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LETTER TO SECRETARY OF STATE BLINKEN

Working Group for Bosnia and Herzegovina

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18 April, 2022

The Honorable Antony J. Blinken
Secretary of State
US Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary of State Blinken,

We are writing to express our concern about recent statements by Gabriel Escobar, US Special Envoy to the Western Balkans, related to electoral and constitutional reform in Bosnia and Herzegovina. With his remarks, Mr. Escobar essentially condemned Bosnia's citizens to a future of ethnic divisions, discrimination, persecution, and human rights violations.

In his remarks, Mr. Escobar proposed that Bosnia should abandon any attempt at substantive constitutional reform prior to joining the European Union. However, this would leave in place the ethnic divisions of a system that grants priority to the "constituent peoples" introduced by the Dayton Peace Accords, an arrangement that has been consistently judged to be discriminatory by rulings of the European Court of Human Rights (ECtHR) in the *Sejdić – Finci* case in 2009, and the *Zornić* case in 2014. Those rulings directed Bosnia to end discrimination against citizens who are either ineligible to stand for election to high political office due to their status as excluded minorities or because they are unwilling to declare affiliation with one of the constituent peoples.

Moreover, Special Envoy Escobar's comments regarding Bosnia's accession to the EU without substantive electoral reform contradicts the published European Commission's expectations of Bosnia. In its "Opinion on Bosnia and Herzegovina's application for membership of the European Union," the Commission indicates precisely that the ethnic-based electoral privilege of constituent peoples in its Constitution "are not in line with the European Convention on Human Rights." The published opinion insists that "*Significant incremental reforms* are therefore needed

to ensure that all citizens can effectively exercise their political rights, in compliance with the Sejdić-Finci case law of the European Court of Human Rights (ECtHR)."

It is indeed troubling that the prevention of needed democratic reforms would only appease the HDZ nationalists who are advancing the idea of a "legitimate" Bosnian Croat, a concept that further entrenches ethnic divisions, encourages the aims of international aggression from the 1990s seeking a greater Croatia and ostracizes more moderate and non-HDZ Bosnian Croats. It should not escape our attention that the Russian Federation has expressed its support for the HDZ proposal as part of its own efforts to undermine the stability of the State, while at the same time supporting secessionist threats in Republika Srpska. The Russian Ambassador to Bosnia has asserted recently that Bosnia is composed of entities rather than a single state.

This HDZ nationalist goal of entrenching ethnic divisions was in full evidence with the recent proposal by Nikola Lovrinović, head of the HDZ party in the House of Representatives of the state parliament to formalize the inclusion of *constituent affiliation*, or *ethnic identity*, in any ID card, as well as other personal documents. The insistence on ethnic identification conjures no less than the nightmare of identity cards in the Holocaust or the Genocide against the Tutsi in Rwanda where identity cards insured persecution and extermination.

Special Envoy Escobar's emphasis, in his recent remarks, on corruption in Bosnia, is an all too convenient way to avoid addressing the structural inequities of the Dayton Peace Accords while treating the symptom and not the cause. In the Karadžić judgment the Trial Chamber found that there was a "common plan to permanently remove Bosnian Muslims [Bosniaks] and Bosnian Croats from Bosnian Serb claimed territory". Following the violent removal of non-Serbs from the Bosnian Serb claimed territory, through murder and forcible displacement, the entity of Republika Srpska was recognized and legitimized at Dayton. Such a recognition can be seen as a reward for a successful genocide, which was certainly a fundamental injustice and yet it became a pillar of the Dayton Agreement. In the Krajišnik verdict, the Trial Chamber found that, as a result of the atrocities, "all traces of [Bosnian] Muslim presence and culture were wiped out of Foča." Since Dayton, Republika Srpska has persisted in its efforts to destabilize Bosnia, including threats of secession as well as its recent vote to form its own judiciary and military. Protected by Dayton's structure, discrimination has become the norm in Bosnia, which is why corruption is so rampant. It is these threats from Bosnian Serb and Bosnian Croat nationalists that should surely be a priority for US foreign policy in Bosnia and they should be precluded by substantive changes to the constitution – precisely as dictated by the ECtHR decisions.

The recent UN General Assembly Resolution condemning Holocaust denial made a point of commending member States which have actively engaged in preserving those sites that served as Nazi death camps, concentration camps, and killing sites for the purpose of educating this and future generations. However, in Republika Srpska and in Bosnian Croat dominated areas, while convicted war criminals are glorified, Bosniak victims of genocide and other war crimes have been prohibited from establishing memorials or education centers at the sites of former concentration camps. This is the sort of human rights violation that is engendered by the ethnic

divisions perpetuated by Dayton as it is structured today.

In response to these divisions and human rights violations, broad-based civic coalitions have called for electoral reform to support Bosnia's efforts precisely to transition from a system that gives priority to constituent peoples to a nation of citizens with equal rights and dignity. Most recently, for example, a detailed proposal titled "Declaration on Constitutional and other Reforms of Bosnia and Herzegovina…" was endorsed by a coalition of civic organizations and academics in Bosnia, as well as by prominent associations in the diaspora. They deserve the support of the United States of America. Hence we appeal to you as Secretary of State to effect a course correction with respect to American foreign policy in Bosnia in support of democratic values and human rights.

Thank you for your consideration.

Sincerely,

The Working Group for Bosnia and Herzegovina

David Pettigrew, Ph.D., Professor of Philosophy and Holocaust and Genocide Studies, Southern Connecticut State University, New Haven, CT,
Kenan Arnautović, M.D., Memphis, Tennessee,
Djenita Pasic, Attorney at Law, Louisville, Kentucky,
Mead Mišić, Attorney, Boston, Massachusetts,
Vildana Bijedić, MSc. Mandala Academy Foundation,
Azem Dervišević, Business and Community Entrepreneur, Cambridge, Massachusetts,
Dijana Mujkanović, Ph.D., Candidate, University of Pittsburgh,
Patrick McCarthy, Associate Dean and Professor, St. Louis University,
Nerma Bucan, Head of Office/Prof. Dr. C. Schwarz-Schilling,
Akif Cogo, St. Louis Bosnians Inc.,
Damir Husamovic, M.Econ., Community Activist,
Megan McCullough, Bosnian American Genocide Institute,
Prof. Emir Festic, MD, MS, Ponte Vedra Beach, Florida,
Esad Boškailo, M.D., University of Arizona, Phoenix Medical School,
Aida Ibričević, Ph.D., Global Fellow – Peace Research Institute Oslo (PRIO),
Jordan Steven Sher, Author, And Still We Rise: A Novel About the Genocide in Bosnia,
Zana Bajric, Attorney, Iowa City, Iowa,
Rupert Wolfe Murray, Author,
Peter Lippman, Author, *Surviving the Peace: The Struggle for Recovery in Postwar Bosnia-Herzegovina*,
Neira Davis, Boston, Massachusetts,
Keith Doubt, Professor Emeritus, Wittenberg University,
Mirza Bijedic, MBA,
Bill Carter, Author, *Fools Rush In*, Filmmaker, Miss Sarajevo,
Erol Avdovic, UN Senior Diplomatic Correspondent,
Mirsad Zukic

cc.

The Honorable Gabriel Escobar, Deputy Assistant Secretary Bureau of European and Eurasian Affairs Office of the United States Secretary of State
The Honorable Michael J. Murphy, US Ambassador to Sarajevo

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