



**REPUBLIC OF SRPSKA
GOVERNMENT**

MINISTRY OF EUROPEAN INTEGRATION AND INTERNATIONAL COOPERATION

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Dear Senator,

On March 21, Bosnia and Herzegovina (BiH) reached a long-awaited milestone as EU leaders approved the opening of EU membership negotiations with BiH. This momentous decision is recognition of the rapid progress BiH has made as officials from all three of its major ethnic groups and both constituent Entities have worked cooperatively toward the common goal of EU membership. The decision also reflects EU leaders' recognition of the rising importance of cementing BiH's bond with the European family.

Unfortunately, an ill-considered bill passed by the House of Representatives on March 19 threatens to undermine BiH's recent political progress, undermine the country's peace settlement, and work squarely against US interests. H.R. 4723 would require the President to impose sanctions against several extremely broad and vaguely defined categories of individuals in BiH, as well as those individuals' families. Although H.R. 4723 is entitled the "Upholding the Dayton Peace Agreement Through Sanctions Act," it would actually undermine the 1995 Dayton Peace Agreement (DPA) by targeting officials in BiH simply for insisting that the DPA be implemented faithfully.

An integral part of the DPA is the BiH Constitution, which guarantees a decentralized BiH composed of two highly autonomous Entities, named the Republic of Srpska (RS) and the Federation of BiH. The BiH Constitution also preserves peace and stability in BiH by incorporating special protections for each of BiH's three formerly warring ethnic groups, the predominantly Muslim Bosniaks, the predominantly Eastern Orthodox Serbs, and the predominantly Roman Catholic Croats. The DPA also authorized the appointment of an international official called the High Representative (HR) with a strictly limited role as a coordinator of international activities involved in the civilian aspects of the DPA and a facilitator of the parties' efforts.

Despite having no authority to make binding decisions, starting two years after the DPA was agreed, the HR illegally began to rule BiH as an unelected foreign dictator, decreeing laws and punishments as he saw fit. Although the so-called Peace Implementation Council (an ad-hoc group of countries with no legal authority) acquiesced to the HR's breathtaking power grab, there has never been any legal basis for the HR's extraordinary, despotic powers in the DPA or any other source of law. These lawless actions of the HR have been widely criticized both inside and outside of BiH as counterproductive and contrary to the rule of law.

Officials of the RS, one of BiH's two Entities, have rightly rejected these lawless violations of the DPA as well as BiH's sovereignty and democratic constitutional order by the HR. The House bill would put under sanctions any of these legitimately elected officials in BiH who are even indirectly "complicit" in the failure to implement the mere "conclusions" of the Office of the High Representative or the self-appointed Peace

Implementation Council. Thus, far from upholding the DPA, the bill would sanction those who are trying to defend the DPA and the rule of law.

H.R. 4723 was introduced by Missouri Representative Ann Wagner to cater to her constituents from the most populous of these main ethnic groups—the Bosniaks—many of whom live in her district. Her bill was not the subject of any hearings and received no input from BiH's Croat or Serb communities, or from the broader populace in BiH. Representative Wagner worked so closely with the Bosniak community that H.R. 4723 looks almost as if it was drafted by BiH's Bosniak political parties in pursuit of their own political objectives. The legislation panders to a segment of Representative Wagner's constituency by drawing the US Congress directly into the political squabbles among BiH's competing ethnic groups.

If enacted, H.R. 4723 is likely to draw strong negative reactions from BiH's Croat and Serb communities—not to mention Croat-American and Serb-American communities—and thus poses a significant risk to US interests in the region. The US has strenuously endeavored to convince the Serb and Croat communities in BiH that the US is a neutral supporter of all groups in BiH, not favoring any one group. The proposed legislation does the very opposite and targets the Republic of Srpska for specific penalties, even as the RS maintains a constructive engagement with the US and other NATO members on security issues, pursuing active cooperation with numerous US agencies on security and intelligence matters, and on efforts to combat terrorism, cybercrimes, money laundering, and drug trafficking. RS security personnel train regularly with US armed forces and cooperate closely with US personnel on security and intelligence matters. Congress would be foolish to jeopardize this cooperation by demanding punishment of those RS officials who rightfully insist that the DPA should be implemented as written.

Finally, H.R. 4723 attempts to draw Congress into BiH domestic political matters just at a time when BiH's EU integration negotiations are accelerating with the firm commitment of all relevant officials in BiH. Paradoxically, the proposed legislation targets the very RS leadership who have been instrumental in initiating EU membership negotiations and praised by EU officials for their cooperative and constructive role. If ever there was a time for the US to stand aside on political affairs in the EU's backyard, this is it. To meddle in BiH politics when the EU integration process for BiH is progressing in a manner favorable to US interests, when the EU itself has rejected such sanctions, would risk being disruptive and counterproductive. Notably, the EU has not asked the US to take any such actions, and indeed many EU leaders have cautioned against such measures. Under such circumstances it would be imprudent in the extreme to threaten disruption of the integration process when it is heading in the right direction.

The US Senate should reject H.R. 4723 because it is an attack on the DPA that would damage US relations with key BiH officials, particularly in the RS, diminish US influence in BiH, risk further alienating a major part of the BiH populace, potentially disrupt EU integration efforts, and further drive certain sanctioned officials to seek support from rival countries.

I ask that you oppose this counterproductive legislation and thank you for your consideration of this matter.

Respectfully yours,


Minister
Zlatan Klokić
Zlatan Klokić