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# Thirty years after the Dayton-Paris Agreement: The European Union must commit to Bosnia and Herzegovina



**The situation in Bosnia and Herzegovina is worrying the international community and especially the Europeans. Milorad Dodik, president of the Serbian entity, is refusing to apply the decisions taken by the High Representative appointed by the international community and is threatening the whole framework established thirty years ago by the Dayton-Paris Agreement. Can you explain the reasons for this discord and what the risks are?**

This year, we commemorate the thirtieth anniversary of the [Dayton-Paris Agreement](#), a peace agreement between three parties (Croats, the majority of whom are Catholic, Bosniaks, the majority of whom are Muslim, and Serbs, the majority of whom are Orthodox) that put an end to the war.

However, the Croats of Bosnia and Herzegovina feel that they are being discriminated against in terms of representation and the fulfilment of their rights. The main problem and challenge facing the country is therefore to guarantee equal representation and rights for all three constituent peoples of Bosnia and Herzegovina, i.e. the three peoples that make up the nation, in the spirit of the Dayton-Paris Agreement. The only way to stabilise Bosnia and Herzegovina is to reform the electoral law.

This would strengthen the third constituent community by giving them levers of political power which they lack now, and which is crucial for the community that takes a middle road between two extremes of Serb separatism and Bosniak centralism. The two extremes

have been holding the country back for three decades, and Croats can be that moderating and unifying force, including through EU accession, where they have taken the lead.

In fact, nothing would bring Mr Dodik back to the negotiating table than to see the Croat rights re-instituted. He would see it as an assurance that the rights of the Serb entity would also be respected in the long run. Regular Bosniaks would also find solace in this, because unlike their activist elites, common people know their country is only tenable if the three historical communities can find an arrangement among themselves.

The controversy surrounding recent news concerning Milorad Dodik tends to obscure the problem of the lack of equal representation and rights of the three third constituent community of Bosnia and Herzegovina, which is mostly Croat, but includes tens of thousands of others who have links to it due to language, culture, family and proximity.

To be sure, it is not only Serb separatist but also Bosniak unitary rhetoric, that is sharing the lack of respect for equal status among all three peoples, that has led to the serious escalation witnessed today. The risks associated with such rhetoric were highlighted by the European Parliament in 2014. One solution to this problem could be the adoption of a federal model like the Belgian one. About 1 million Croats and others in BiH also have European citizenship and see the federal models of some European Union countries as a means of protection.

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### Who is the High Representative?

The current one is Christian Schmidt, who has been in office since 2021. He is the eighth holder of the post. Before him, there was Wolfgang Petritsch, who began to change the spirit and the letter of the Dayton-Paris Agreement, and Valentin Inzko, who remained in office for twelve years. He is based in Sarajevo. The [high-representative](#) is appointed by the 'Council for the implementation of the 1995 peace agreement'. This council comprises 55 countries and agencies. The steering committee includes Canada, France, Germany, Italy, Japan, the United Kingdom, the United States, the European Union and the Organisation of the Islamic Conference (OIC), represented by Turkey. Russia, which was a member, withdrew in 2021. [Croatia and Serbia are... as co-signatories of Dayton.]

Initially, the High Representative's mission was to observe and report on the implementation of the peace agreement. Gradually, since 1997, its position has changed. He or she can thus take binding decisions against the advice of the country's institutions or provisional measures (cancelling a decision of the executive or the legislature).

In office since 2006, Milorad Dodik has disputed the powers of the High Representative, and particularly of the incumbent. Sometimes even when they came at the expense of the third constituent community, recognizing its indications. Croats leaders have been even more vociferous, but to no effect due to being disenfranchised on key political levers.

### **We have just learned that the international community would like to issue a warrant for the arrest of Milorad Dodik. What do you think?**

Milorad Dodik went too far in his resistance to the High Representative. This duel between the two men is tied to an amendment to the penal code introduced by Christian Schmidt in July 2023 to establish the offence of non-compliance with the decisions of the High Representative. It is precisely this new offence that has been used to charge Milorad Dodik.

It should be noted that the High Representative is not accountable to anyone, which is somewhat strange given that, in principle, any decision should be open to legal challenge. This led to the conviction of Milorad Dodik for rejecting the authority of the High Representative, Christian Schmidt.

This means that Bosnia and Herzegovina is a semi-sovereign country with a kind of viceroy, as in a former colony, which is troubling given that the country is a candidate for accession to the European Union.

But Milorad Dodik's rhetoric is increasingly offensive, approaching those in the office before him, although it should be remembered that he was brought in by the U.S., notably Madeleine Albright to replace the belligerent leaders after Dayton. He was then considered a 'breath of fresh air' because he was arguing for co-existence.

He has been in office almost twenty years, but he has used increasingly assertive rhetoric in recent years. In the past, the Croats have been able to find some common ground with him at face value, but not in practice, as they have hardly any real levers to bring him closer to the middle, particularly within the [rotating presidency](#) since they have no president. The Croats have a prime minister post, but with limited effective power.

### Who supports him?

We all know that his primary support is from Moscow. This is regrettable because the West has avoided dealing with him on a realistic basis, and instead of bringing him to the Western fold, he is being pushed further East.

He is also supported by Belgrade and its president Aleksandar Vučić. For Mr Vučić, the situation in Bosnia and Herzegovina is an opportunity to shift public discourse from internal problems he faces with student demonstrations against his rule.

While Mr Dodik has clear support in tow Eastern capitals, the Bosniaks have it from Ankara in

particular. Mr Erdogan often says that is a rightful protector of BiH because of the Ottoman links with the Bosniak community, and wants to be perceived as 'peacemaker'. But works to ensure Bosniak dominance.

The tripartite reality of the country must never be overlooked. The Croats are supported by some smaller EU members, even if meekly, because they are European citizens; the Serbs are supported by Serbia and Putin's Russia; and, the Bosniaks can count on Erdogan, who plays an outsized role in the 'Peace Implementation Council'. Moreover, Turkey has largely replaced the United Kingdom since the latter withdrew from the [Althea](#) policing operation.

**In this institutional framework, what has worked well in your opinion and what should be changed?**

This arrangement was the only way to stop the war in 1995. The Dayton-Paris Agreement ended the war in the country after Croatia's series of military operations in August, September, and again October established the necessary balance of power.

The Dayton-Paris Agreement divided the territory into two entities: the Muslim-Croat Federation, comprising 51% of the territory, and the Republika Srpska, comprising 49% of the territory.

The three communities had an agreement, but one is now effectively excluded. Early on, Bosniaks, Croats and Serbs, took turns in holding this presidency, but since 2006 due to an election law change, the Bosniaks have elected a Croat representative four times.

**So there is a drawback?**

Yes, a very detrimental setback that needs to be corrected first. As I said, the Croats have always been in favour of federalism and have always indicated that a disruption of the balance would lead the Serbs towards separatism. We now find ourselves in that situation.

**How do you see the future?**

A High Representative is still needed in Bosnia and Herzegovina, but not necessarily with an office in the country. Firstly because there is a local factor that calls into question the impartiality of this office. Secondly because there is now a [European Union Special Representative](#), and the country is negotiating to join the European Union. Finally, the international situation has changed a lot.

At the moment, we cannot really talk about Bosnia and Herzegovina making rapid progress towards the European Union with a weak office in the form of a special envoy for the European Union and a strong office in the form of a High Representative who represents parties that are just as problematic as Erdogan's Turkey or Putin's Russia, not to mention all the other obstacles.

However, if Europe wants to play a powerful role in Ukraine, it must also have the same strong role in Bosnia and Herzegovina, which is no longer in its proverbial "backyard", but in its heart since the expansion to the East, including fast-track candidacies of Ukraine and Moldova. But how can the European Union be taken seriously if the office of the High Representative has more weight than that of its Special Envoy in Bosnia and Herzegovina?

In brief, the OHR needs to stay as a policy mechanism, but its needs to be displaced to Brussels asap.

**Has the war in Ukraine over the last three years affected the attention that might have been paid to Bosnia and Herzegovina?**

The war in Ukraine has revived the question of enlargement. It has also served as a reminder of the importance for the European Union to have strong and secure external borders to protect Europe from neighbouring dictatorships and autocracies.

It is important to help Ukraine, which is at war and under attack from Russia. There is greater media attention on this. But the other candidates should

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not be forgotten, particularly those in the Western Balkans. This is what [preventive diplomacy](#) is all about, to forestall conflicts, for which I have been pleading for many years in the European Parliament.

European assistance must be stepped up to identify the issues and, consequently, to try to resolve them and find a negotiated solution that is accepted by all with the aim of conflict prevention. In this respect, it is essential to understand the local context so as to optimise European assistance in terms of preventive diplomacy. Adopting this approach is a matter of urgency in Bosnia and Herzegovina.

### **What could or should the European Union do?**

The European Union has a major role to play and it is up to Kaja Kallas to focus as much on the Western Balkans as on Moldova or Ukraine. She must travel to the region to hear all sides and see how Europe can act effectively to resolve the existing problems. She must meet with all the players, starting with local political leaders (governments, parliaments, parties) who can influence and help find the best solution. We cannot rely solely on the position of the High Representative in Bosnia and Herzegovina. The position of local figures must be taken into account because the country's existence is at stake.

Therefore, it is essential that a solution be found between Serbs, Bosniaks and Croats to achieve a clear and functional federalism, as has been found elsewhere in Europe.

### **What would happen if there were a secession of the Republika Srpska in Bosnia and Herzegovina?**

Dodik has gone too far, but he has been elected.

That is why all the political parties need to be brought to the table to reach a solution. Strong involvement from the European Union is also required.

Croatia, as the most affected neighbouring states, and the one who brought peace to the country in 1995 should also be asked.

### **You come from Croatia, a neighbouring country and member of the European Union. How do you see possible developments in Bosnia and Herzegovina?**

The Croatian Prime Minister, Andrej Plenkovic, is trying to give Bosnia and Herzegovina the means to meet the conditions for an application to join the European Union and to be able to open negotiations. As soon as he came to office in 2016, he had an agenda for Bosnia and Herzegovina.

But there is little interest and appetite among other Member States for this complex, complicated and long-standing issue.

Andrej Plenkovic has drawn Emmanuel Macron's attention to the situation in Bosnia and Herzegovina. He also spoke with Marc Rutte since he became NATO Secretary General. He has spoken with Ursula von der Leyen. He would like to see this issue included in the next European Council.

It is only natural that Croatia should take a particular interest in the Bosnia and Herzegovina situation because it is the country in the European Union that is its closest neighbour. And it is a bit like Romania with Moldova. Croatia would like to see Bosnia and Herzegovina join the European Union as soon as possible. Because if it doesn't, this failure would have serious repercussions for the security and prosperity of Europe.

The Croatian border with Bosnia and Herzegovina is over 1,000 km long, with a corridor that gives Bosnia and Herzegovina access to the Adriatic Sea: at the port of Ploče.

If Bosnia and Herzegovina becomes a 'failed' state, it would be a problem for Croatia first, but also for Europe. It is an urgent problem, and it is essential to resolve it now. And as I said, Croatia needs to be consulted.

**Bosnia and Herzegovina is one of the states in talks with the European Union. How do you see this question of enlargement?**

The negotiations with Bosnia and Herzegovina really need to move forward. First of all, the country must try to resolve its internal problems; secondly, it would be advisable to see how the seat of the High Representative could be changed and moved, to Brussels. Finally, the European Union should become engaged more in its role as mediator and be more visible and stronger. There is a real need for internal dialogue in Bosnia and Herzegovina and the European Union must do everything possible to facilitate this dialogue.

**So, you're very hopeful?**

That is my hope, but I am cautious. As an MEP, I am always concerned about respecting the constituent peoples and minority communities, about not reliving past mistakes and war and about working on historical memory. Change in Bosnia and Herzegovina would make it easier for the whole region to move forward and offer real prospects for the future.

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