

Working Group for Bosnia and Herzegovina

Mr. Christian Schmidt
High Representative
The Office of the High Representative
Emerika Bluma 1
71000 Sarajevo
Bosnia and Herzegovina

October 12, 2021

Your Excellency,

We are writing to you to express our gravest concern about the current proposal for electoral reform in Bosnia and Herzegovina (BiH) that, were it to come to pass, would only serve to entrench ethnic divisions, effectively carving BiH into three ethnic entities, further instantiating social divisions.

Reform that is clearly meant to facilitate election of a Bosnian Croat nationalist from a particular political party--as has been urged by Dragan Čović and his HDZ party--would cause an unprecedented threat to Bosnia's national sovereignty: it would result in a situation in which two of the members of the Presidency would actively support secession. Such an outcome should be a matter of the greatest concern for the international community.

Instead, Milorad Dodik's recent boycott of state institutions, and Mr. Čović's threat to boycott or block elections, seem to be treated by some in the international community as if they were legitimate actions of well-meaning political actors of integrity and good standing.

As you will no doubt be aware, the International Criminal Tribunal and its successor, International Residual Mechanism for Criminal Tribunal, have determined that Joint Criminal Enterprises, involving high-ranking officials and military leaders in Croatia and in Serbia, were responsible for international aggression perpetrated against Bosnia and Herzegovina: aggression seeking a Greater Croatia (in Herceg-Bosna), and a Greater Serbia (in Republika Srpska), respectively.

Hence, such destabilizing threats from certain Bosnian Croat and Bosnian Serb nationalists to block an election cannot be appeased, as appeasement would allow for the achievement of the aims of the international aggression of the early 90s. Indeed, with such election reform Bosnia's sovereignty would face its greatest crisis since the 90s.

In addition to these threats of destabilization by Mr. Dodik and Mr. Čović, BiH has faced further pressure from its neighbors and further afield.

For example, in Croatia, Prime Minister Plenković has called for electoral reform in Bosnia to allow for "legitimate" representation of Bosnian Croats as a constituent people. "Non-papers" emanating from Croatia and Slovenia have supported the ethnic divisions of constituent peoples as well as the so-called "peaceful dissolution" of Bosnia. The Russian Federation has supported the Bosnian Croat nationalist proposal as part of its long-term strategy to undermine Bosnia's sovereignty and to

prevent Euro-Atlantic integration.

Such external meddling is unacceptable, and while the Dayton agreement identifies three “constituent peoples” in Bosnia and Herzegovina, there is no test in the Constitution as to who would be a “legitimate” Croat, as Prime Minister Plenković would have it.

Further, the European Court of Human Rights (ECtHR) ruling in the *Sejdić - Finci* case in 2009 directed Bosnia and Herzegovina to end discrimination against ethnic minorities. The ECtHR ruling in the *Zornić* case in 2014 went further and directed Bosnia to end discrimination against its citizens who simply wish to call themselves citizens of Bosnia and are unwilling to declare affiliation with one of the constituent peoples in order to be eligible to stand for a high political office. With these rulings the ECtHR has opposed the discriminatory priority of constituent peoples.

It is those rulings, and the reasoning expressed by the ECtHR in those cases, that we invite you to uphold, rather than let yourself be associated in any way with pandering to those purporting to represent “legitimate” Bosnian Croats while in truth simply advancing their own political self-interest.

The uncivil state of affairs that has been brought about by internal and external actors has brought Bosnia and Herzegovina to the brink of an existential crisis. The divisive efforts threatening the sovereignty of BiH have also undermined its ability to respond to the pandemic.

We urge you to categorically reject and denounce any effort at corrosive and improper electoral reform and rather to support Bosnia’s efforts to transition from constituent peoples to a nation of citizens with equal rights and dignity.

Thank you for your consideration.

Sincerely,

The Working Group for Bosnia and Herzegovina

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cc. The Honorable Antony J. Blinken, United States Secretary of State;
The Honorable Eric Nelson, United States Ambassador to Bosnia and Herzegovina;
The Honorable Matthew Field, British Ambassador to Bosnia and Herzegovina;
The Honorable Johann Sattler, Head of European Union Delegation and European Union Special Representative in Bosnia and Herzegovina;
The Honorable Matthew A. Palmer Special Representative for the Western Balkans Office of the United States Secretary of State;
The Honorable Gabriel Escobar Deputy Assistant Secretary, Bureau of European and Eurasian Affairs, Office of the United States Secretary of State.