



**REPUBLIC OF SRPSKA
GOVERNMENT**

OFFICE OF THE PRIME MINISTER

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**His Excellency Vassily Nebenzia
President of the UN Security Council
Permanent Mission of the Russian Federation to the United Nations
136 East 67th Street
New York, NY 10065**

Dear Ambassador Nebenzia:

To assist the Security Council in its upcoming meeting on Bosnia and Herzegovina (BiH), Republika Srpska (RS), as one of the two autonomous Entities that make up BiH and as a treaty party to the agreements comprising the 1995 Dayton Agreement, presents the attached 34th Report to the UN Security Council.

The Report reaffirms the RS's dedication to the Dayton Agreement and calls for it to be implemented as written. The democratic constitutional order created by Dayton, unfortunately, has been gutted by the illegal dictatorial edicts of a series of international High Representatives, and most egregiously by the current pretender to the position, Christian Schmidt. The Report describes the lawlessness of the trial and conviction of the Republika Srpska President, a series of proceedings based not on a law duly enacted by the Parliamentary Assembly, as required by the BiH Constitution, but, instead, based solely on a criminal offense invented and decreed by Mr. Schmidt himself. Though Mr. Schmidt and others have claimed that the prosecution was for violating the Dayton Agreement, this is untrue; the offense for which the Republika Srpska President was prosecuted is called "failure to implement decisions of the High Representative." Finally, the Report explains why Mr. Schmidt's destabilizing and illegitimate reign at the Office of the High Representative must be brought to an end, and his illegal edicts annulled.

As the 30th anniversary of the Dayton Agreement approaches, everyone who cares for BiH's stability and success must rededicate themselves to the faithful implementation of Dayton's explicit terms.

We ask that this letter and the Report be distributed to the Security Council's members. Should you or any Security Council member require information beyond what is provided in the Report or have any questions regarding its contents, we would be pleased to provide additional information.

Yours sincerely,

Prime Minister of the Republic of Srpska

Savo Minic

Republika Srpska's 34th Report to the UN Security Council

Republika Srpska (RS), a party to the treaties that constitute the 1995 Dayton Agreement and one of the two Entities that make up Bosnia and Herzegovina (BiH), respectfully submits its 34th Report to the UN Security Council.

The Dayton Agreement must be faithfully implemented.

The 1995 Dayton Peace Agreement is an ingenious compromise that not only ended BiH's terrible war but also enabled its three formerly warring peoples to peacefully coexist in a democratic state. The RS staunchly supports the Dayton Agreement. This includes a commitment to BiH's sovereignty, territorial integrity, and constitutional order. Above all, the RS is inalterably devoted to peace. The RS and its leaders have steadfastly ruled out all use of violence and committed to resolving BiH's political problems solely through peaceful means.

Today, however, Dayton's success is jeopardized by the progressive dismantlement of crucial elements of the agreement. As BiH and the international community mark Dayton's 30th anniversary, everyone who wants BiH to succeed must recommit themselves to the agreement's faithful implementation.

BiH's population is composed mainly of three constituent peoples: the predominantly Muslim Bosniaks, which make up a slight majority, the predominantly Orthodox Christian Serbs, who are the second largest group, and the predominantly Roman Catholic Croats, who are the third-largest group. During the 1992-1995 war in BiH, the Bosniaks fought for a centralized BiH state without protections for constituent peoples, while Serbs fought for an independent RS. In the Dayton compromise, none of BiH's peoples got everything they wanted, but the Dayton Agreement, through the BiH Constitution, provided a structure to enable a sustainable peace and a functioning union of three peoples with great distrust of one another.

The Dayton Agreement has been successful because its drafters recognized BiH's ethnic reality rather than trying to wish it away. They built into the agreement a meticulous constitutional design enabling BiH's three constituent peoples to live peacefully side by side in a democratic state without threatening each other's vital interests. The heart of the Dayton compromise is the BiH Constitution, which is Annex 4 of the Dayton Agreement.

Three essential elements of the BiH Constitution, unfortunately, have been badly degraded, largely as a result of ill-conceived, reckless foreign interventions. The first such element is BiH's democracy itself, which has been gutted for many years by the unlawful assertions of authority by an unelected foreign official called the High Representative (HR) and in particular the current pretender to the position, a German named Christian Schmidt. The BiH Constitution explicitly provides that all legislation "shall require the approval of both chambers" of the BiH Parliamentary Assembly.¹ Moreover, nothing in the Dayton Agreement or any other source of law authorizes the HR to make decisions that are binding on BiH or any of its citizens. Despite this, HRs and Schmidt have ruled BiH by unconstitutional decrees in brazen defiance of BiH's democratic constitutional order.

The second element that has been badly degraded is the Constitution's organization of BiH as a federal state reserving most competences to BiH's two autonomous Entities (the RS and the Federation of Bosnia and Herzegovina (FBiH)). Defying this careful constitutional design, HRs and their allies have transferred to the BiH level dozens of competences that are constitutionally reserved to the Entities. The third element is the Constitution's consociational power-sharing mechanisms providing for equal participation of constituent peoples in decision-making processes, which have been repeatedly and egregiously sabotaged by those aiming to concentrate power in the hands of the Bosniak majority.

These flagrant violations of the BiH Constitution endanger Dayton's success while severely undermining BiH's stability, rule of law, and democratic development. BiH's well-known dysfunction is not caused by the Dayton compromise, but, instead, by the failure to respect the Dayton constitutional order. As the 30th anniversary of the Dayton Agreement approaches, everyone who cares for BiH's stability and success must rededicate themselves to the faithful implementation of Dayton's explicit terms.

The international community should reject the lawless attempted overthrow of the RS President.

If the rule of law means anything, it must mean that an individual cannot be convicted under a "law" that is blatantly unconstitutional. The international community should unequivocally reject the attempted ouster of RS President Milorad Dodik, who was convicted of violating not a constitutionally enacted law, but the unconstitutional personal edict of an unelected foreigner who does not even hold the office he claims.

Schmidt is not a legitimate High Representative.

The Dayton Agreement requires that appointments to the position of HR be approved by the UN Security Council.² In 2021, however, an informal group of countries and organizations calling itself the Steering Board of the Peace Implementation Council (PIC) claimed to have appointed retired German bureaucrat Christian Schmidt as HR, despite Schmidt's appointment never having been approved by the Security Council as the Dayton Agreement requires. The PIC and its Steering Board, which have no official charter and no legal powers at all, lacked any legal authority to appoint a new HR. The handful of powerful countries that have claimed the authority to simply install their choice for the position have perpetrated a fraud.

In a recent paper, Dr. Ivan Pepić of the University of Geneva explained why Schmidt's illegal appointment is no mere procedural glitch, but a fundamental rejection of legitimate legal process. Dr. Pepić wrote, "The UNSC's role in HR appointments is not a 'courtesy' but an imperative under Annex 10 [of the Dayton Agreement] and UNSCR 1031. The PIC's unilateral action in this case lacks a crucial legal anchor."³ Because Schmidt's appointment to be HR was not approved by the UN Security Council as required by Dayton, or by any other legitimate international institution, he is not a legitimate HR. Of course, even if Schmidt were a legitimate HR, nothing in the Dayton Agreement or any other source of law gives the HR legal authority to impose laws, much less oust democratically elected leaders.

The RS President was prosecuted based on a patently invalid criminal prohibition made up by Schmidt.

The criminal prohibition under which RS President was prosecuted is not a legitimate BiH law because it was unconstitutionally decreed by Schmidt, an unelected foreign citizen, instead of being enacted by the BiH Parliamentary Assembly as the BiH Constitution explicitly requires.

Contrary to Schmidt's assertions, the RS President was not found guilty of violating the Dayton Agreement. This is simply a lie made up by Schmidt and his supporters to cover up their own violations of the BiH Constitution and Annex 10 of the Dayton Agreement. Rather, the RS President's conviction was for an offense invented and imposed in July of 2023 solely by Schmidt himself, called "failure to implement decisions of the High Representative." Schmidt apparently asserts the patently absurd proposition that any failure to implement any edict by any High Representative, no matter how egregiously that edict violates the BiH Constitution, is somehow a breach of the Dayton Agreement. Such autocratic formulations emanating from the Office of the High Representative (OHR) demonstrate the preposterous dictatorial powers that have come to be claimed by HRs thinking they have been empowered to rule over BiH as autocrats. This must end.

Article 7 of the European Convention on Human Rights provides, "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed." Because the criminal offense for which the RS President was convicted was not a criminal offense under national or international law at the time of the alleged offense, his conviction was plainly unlawful.

In response to Schmidt's flagrantly unconstitutional efforts to rule BiH by edict, the RS National Assembly had in June of 2023 approved a statute ending the publication of such unlawful edicts in the RS's Official Gazette. After the RS President formalized this statute in July 2023, as the RS Constitution required him to do, the BiH Prosecutor's Office acted with unprecedented speed to indict the RS President on the basis of Schmidt's new "law." Underlining the lawlessness of the prosecution, at the time of the alleged offense, Schmidt's prohibition had not even been officially published and was nothing but a post on the OHR website. After an expedited trial in a weaponized judicial process rife with improprieties, a Bosniak judge of the Court of BiH—the same court created by another unconstitutional HR decree—convicted President Dodik and sentenced him to a year in prison and a six-year ban on holding public office.

The President's defense team appealed his conviction, pointing out that the BiH Constitution and the Dayton Agreement do not allow the HR to impose laws by edict and that Schmidt, in any event, is not a legitimate HR. An all-Bosniak appellate panel of the Court of BiH, however, quickly rejected the appeal as expected. Incredibly, the appellate panel explicitly refused to examine the crucial issue of the case—whether Schmidt had the constitutional authority to impose the criminal prohibition under which the RS President was convicted. The panel also refused to substantively address the defense's objection that Schmidt was not a legitimate HR, simply asserting that "the first-instance court was fully justified in making only a passing reference to the *generally known fact* that Christian Schmidt is the High Representative in BiH."⁴ Because

the panel refused to engage in any serious consideration of sound objections that should have resulted in the President's acquittal, its decision was a travesty of justice.

The defense team is now challenging the conviction of the RS President before the BiH Constitutional Court. Success is unlikely, however, because the Constitutional Court is controlled by an alliance of three foreign judges and two Bosniak judges who routinely rubber stamp any act by Schmidt. Indeed, Schmidt maintains a standing order that bans any court—including the Constitutional Court—from issuing any ruling that takes issue in any way with his decisions. And the consequences of defying Schmidt's wishes have now been made abundantly clear.

The RS National Assembly recently adopted a set of conclusions rejecting any form of colonial governance of BiH—the principal cause of the constitutional and political crisis in BiH—and rejecting the BiH Constitutional Court's illegal and invalid efforts to integrate the OHR into BiH's constitutional framework as if it were a legitimate governing authority.

The continuing pernicious effects of Schmidt's illegal criminal edict.

Because the criminal prohibition on which the RS President's ouster was based is not a legitimate law, his conviction and all its legal consequences must be considered null and void.

The Central Election Commission (CEC), however, ignoring the lawlessness of Mr. Dodik's conviction, ordered that the President be stripped of his mandate and that a special election for the RS presidency be held. Revealing the intention to impose on the RS a president who would be obedient to Schmidt and the Bosniak political establishment, the then-president of the CEC said, "We will have 48 polling stations in . . . the Federation of BiH for absentee voting. And that is enough to elect the president of the RS."⁵ Voters coming from one federal unit deciding the presidential elections of another would represent a dangerous precedent and violate not only the Dayton Agreement, but the most basic democratic principles.

To prevent any instability that could arise from such scenarios, the RS's governing coalition took the responsible decision to participate in the snap election, despite the clear illegality of the CEC's decision to order it.

Notwithstanding the actions of the RS governing coalition intended to deescalate the current political tensions, the provocations by Bosniak judges and political elites have continued. The CEC duly verified the governing coalition's candidate for the snap election, and the Appellate Division of the Court of BiH, the sole judicial authority with jurisdiction, rejected an appeal targeting the candidate's validity. However, in a shocking departure from judicial norms, the Bosniak judge who had presided over the first-instance criminal proceedings against the RS President, acting without any jurisdiction or authority whatsoever, wrote a letter to the CEC attempting to influence it to reverse its decision verifying the governing coalition's candidate. The letter falsely claimed that because of his conviction under the Schmidt edict, Mr. Dodik cannot be president of a political party *and cannot even be employed by any public or private entity*. Despite the provocations by Bosniak political elites and their weaponization of the judiciary intended to concentrate all decision-making and power in the hands of the Bosniak people, the RS nonetheless

took additional steps to deescalate political tensions and enable a constructive dialogue with domestic and international partners to resolve the critical issues at hand.

Even as the RS took steps to deescalate the situation, however, the leader of BiH's largest Bosniak party (the SDA), Bakir Izetbegovic, attempted to further pressure the CEC to disenfranchise Serbs and announced an initiative to entirely dismantle the Dayton Agreement's protections for constituent peoples. Izetbegovic's relentless efforts to undermine the Dayton Agreement's consociational principles must be vigorously rejected by all who claim to respect the Dayton Agreement and the rule of law.

Schmidt's destabilizing and illegitimate reign must end, and his edicts be annulled.

Schmidt, a German politician who has been widely criticized even in his home country for his extreme insensitivity toward the victims of Nazi Germany, has brought nothing but instability to BiH since his arrival in 2021. As a result of the growing international objections regarding the unlawfulness of the OHR's rule by decree, there had been only one OHR edict in the ten years prior to Schmidt's arrival. By contrast, Schmidt, since he began asserting control of the OHR, despite his lack of legitimacy, has been utterly reckless, issuing dozens of unlawful decrees with no oversight whatsoever, trampling on BiH's constitutional democracy and the rule of law.

The latest and most serious crisis in BiH was triggered when the RS resisted Schmidt's goal of confiscating all of the RS's public property, including its natural resources, roads, schools, and hospitals, and transferring it to the BiH level of administration, thus rendering the RS politically and legally irrelevant and allowing Bosniaks to control RS's resources. This goal flagrantly violates the BiH Constitution, which leaves control of public property to the two Entities.

To discipline the RS leadership for such disobedience, Schmidt summarily punished BiH's most popular Serb political party, the SNSD, by banning it from receiving any public financing, intentionally putting the party at an extreme disadvantage relative to other political parties favored by Schmidt. Schmidt's attempt to selectively destroy a particular political party by starving it of resources, simply because that party objects to the illegality of his actions, shows the depth of Schmidt's contempt for democracy. Schmidt also unilaterally decreed changes to the BiH election law no less than four times, once on the very night before the election.

Schmidt's reckless, ill-conceived edicts have dramatically increased tensions and caused one crisis after another in BiH, and they have prevented the development of democratic institutions in the country. As the Heritage Foundation wrote in a report published this past July, "Each occurrence of invasive foreign intervention retards the independent development of BiH's core institutions and exacerbates relations among Bosniaks, Croats, and Serbs."⁶ Similarly, examining BiH's political instability during Schmidt's tenure, Dr. Pepić found:

[T]he central issue remains the HR. No other international official possesses such sweeping legislative and executive authority without a clear legal mandate from either a binding international agreement

or the UNSC. This unaccountable power structure has created unprecedented tensions, including through Schmidt's recent impositions that affect relations among the three main ethno-national groups in BiH—Bosniaks, Croats, and Serbs.⁷

If Schmidt's illegal edicts are allowed to remain in place, all citizens of BiH will forever be at risk of criminal prosecution for violating the personal whim of whoever it is that claims the title of High Representative at the time. Such a circumstance would render the BiH Constitution meaningless and would signal the end of any rule of law in BiH. In order to restore the constitutional basis of law in BiH, all of Schmidt's illegal edicts must be annulled.

In May of this year, EU Special Representative to BiH Luigi Soreca, according to N1, "warned [the international community] cannot—and must not—assume responsibilities that belong to BiH's institutions."⁸ "We cannot replace domestic authorities. Laws are passed through legislative procedures, and the executive branch implements them," Ambassador Soreca said.⁹

Unfortunately, certain EU officials have since flatly contradicted Ambassador Soreca's statement by supporting Schmidt's unconstitutional edicts, demonstrating a cynical hypocrisy that reveals the utter emptiness of EU claims to support democratic governance and the rule of law. If the EU truly wants BiH to advance on the road to EU membership and truly respects the rule of law, it will reject Schmidt's claim to the office of HR, reject claims by any High Representative to unlimited power to rule BiH by decree, and demand that all parties inside and outside BiH respect the democratic constitutional procedures agreed at Dayton.

The United States, meanwhile, this year has wisely stopped supporting Schmidt's edicts. In May, US Deputy Secretary of State Christopher Landau laid out a new US approach to BiH that rejects the previous administration's policy of heavy-handed foreign interference. The Heritage Foundation's recent analysis called for the Trump Administration to "end the OHR's unchecked powers and restore BiH's national sovereignty" and for the US Congress to "hold appropriated funds for the OHR . . . until the OHR's Bonn powers are terminated."¹⁰ If the United States has truly changed its BiH policy, it should publicly reject Schmidt's edicts, reject his efforts to oust democratically elected leaders who demand that the BiH Constitution be upheld, and insist that BiH be governed by BiH's democratically elected leaders rather than an unelected foreign despot.

Everyone who wishes for BiH to succeed must support internal dialogue and the faithful implementation of the Dayton Agreement and demand the immediate end of Schmidt's anti-democratic, unconstitutional, and destabilizing chokehold on BiH.

¹ BiH Constitution, art. IV(3)(c).

² Annex 10 of the Dayton Agreement, art. I.

³ Ivan Pepić, *Ending the OHR's "Bonn Powers" to save Bosnia and Herzegovina (again)*, New Eastern Europe, 30 May 2025.

⁴ *Id.* at para. 17 (emphasis added).

⁵ Vučić izjavu predsednice Izborne komisije BiH u vezi sa izborima u RS nazvao 'veoma opasnom', Radio Slobodna Evropa, 29 Aug. 2025.

⁶ Max Primorac, *Bosnia and Herzegovina: Ending a Nation-Building Failure*, Heritage Foundation, 8 Jul. 2025.

⁷ Ivan Pepić, *Ending the OHR's "Bonn Powers" to save Bosnia and Herzegovina (again)*, New Eastern Europe, 30 May 2025.

⁸ *EU's Soreca: Only domestic institutions can resolve BiH's crisis*, N1, 17 May 2025.

⁹ *EU's Soreca: Only domestic institutions can resolve BiH's crisis*, N1, 17 May 2025.

¹⁰ Max Primorac, *Bosnia and Herzegovina: Ending a Nation-Building Failure*, Heritage Foundation, 8 Jul. 2025.