the BiH Constitution be implemented as set forth in Annex 4 of the Dayton Accords that led to the sanctions against him.

The letter underlined the RS Government's dedication to defending BiH's Dayton structure, which established a sustainable political system by providing broad Entity autonomy and protections for each of the Constituent Peoples. The RS letter explained that the United States has often supported the SDA party's efforts to change the Dayton structure and centralize BiH through undemocratic and unconstitutional means.

The letter criticized the United States for violating the Dayton Accords and BiH sovereignty, including through its telephone call in December to President Dodik and Prime Minister Željka Cvijanović making four specific demands and threatening severe sanctions if these were not accepted. As the letter explained, each of the demands related entirely to internal political affairs. With one exception—a demand for an action President Dodik has since taken—none of the demands were for actions either the President or the Prime Minister could individually take under their legal authority. This week's sanctions against President Dodik are a part of the punishment threatened by the U.S. officials for Republika Srpska's refusal to accede to the demands U.S. officials made on the telephone call.

In its letter to the PIC Steering Board, the RS Government emphasized its view that the U.S. officials' demands and the sanctions that followed violated international law. The letter explained that the U.S. demands breached the fundamental tenet of international law that foreign governments are not to interfere in the domestic affairs of sovereign states, but must respect their political independence. Moreover, the letter said, the demands violated a diplomat's obligation under the Vienna Convention on Diplomatic Relations "not to interfere in the internal affairs of [the] State." The letter explained that the sanctions also violate international law because they are intended to punish President Dodik for failing to accept the U.S. demands and to coerce future actions by RS officials regarding BiH internal affairs.

The RS Government expressed that it also plans to send an official protest to the United States.