

# 66th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the UN

## SUMMARY

The present report covers the period from 16 April 2024 to 15 October 2024.

The political situation in the reporting period provided a mixed picture. Externally, the EU continued to provide momentum for an accelerated European integration of the Western Balkan countries. However, Bosnia and Herzegovina fell short of fully benefitting from this initiative, mainly due to its failure to fulfil all of the requirements of the Growth Plan. Internally, the period was dominated by the preparations for the recent local elections that took place on 6 October 2024, but also by continued attempts to undermine the General Framework Agreement for Peace. The reporting period ended on a sad note due to the national emergency caused by flooding and landslides that resulted in loss of precious lives and damage to property in five central municipalities.

Local elections in Bosnia and Herzegovina were conducted in a peaceful atmosphere without any major incidents. Citizens and representative NGOs in Bosnia and Herzegovina showed strong approval for the use of new technologies to enhance election integrity, which were implemented for the first time after the Election Law had been amended by my Decision of 26 March 2024.

Another important feature of my Amendments to the Election Law was the prohibition of persons sentenced for war crimes, genocide and crimes against humanity to stand as candidates or hold any elective, appointive or other office. At the same time, novel provisions targeting use of hate speech for election campaign purposes yielded positive results amongst political subjects, with evident reduction in the number of such cases. Improving election integrity is certainly one of the essential elements of the ongoing efforts in restoring citizens' trust in elections and the development of a democratic tradition in the country. However, the persistently low level of women's participation in political life remained unaltered in the recent local elections.

In terms of reforms and European integration, the reporting period witnessed the failure of politics of ethnicity, culminating in the failure to adopt a Draft Reform Agenda fully in line with all 113 requirements of the Growth Plan. Consequently, Bosnia and Herzegovina has become the only country in the region to be left out of the European Union Growth Plan for the time being, and the responsibility falls on the domestic political actors. Meanwhile, the stated commitment of the government towards European integration remains unchanged. Local ownership of the reform process will ultimately be critical for Bosnia and Herzegovina to advance on its path towards European integration.

Commitments to reform the Constitution of Bosnia and Herzegovina to implement Judgements of the European Court of Human Rights in the Sejdic-Finci group of cases, have shown no results so far. Political parties and authorities in Bosnia and Herzegovina have taken no initiative in this regard showing little interest to act despite repeated calls by the International Community and myself as High Representative urging them to implement the judgments of the European Court of Human Rights in Sejdić and related cases concerning eligibility to stand for election which requires amending the

constitution of Bosnia and Herzegovina in order to eliminate discrimination. The High Representative is responsible, among other things, for the sustainable development of democracy in Bosnia and Herzegovina. In this regard, I will invite, in the upcoming period, all stakeholders to launch an initiative aimed at implementing the judgements of the European Court for Human Right.

The ruling coalition in the Republika Srpska continues to subvert the State of Bosnia and Herzegovina, undermine the authority of its central institutions and weaken their performance. At the same time, despite proceeding with the adoption of the unconstitutional Election Law of Republika Srpska, it is worth noting that all political parties in the Republika Srpska decided to take part in the recent local elections organized by the Central Election Commission of Bosnia and Herzegovina.

On 23 May 2024, the United Nations General Assembly adopted a resolution designating 11 July as the “International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica” and condemning any denial of that historical event and any actions that glorify those convicted of war crimes, crimes against humanity and genocide by international courts. The adoption of the Resolution was met with an aggressive campaign of historical revisionism, repeated denial of genocide in Srebrenica, and glorification of war criminals on the part of the ruling coalition in the Republika Srpska.

Ahead of the United Nations General Assembly vote on the Srebrenica Resolution on the same day, the Republika Srpska Government adopted a so-called draft Agreement on “peaceful disassociation” from the Federation of Bosnia and Herzegovina – a document that disregards the statehood, sovereignty and territorial integrity of Bosnia and Herzegovina. After the adoption of the UN Resolution on Srebrenica, the first All-Serb Assembly “One Nation, One Assembly – Serbia and Srpska” was held in Belgrade on 8 June 2024 with the aim of adopting

the Declaration on the Protection of National and Political Rights and the Common Future of the Serb People. Meanwhile, the Republika Srpska National Assembly continued legislative work toward creating a parallel legal framework.

Challenges by the ruling coalition in the Republika Srpska to the State level institutions, in particular the Constitutional Court of Bosnia and Herzegovina as well as the institution and mandate of the High Representative also continued during the reporting period. These involve threats and inflammatory rhetoric but also actions to undermine my credibility as High Representative and thereby the ability to implement my mandate. Such actions are in direct violation of Annex 10 to the General Framework Agreement for Peace, which mandates full cooperation of the parties to the Agreement with the High Representative.

Earlier trends of return-related violence have continued during the reporting period, with several cases of violence and intimidation against, or involving returnees. Such cases continue to produce tension and burden inter-ethnic relations, rendering the efforts toward improvement of relations and reconciliation more difficult. Return-related violence, together with a wider context of occasional cases of general inter-ethnic violence, generates additional constraint to positive processes.

Inter-ethnic tension, and in general the level of concern rose notably during April and May 2024, the period of public debate and campaign in relation to the adoption of the UN Srebrenica Resolution, when there have been reports of increased anxiety among the local population. As High Representative, I continue to urge all relevant stakeholders to show more tolerance and increase their engagement on inter-ethnic dialogue towards reconciliation.

There was no major breakthrough in the implementation of the 5+2 Agenda in the reporting period. There has been no

legislative work at the State level towards the resolution of the highly contested issues of state property. Certain steps that were taken by the Entities, were first suspended and then quashed by the Constitutional Court of Bosnia and Herzegovina. In the Brčko District, the generally positive trend continued, but the pace of progress has not accelerated. The Fiscal Council of Bosnia and Herzegovina held no sessions in the reporting period and has not adopted the Global Framework of Fiscal Balance and Policy in Bosnia and Herzegovina for the Period 2025-2027, which disrupts the preparation of the State budget for 2025. Negotiations regarding the new Law on the High Judicial and Prosecutorial Council and the new Law on Courts of Bosnia and Herzegovina, which make up a substantial part of the rule of law cluster among the European Commission's 14 key priorities, continued during the reporting period without any definitive results.

There is ample evidence to the fact that, if managed in a coordinated way, the General Framework Agreement for Peace and European integration are complementary and mutually reinforcing. Bosnia and Herzegovina's European integration perspective has thus far been possible based on the secure foundations provided by the General Framework Agreement for Peace, but it is the EU integration process that will keep the country on the avenue to lasting peace and prosperity. Bosnia and Herzegovina stands at a crossroads to seize or lose the opportunity that presents itself as EU candidacy. All political actors in Bosnia and Herzegovina must respect the General Framework Agreement for Peace, which leaves no doubt about the sovereignty, territorial integrity and administrative structure of the country.

## **I. Introduction**

1. This is my seventh regular report submitted to the United Nations Security Council since I assumed the position of High Representative for Bosnia and Herzegovina in August 2021. My report is an impartial

assessment of the implementation of the civilian aspects of the General Framework Agreement for Peace with information on developments and progress towards achieving previously established goals.

2. I am fulfilling my mandate pursuant to Annex 10 of the General Framework Agreement for Peace, in accordance with relevant decisions of the UN Security Council and with paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997. Progress on the five objectives and two conditions, also known as the 5+2 Agenda, set in 2008 as the agenda for Bosnia and Herzegovina to transition from international oversight, remains the obligation of the authorities of Bosnia and Herzegovina to fulfill.
3. One of the most important political events in the reporting period was the local elections on 6 October 2024, the preliminary results of which indicated that politics of ethnicity is still prevalent in Bosnia and Herzegovina. The elections were successfully conducted in a calm and peaceful manner, receiving wide acclaim domestically and internationally.
4. The elections became successful in large part due to the elections integrity package that had been introduced by my Decision Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina on 26 March 2024. The details of my Decision were presented at length in my sixty-fifth report to the UN Security Council in May 2024 (S/2024/367).
5. In line with the recommendations of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Group of States against Corruption and the Venice Commission, the said elections integrity package ensured the transparency of the process during voting and counting through the introduction of election technologies and the appointment and depoliticization of election administration, as well as other aspects of the electoral process previously susceptible to fraudulent

activities. Moreover, the integrity package introduced the prohibition for persons convicted by any international or domestic court of the crime of genocide, crimes against humanity or war crimes to stand as candidate for elections or hold any elective or appointive office and introduced additional measures to tackle widespread use of hate speech during election campaigning.

6. Successful conduct of the local elections was of utmost importance for the democratic future of the country, paving the way for comprehensive application of new technologies in the election processes in future election cycles. The citizens of Bosnia and Herzegovina deserve to have transparent, fair and reliable election processes; and enabling technological features to improve election integrity is certainly one of the essential elements of the ongoing efforts in restoring citizens' trust in elections and the development of a democratic tradition in the country.
7. In terms of reforms and European integration, the Draft Reform Agenda was not adopted during the reporting period, so that it has not been possible for Bosnia and Herzegovina to have access to the much-needed funds that would otherwise be available in the context of European Union Growth Plan for the Western Balkans and the responsibility falls on the domestic political actors. Meanwhile, the stated commitment of the government towards European integration remains unchanged. Local ownership of the reform process will ultimately be critical for Bosnia and Herzegovina to advance on its path towards European integration.
8. The ruling coalition in the Republika Srpska still continues to subvert the State of Bosnia and Herzegovina, undermine the authority of its central institutions and weaken their performance. The secessionist rhetoric and destructive tendencies notwithstanding, all parties in the Republika Srpska

decided to participate in the local elections that were organized by the Central Election Commission of Bosnia and Herzegovina.

## **II. Political Update**

### **A. General Political Environment**

#### ***Local Elections on 6 October 2024***

9. The 2024 Local Elections were announced by the Central Election Commission of Bosnia and Herzegovina on 8 May 2024. Despite numerous challenges stemming from, *inter alia*, the novelties introduced by my Decision enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina, the Central Election Commission of Bosnia and Herzegovina had successfully prepared and conducted the 2024 Local Elections, implementing the related legislation in an independent, professional and efficient way.
10. It is important to underscore one particular situation in which the speedy and efficient cooperation and mutual support of two State institutions prevented a potential crisis in the implementation of the election process. Due to a shortcoming stemming from the public procurement procedures, the Central Election Commission of Bosnia and Herzegovina encountered difficulties in transporting sensitive election material (including ballots) to Local Election Commissions throughout the country. However, in cooperation and with the support of the Ministry of Defense of Bosnia and Herzegovina, this problem was solved. The joint efforts of two state institutions in implementing and protecting democratic processes in the country are praiseworthy and encouraging. The Central Election Commission of Bosnia and Herzegovina also stressed the excellent cooperation and support of the police agencies throughout the country and of the Agency for Identification Documents,



Registers, and Data Exchange of Bosnia and Herzegovina (IDDEEA).

11. For the first time in an election, voters in Bosnia and Herzegovina had the opportunity to benefit from modern technology to cast their votes at 458 polling stations in 24 basic electoral districts throughout the country. This was made possible by my Amendments to the Election Law and by way of four pilot-projects provided by the Central Election Commission of Bosnia and Herzegovina along with the Organization for Security and Co-operation in Europe (OSCE) and some of its member states, United States Agency for International Development (USAID) and the European Union missions in the country.
12. OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed its election observation mission (EOM) for the 12<sup>th</sup> time in the 2024 local elections in Bosnia and Herzegovina. According to the Statement of Preliminary Findings and Conclusions issued by OSCE Office for Democratic Institutions and Human Rights on 7 October 2024, the local elections were competitive and efficiently managed by the election administration that worked professionally. However, there were insufficient efforts to generate public engagement, elections took place in an environment lacking social and political cohesion and the limited media coverage negatively impacted voters' opportunity to make an informed choice. Furthermore, the short timeframe to implement the new tasks, coupled with inadequate resources, placed a significant burden on them and left some important provisions unfulfilled. Despite these challenges, ODIHR assessed the legal framework as providing "a solid basis for democratic elections." It confirmed that my Amendments to the Election Law of Bosnia and Herzegovina on 26 March 2024 introduced important integrity safeguards and confidence building measures and further

strengthened some aspects of the electoral process addressing many long-standing OSCE Office for Democratic Institutions and Human Rights and Congress recommendations. The Statement also praised the implementation and use of Information and Communication Technologies (ICT), which was made available by my Amendments.

13. On 6 October 2024, the Central Election Commission of Bosnia and Herzegovina had to adopt a decision to postpone elections in five municipalities – Jablanica, Konjic, Kiseljak, Kreševo and Fojnica – due to floods and landslides in those places that caused a national emergency that resulted in loss of precious lives and damage to property and infrastructure.
14. The Central Voter Register according to which there were approximately 3.4 million registered voters was closed on 22 August 2024. Some claim the number of registered voters to be inflated on account of the difficulties relating to amending the voter register. On the election day, the registered voters had the opportunity to vote for their chosen representatives in 143 local self-government units (Municipalities, Cities and the Brčko District). A total of 1.560.446 citizens cast their ballots, making the turnout rate 47.73 per cent. The turnout rate was 2.27 per cent lower than the 2020 local elections. The Central Election Commission of Bosnia and Herzegovina pointed out the postponement of elections in five electoral districts as one of the reasons for the lower turnout.
15. The elections were held in a peaceful atmosphere without any serious incidents.
16. According to the preliminary findings of the Central Election Commission of Bosnia and Herzegovina and relevant observation missions, the said pilot-projects were successful. The overall feedback was very positive from different sides – citizens, election administration and observation missions deployed on the election day.

17. The domestic election observation “Pod lupom” Coalition noted in their Preliminary Report issued on 7 October 2024 that the introduction of new technologies was successful at 97.9 percent of the observed polling stations. Also, the Agency for Identification Documents, Registers, and Data Exchange of Bosnia and Herzegovina (IDDEEA) announced on 6 October 2024 that the pilot projects for “integrating cutting-edge and novel technologies into the voting process in the 2024 local elections in Bosnia and Herzegovina have surpassed expectations.”
18. The Association of Victims and Witnesses of Genocide also praised the success of the election integrity package in preventing persons convicted by any international or domestic court of the crime of genocide, crimes against humanity or war crimes to stand as candidate for elections or hold any elective or appointive office.
19. The Central Election Commission of Bosnia and Herzegovina is still in the process of certifying and confirming the results within the 30-day deadline after the elections, but preliminary results and findings are sufficiently indicative.
20. According to the preliminary, unofficial and unconfirmed results, political parties with ethnic background maintained their dominance in the country. In this framework, Party of Democratic Action (SDA), Alliance of Independent Social Democrats (SNSD) and Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) won most of the mayorships and achieved significant results in the local councils and assemblies. However, in urban centers, such as Sarajevo, Banja Luka, Tuzla, Zenica, Bijeljina, Bihać, some of those parties lost important mayorships to opposition parties. Following the confirmation of the results, indirect elections will be conducted in three places – Sarajevo, Mostar and the Brčko District.

21. As soon as the results are confirmed by the Central Election Commission of Bosnia and Herzegovina, I expect all elected representatives to assume their duties within the set deadlines.

### ***Government's reform efforts in the context of the EU integration***

22. The World Bank's most recent Western Balkans Regular Economic Report in Fall 2024 took note of three powerful economic anchors in Bosnia and Herzegovina that have accounted for macroeconomic stability and resilience in the country. Along with the currency peg to the Euro and statewide collection of indirect taxes, the macroeconomic stability and resilience closely depended on the prospects of European Union membership. The economic indicators compounded with social preferences, especially relating to emigration, strongly indicate that European integration is *sine quo non* for Bosnia and Herzegovina.
23. However, the breakthrough Bosnia and Herzegovina made on European Integration in the previous period following the European Union's decision to open accession negotiations, and the momentum it created at the time, did not prevail in the reporting period.
24. While the rhetorical commitment to the European path by the political elites has continued unabated, there has been only so much done in the reporting period to materialize that commitment into tangible progress on the path to European integration and to fulfil any of the remaining requirements for the *de facto* opening of accession negotiations with the European Union.
25. The reporting period saw no progress in adoption of the relevant legislation. There was no agreement on the Law on Court of Bosnia and Herzegovina, Law on Border Control, Law on Protection of Personal Data, and the new Law on High Judicial and Prosecutorial Council. No

proposals were formally tabled.

26. On 4 June 2024, Chairwoman of Council of Ministers of Bosnia and Herzegovina Borjana Krišto co-chaired with European Union Commissioner Oliver Varhely the Third High-Level Political Forum on European integration in Sarajevo. The Forum reinstated the undivided commitment of all participants to the European path. The Forum was attended by the Deputy chairs of the Council of Ministers, members of Collegia and Heads of Clubs and Caucuses of both Houses of the Parliamentary Assembly of Bosnia and Herzegovina, Entity and Cantonal Prime Ministers, and the Mayor of Brčko District.
27. Although the List of Reforms for the period 2024-2027, which was necessary for the implementation of the Growth Plan for Western Balkans, was ready by 30 April 2024, the Working Team informed on 24 July 2024 that the Draft Reform Agenda was not adopted since the representatives of four Cantons led by the Party of Democratic Action (SDA) did not give their consent to the proposed draft document, despite an extended deadline by the European Commission and numerous attempts at harmonizing positions. The prior consensus on the Growth Plan conditionality in its entirety was not reached with the Republika Srpska on several matters, including the appointments of judges to the Constitutional Court of Bosnia and Herzegovina and compliance with its decisions. Agreement on the Draft Reform Agenda was a precondition for a 70 million Euro allocation by the European Union as part of the first tranche within the European Union Growth Plan for the Western Balkans. Failure to adopt the Draft Reform Agenda provoked a storm of reaction and inter-party accusations and the responsibility falls on the domestic political actors.
28. On 17 September 2024, Chairwoman Borjana Krišto informed the European Commission about the lack of agreement concerning the Draft Reform Agenda, but still submitted the document with 111 agreed and two missing points.

Unfortunately, Bosnia and Herzegovina became so far the only country among the six beneficiaries to be left out of this facility. Nevertheless, Chairwoman Krišto pledged to continue looking for ways to reach a consensus within the incumbent coalition.

29. The prospect of economic progress has not only been improved by the concrete European offer of integration. It was also underlined by the substantial results of 10th Anniversary summit meeting of the Berlin Process that was held in Berlin on 14<sup>th</sup> October 2024. Bosnia and Herzegovina signed up to several ambitious declarations and agreements for strengthening ties with the other Western Balkan countries in fields like connectivity, trade, energy, transportation, implementation of innovations, and green transition. If these commitments are fully implemented, Bosnia and Herzegovina can take advantage of the manifold opportunities that lie in the linkage between regional and European integration.

### ***Democracy and Non-Discrimination***

30. As previously reported, judgments of the European Court on Human Rights (ECtHR) in the Sejdić-Finci group of cases remain unimplemented. These judgments concern eligibility to stand for election which requires amending the constitution of Bosnia and Herzegovina in order to eliminate discrimination.
31. Commitments to reform the Constitution of Bosnia and Herzegovina to implement Judgements of the ECtHR in the Sejdic-Finci group of cases, have shown no results so far, although they were part of the Political agreement on principles for ensuring a functional BiH signed by BiH political leaders and facilitated by the President of the European Council, Charles Michel, on 12 June 2022 in Brussels, after the failure to amend the constitution and the election law by consent in the so-called "Neum talks". Political parties were not ready to act despite

repeated calls by the International Community and myself as High Representative to political actors and relevant authorities to reach agreement on amending the Constitution of Bosnia and Herzegovina to ensure full equality of all citizens and eliminating discrimination, particularly by implementing the ECtHR case law in the Sejdić and Finci group of cases.

32. In particular, HDZ BiH continues to link and condition any agreement on amendments to the Constitution of BiH and the Election Law of BiH aimed at addressing the Judgements of the ECHR in the Sejdic-Finci group of cases with the need to ensure the equality of three constituent peoples, in which each constituent peoples is represented by "legitimate" representatives.
33. Such constitutional reform process is also aimed towards addressing the 2019 EU Opinion Key Priorities. The country's accession status shall be reviewed this year by the European institutions with the possibility of advancing the accession negotiations by holding the first intergovernmental conference and setting up the negotiating framework. It is understood, the constitutional reforms, including implementation of the ECtHR Sejdic-Finci case-law would be included in the first cluster of the negotiating framework governing fundamental rights and the functioning of democratic institutions that will require engagement of the authorities in their implementation from the very outset.
34. It is imperative to resume talks between the political parties on implementing the ECtHR case law in the Sejdić and Finci group of cases and I will invite to launch such an initiative.
35. In addition, through my past interventions, I have already included provisions regarding citizens' participation in the legislative process in the Federation of Bosnia and Herzegovina. However, this participation in public affairs remains weak and much

more remains to be done to enable all citizens and stakeholders to influence government activities and decision making in order to actively participate in public life.

***Subversion of the State of Bosnia and Herzegovina and secessionists acts of the Republika Srpska***

36. The Republika Srpska authorities continued to take active steps towards the establishment of a parallel legal and institutional framework outside the State-level constitutional, legal, and institutional frameworks as well as undermining State level institutions.
37. One such example is the adoption of the Republika Srpska Election Law on 19 April 2024. With this legislation, the Republika Srpska National Assembly (RSNA) established, contrary to the Election Law of Bosnia and Herzegovina, a parallel electoral framework that assumes and undermines the competencies of the Central Election Commission of Bosnia and Herzegovina. This subversion of the State electoral framework bolsters the Republika Srpska leadership's broader strategy of asserting greater autonomy to maintain political dominance. The Law entered into force 17 July 2024, but it was subsequently annulled by the Constitutional Court of Bosnia and Herzegovina on 19 September 2024.
38. Another example is adoption of the Republika Srpska Law on Referendum and Civic Initiatives on 19 April 2024. This Law, which aims at establishing a separate legal and institutional framework to be utilized by the Republika Srpska authorities for the conduct of referenda independently from the Central Election Commission of Bosnia and Herzegovina and the Election Law of Bosnia and Herzegovina, lowers the threshold for the validity of referendum as an insurance for situations with low voter turnout.



39. Additionally, following the Republika Srpska President's proposal, the Republika Srpska Government held a session in Srebrenica on 23 May 2024 and adopted a so-called draft Agreement on "peaceful disassociation" from the Federation of Bosnia and Herzegovina. On 1 July 2024, the Republika Srpska National Assembly Collegium decided to hold a special session to discuss the so-called Agreement on Disassociation between the Republika Srpska and the Federation of Bosnia and Herzegovina. The documents for discussion were leaked to the media, but they were never published on the official website of the Republika Srpska National Assembly. The said special session was announced as cancelled on 9 July 2024.
40. On 6 June 2024, the Republika Srpska National Assembly passed the Law on Police and Internal Affairs to reduce the authority the State-level Agency for Identification Documents, Registers, and Data Exchange has over digital signatures.
41. On 4 July 2024, the Republika Srpska National Assembly adopted the Draft Law on Amendments to the Law on the Use of the Flag, Coat of Arms and Anthem. The adoption of the amendment to the Law is aimed at implementing the Pan-Serbian Assembly Declaration to create the legal basis for the display of Serbia's anthem, flag and coat of arms/all-Serb symbols by public authorities in the Republika Srpska. Adoption of the amendment to the Law is also seen as circumventing the past decisions of the Constitutional Court of Bosnia and Herzegovina. In 2007, the Constitutional Court of Bosnia and Herzegovina found the provisions of the previous Constitutional Law on the Flag, Coat of Arms, and Anthem of the Republika Srpska that had adopted the Nemanjic coat of arms (a double-headed white eagle) and the national anthem of Serbia "Bože Pravde" as the Entity's anthem to be unconstitutional. If adopted by the Republika Srpska National Assembly, this amendment to the Law could lead to "discriminatory practice" by authorities in the

Republika Srpska in favor of Serb people and at the expense of all constituent peoples and the Others. Similar discriminatory practices had been declared incongruent with the Constitution of Bosnia and Herzegovina in previous decisions of the Constitutional Court of Bosnia and Herzegovina. The final public discussion on the Law took place on 1 August 2024 in Banja Luka, where it was announced that it would be sent to the Republika Srpska National Assembly after the local elections in October.

42. These acts are accompanied by secessionist rhetoric, mainly from Republika Srpska President Milorad Dodik. On 7 June 2024, without providing details, the President of the Republika Srpska said that the Republika Srpska would hold a referendum on secession from Bosnia and Herzegovina. He has continued to use the State property issue to threaten secession. On 7 July 2024, Dodik reiterated that the Republika Srpska would not hesitate to declare independence if the international community imposed a Law on State Property. There is also a tendency to describe the Republika Srpska entity as a state itself.

### ***Intentional Obstruction of the Constitutional Court of Bosnia and Herzegovina***

43. The ruling coalition in the Republika Srpska and the Republika Srpska authorities continue to pursue serious attacks on the Constitutional Court of Bosnia and Herzegovina as part of a deliberate, formal policy to undermine the Constitutional Court, hinder its normal functioning and ultimately incapacitate the Court. Policies and activities challenging the Constitutional Court of Bosnia and Herzegovina include the denial of the legitimacy of the Court, disregard of its final and binding decisions on the territory of the Republika Srpska, including by not publishing its judgements in

the Official Gazette of the Republika Srpska, persistent calls for the removal of international judges from the Court, and the persistent failure to meet the constitutional obligation to appoint two judges from the Republika Srpska. The refusal by the Republika Srpska National Assembly to appoint two replacements is not only part of a deliberate policy of blockage to put pressure on the Court and its ability to operate, but also an instrument of pressure on other political parties to agree on the adoption of a state law that would purportedly terminate the international presence in the Court.

44. Deliberate blockage of appointments of two vacant positions to the Court by the RS authorities, the submission of legislation aimed at terminating the international presence in the Court, and the intensified efforts of political parties to terminate international presence in the Court have proven that, more than ever, the international judges are crucial for upholding the Constitution of Bosnia and Herzegovina and the Court's ability to overcome political obstacles and continue its work.
45. The Federation House of Representatives (FBiH HoR) on 29 May 2024 proceeded with the long overdue appointment to replace former judge Mato Tadić who retired in August 2022. The new judge, Marin Vukoja, took office at the Plenary Session of the Court held on 30 May 2024. The Constitutional Court currently has 7 judges – 4 national and 3 international – out of a full membership of 9.
46. The Venice Commission adopted on 16 March 2024 its Opinion on “certain questions relating to the functioning of the Constitutional Court of Bosnia and Herzegovina,” in which it concluded that the Constitutional Court could amend its Rules in order to lower the majority of votes required to adopt decisions and allow acting judges to continue their mandate beyond the age of 70 until a successor is appointed (The

Opinion of the Venice Commission on Certain Questions Relating to the Functioning of the Constitutional Court of Bosnia and Herzegovina CDL-AD (2024)002 adopted at its 138<sup>th</sup> Plenary Session on 15-16 March 2024). In its Opinion, the Venice Commission showed grave concerns that the Constitutional Court cannot currently function at its full capacity and that this has led to an accumulation of more than 7,000 pending cases, which renders access to constitutional justice excessively lengthy, jeopardizing the effectiveness and credibility of the judicial system. The Venice Commission has emphasized that “Crippling the effectiveness of a constitutional court undermines all three basic principles of the Council of Europe: democracy – because of an absence of a central part of checks and balances; human rights – because access to the Constitutional Court could be slowed down to a level resulting in the denial of justice; and the rule of law – because the Constitutional Court, which is a central part of the judiciary in Bosnia and Herzegovina, would become ineffective.” It concluded that, “It is undeniable that the failure of the authorities to fulfil their constitutional obligations to keep the Constitutional Court of Bosnia and Herzegovina functioning violates the Constitution.” At its session held on 30 and 31 May, the Court decided to amend its Rules to introduce a provision allowing for an exceptional extension of a judge’s term of office. The Amendment to the Rules provide that if the relevant authority does not elect a new judge by the date of termination of office of a judge by reason of age, the judge in question shall continue performing his/her duties until the relevant authority elects a new judge and until the newly elected judge assumes office.

47. In July and September, the Court issued press statements against improper statements and pressure on the

Constitutional Court of Bosnia and Herzegovina, in particular international judges sitting in the Court. In its press release issued on 5 July, the Court condemned public demands for setting a deadline for the departure of the international judges from the Constitutional Court stating that this represents an attack on the Constitutional Court aimed at undermining its work and “that the Constitution of BiH does not contain a single provision requiring exclusion of the international judges from the Constitutional Court, nor is the departure of the international judges one of the conditions for the start of BiH’s negotiations for accession to the EU”. In reaction to the public statements of politicians aimed at campaigning for the termination of office of the international judges through tailoring the Report on the Financial Audit of the Constitutional Court of BiH for the year 2023, on 26 September, the Court issued press release highlighting that “the failure on the part of the Entity Parliaments to elect the judges – with the Entities having a constitutional obligation to elect judges in due time – is the underlying and only cause of decrease in the number of decided appeals”.

48. On 18 March 2024, a majority of delegates in the House of Peoples of Bosnia and Herzegovina voted in favour of putting on the agenda the proposed Law on the Constitutional Court tabled by a Serb Democratic Party (SDS) delegate, after which the majority of Bosniak delegates left the session. Bosniak delegates conditioned their return to the regular session with removal of the unconstitutional proposal from the Agenda. I publicly clarified that such a law would be unconstitutional and a direct attack to the independence of the judiciary and announced that should it be adopted, I would have to repeal it. I also announced my intention to act against any legislation that would undermine the Constitutional Court and in particular the

presence of its international judges. On 14 October 2024, proponent decided to withdraw the Proposed Law from the procedure. The Proposal aimed, among others, to regulate matters of the organization and functioning of the Court. The Constitutional Court through its past jurisprudence underlined that matters of organization and functioning of the Court are already regulated by its Rules which have constitutional standing and fall within the exclusive responsibility of the Constitutional Court itself and cannot be regulated by law. Proposed law also aimed to remove the international judges from the Court and to introduce ethnic and entity vote in its decision-making. As such, Proposed Law was incompatible with the Constitution of Bosnia and Herzegovina, European standards, and principles of independence, impartiality and integrity of the judiciary. The same applies to the Draft Law on Cessation of Mandates of Foreign Judges and the Election of Local Judges in the Constitutional Court of Bosnia and Herzegovina, which Union of Independent Social Democrats (SNSD) submitted to the House of Representatives of Bosnia and Herzegovina at the end of March 2024.

### ***The Republika Srpska authoritarian measures***

49. In the Republika Srpska, the deep concerns caused by the criminalization of defamation, which entered into force in January 2024, has continued during the reporting period. While taking note that the draft Law on the Special Registry and Publicity of the Work on Non-profit Organizations was withdrawn from the Republika Srpska National Assembly's agenda, statements by the President of Republika Srpska indicate that it has not been fully abandoned. In fact, he stated it would be put forward again following "harmonization" with European standards.
50. Moreover, in July 2024, the Republika Srpska National

Assembly amended the Republika Srpska Law on Geological Exploration, removing the requirements of consultation with concerned communities and of impact assessments, in breach of relevant international standards.

### ***Evasion and Circumvention of the sanctions of the United States***

51. Since the expansion of US sanctions on 18 June 2024 to include seven entities and two persons in the Republika Srpska as well as some in the Federation of Bosnia and Herzegovina, US Office of Foreign Assets Control (OFAC) sanctions have affected the budget and to some extent fiscal stability of the Republika Srpska. The Government of the Republika Srpska has been facing difficulties raising credit from financial markets in the last 6 months. The 2024 Budget envisaged borrowing BAM 1.3 billion, but it has only managed to borrow BAM 425 million until mid-October.
52. Sanctions have had direct substantial impacts on blacklisted Republika Srpska officials and affiliated companies. The political leadership in the Republika Srpska is in public conflict with the RS banking sector of the Entity because the latter is obliged to follow US Office of Foreign Assets Control. During the reporting period, the Republika Srpska National Assembly passed legislation that would enable certain blacklisted officials to circumvent the sanctions. This legislative response accounts for the ongoing usage of legal mechanisms by the Republika Srpska leaders to shield themselves from accountability.

### **B. Decisions of the High Representative During the Reporting Period**

#### ***Decision Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina***

53. As reported in my previous report, I imposed the Decision Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina on 26 March 2024 in order to ensure enhanced transparency and election integrity during 2024 Local Elections, and thereby restore citizens' trust in the election system in the country.
54. Any further delays in addressing electoral corruption, fraud and irregularities would have rendered the election integrity measures inapplicable to the local elections in October 2024, with serious consequences for democracy and political stability of Bosnia and Herzegovina as well as its prospects of integration with the European Union.
55. I am pleased to report that the Amendments received wide public support. There have been no complaints or objections to the contents of the Amendments, which strictly adhered to the recommendations of the competent international organizations.
56. Following this enactment, the Central Election Commission of Bosnia and Herzegovina adopted 26 bylaws on 3 May 2024 for the purposes of regulating and implementing the Election Law in its entirety. This included the implementation of all integrity-related amendments as well as the pilot projects as provided by transitional provisions of the Law. To that extent, I must commend the Central Election Commission for the successful work it has carried out in the conduct of elections from the moment the elections were announced on 8 May 2024 until the preliminary results of the elections were announced.
57. It is important to note that, while certain parties based in Republika Srpska initially opposed my enactment of the Law on Amendments to the Election Law and despite the moribund attempt of the Republika Srpska National Assembly to adopt a parallel entity election law, all of the Parties decided to participate in the local elections as announced and organized by the Central



Election Commission of Bosnia and Herzegovina.

58. The first-time implementation of the enacted Amendments has proven they were long-awaited and very necessary. Citizens and representative NGOs in Bosnia and Herzegovina showed their strong approval of using the new technologies in the election process as a tool for securing the protection of their votes. Also, for the first time ever, early election campaigning was prohibited and sanctioned by the Central Election Commission of Bosnia and Herzegovina and the Polling Station Committees were managed by neutral and independent persons appointed by that state institution. The persons sentenced for war crimes, genocide and crimes against humanity were not allowed to stand as candidates or hold any elective, appointive or other office, including the presidents and deputy presidents of the Polling Station Committees, as stipulated by one of my Amendments in the Election Law. Ultimately, all these circumstances contributed to the overall calm environment present during the election campaign and the Election Day.
59. Despite numerous challenges along the way, the Central Election Commission of Bosnia and Herzegovina managed to prepare and organize the 2024 Local Elections in accordance with the Decision and the Law. I commend the Commission, as a competent and responsible state institution, for its unwavering commitment, efficiency and impartiality in this very demanding task. I have no doubt that the election administration as a whole will achieve further progress during the non-election year ahead of us in advancing their procedures in preparation for the 2026 General elections.
60. Having said that, it is crucial for the responsible authorities in Bosnia and Herzegovina to continue with further improvements in the election legislation and other relevant processes in the country and to appropriately fund the CEC in order to extend election

integrity technology application throughout the land to ensure the country's steady transition to a stable and exemplary democracy.

## **C. Five Objectives and Two Conditions**

### ***Progress of the Objectives***

61. There was no major breakthrough in the implementation of the 5+2 Agenda in the reporting period. Unfortunately, there has been no legislative work at the State level towards the resolution of the highly contested issues of state property. Certain steps that were taken by the Entities were first suspended and then annulled by the Constitutional Court of Bosnia and Herzegovina. In the Brčko District, the generally positive trend continued, but the pace of progress has not accelerated. The Fiscal Council of Bosnia and Herzegovina held no sessions in the reporting period and has not adopted the Global Framework of Fiscal Balance and Policy in Bosnia and Herzegovina for the Period 2025-2027, which disrupts the preparation of the State budget for 2025. Negotiations regarding the new Law on the High Judicial and Prosecutorial Council and the new Law on Courts of Bosnia and Herzegovina, which make up a substantial part of the rule of law cluster among the European Commission's 14 key priorities, continued during the reporting period without any definitive results.

### ***State and Defense Property***

62. During the reporting period, the Constitutional Court of Bosnia and Herzegovina issued several decisions concerning regulation and disposal of State Property by the entities' bodies.
63. On 22 February 2023, Member of Presidency of Bosnia and Herzegovina at the time Denis Bećirović submitted a request for an assessment of the constitutionality of

the Law of the Republika Srpska on Immovable Property Used for Functioning of Public Authorities. On 28 February 2024, Member of Presidency of Bosnia and Herzegovina Željko Komšić, 11 deputies in the House of Representatives of Bosnia and Herzegovina and five delegates of the House of Peoples of Bosnia and Herzegovina followed suit (Case No. U-5/23). The Law on Immovable Property Used for Functioning of Public Authorities regulated the ownership of immovable property that served as a means of exercising and enforcing public authority, and which was used by subjects who exercised that authority after the signing of the General Framework Agreement for Peace. First the implementation of the said Law was suspended on 2 March 2023 and on 30 May 2024, the Court established that the Republika Srpska lacked the constitutional competence to regulate the matter and annulled the disputed legislation.

64. On 28 December 2023, the Government of the Republika Srpska adopted the Decision on the Sale of Immovable Property Located Within the Special Area of Jahorina. Pursuant to that Decision, immovable property subject to public competition is owned by the Republika Srpska; however, according to available information, the list of land plots for sale also includes agricultural and forest land, in violation of the State property disposal ban and contrary to the relevant decisions of the Constitutional Court of Bosnia and Herzegovina. Following media reports, the Public Attorney filed a lawsuit against the Republika Srpska in February 2024, requesting the Court of Bosnia and Herzegovina to declare the sale of land in Jahorina and the relevant documentation null and void. That included the relevant decision of the Government of the Republika Srpska, the public announcement of the sale, and the relevant sale contract. The public announcement about the sale of real estate on Jahorina was published on 4 January 2024 and

the Government of the Republika Srpska decided to sell this property to a certain company from Teslić as confirmed by the Government of the Republika Srpska on 1 February 2024. Thirteen members of the House of Representatives of Bosnia and Herzegovina submitted a request to resolve the dispute between Bosnia and Herzegovina and the Republika Srpska regarding the said Decision (Case No. U-6/24). The applicants sent a request to the Prime Minister of the Republika Srpska on 27 February 2024 to stop the proceedings relating to the disposal of real estate on Jahorina and annul the Decision, which was not done by the Government of the Republika Srpska. At the plenary session of the Constitutional Court of Bosnia and Herzegovina on 30 May 2024, the Court granted request for interim measure suspending the disputed decision of the Government of the Republika Srpska until a final decision in the case was made. At its plenary session held on 11 July, the Constitutional Court of Bosnia and Herzegovina established that the contested decision is not compatible with the Constitution of Bosnia and Herzegovina and rendered it null and void. The Government of the Republika Srpska and the Ministry of Trade and Tourism of the Republika Srpska were ordered to take all steps necessary to quash all decisions and activities taken based on the contested Decision.

65. On 15 November 2023, the Government of the Federation of Bosnia and Herzegovina adopted the Decision on Change of Purpose of Forestland and Temporary Use of Forestland for Other Purposes. Pursuant to that Decision, forestland may be temporarily used for planned purposes other than forest stewardship, such as for the purpose of extracting minerals and other natural resources, during the concession contract. The intention of the Government was to fill the legal void caused by the long absence of a Federation-level law on forests, and at the same time to attempt to abide by the State Property

Disposal Ban and enable the implementation of important investment projects. Speaker of the House of Peoples of Bosnia and Herzegovina Kemal Ademović submitted a request for a review of the constitutionality of that Decision to the Constitutional Court of Bosnia and Herzegovina (Case No. U-3/24). The Constitutional Court suspended the disputed Decision of the Federation of Bosnia and Herzegovina on 30 May 2024 until a final decision. On 11 July 2024, the Constitutional Court established that the contested Decision was not compatible with the Constitution and rendered it null and void. The Court further ordered the Government of the Federation of Bosnia and Herzegovina and the Ministry of Agriculture, Water Management and Forestry of the Federation of Bosnia and Herzegovina to repeal all decisions and activities based on the contested Decision.

66. In its decision, the Constitutional Court of Bosnia and Herzegovina provided its own interpretation of the definition of the concept of disposal, determining that disposal should cover use and change of purpose of forestland even when there are no changes in the ownership title. Furthermore, the Court underlined that no temporary user can be considered *bona fide* and as such does not enjoy protection under the legislation which regulates property rights on real estate. This legal interpretation is far reaching, as it might refer to any “disposal” of State property in its wider sense, e. not only relating to direct or indirect transfer of ownership, as stipulated in the State Property Disposal Ban, but it could include also other transfers of rights and claims or other disposition. This may have a serious impact on current and future development and investment projects.
67. Considering the important financial implications in the context of investment and development projects, it is now even more necessary to address this issue in

accordance with the legal principles established by the jurisprudence of the Constitutional Court of Bosnia and Herzegovina. This should ultimately entail a state-level law, which will comprehensively regulate the issue of apportionment and management of State Property and provide for legal disposals and transfers of State Property assets. I will therefore, in the coming period, call on all stakeholders to urgently address and resolve this long-lasting issue.

### ***Completion of the Brčko Final Award***

68. Since the Government has not managed to reach the pace of progress from before Government reshuffling in mid-March 2023, the absence of an energetic and result driven approach resulted in fractional progress on reform agenda including fiscal discipline and transparency in spending public resources, infrastructure development and economic growth.
69. Even though the District's decisionmakers continuously declared that the focus remained on strengthening financial stability of the Brčko District and on promoting fiscal discipline and transparency in public funds spending, there are still numerous examples of a retained approach that lacks well-planned, systemic and criteria-based spending. For example, the Brčko District Assembly recently approved the allocation of BAM 1 million in donations to sports associations in the Brčko District, failing to apply any merit-based and/or result driven criteria. The amount was allocated to 60 sports clubs, ensuring that all applicant associations get the donation, thus financing these sports associations contrary to both the Law on Sports and the Law on Associations and Foundations. The Assembly representatives explained this allocation as a last-minute measure caused by the respective Department's failure to carry out the procedure in time.

70. As noted in the previous report, a draft Law on the Office for Prevention of Corruption and Coordination of Activities Combatting Corruption was prepared by the Anti-Corruption Office in consultation with legal experts from the Office of the High Representative, the European Union Delegation, the Organization for Security and Co-operation in Europe (OSCE) and the US Embassy. In the process of presenting the draft to the Brčko District authorities, it became apparent that either there is no actual political will in the majority to finally confront the widespread corruption, or that there is absence of a clear understanding of the fight against the corruption or of the role of the Anti-Corruption Office itself. Following a series of meetings that the Supervisor of the Brčko District held with local interlocutors, the law was finally adopted on 31 July 2024.
71. Further to the adoption of the amended Code of Conduct of the Brčko District Assembly in March 2024 that is aligned with international standards and that introduces, inter alia, three lay members to the Brčko District Assembly Commission in charge of the implementation of the Code of Conduct, the appointment of the three lay members was approved by the Brčko District Assembly in the beginning of September, at its last session before October local elections. Being an important component of a system of integrity, the amended Code of Conduct is expected to strengthen accountability, efficiency and public trust in the Brčko District Assembly.
72. Even though the plan was to work on additional amendments to the Law on Police and the Law on Police Officers in order to address personnel issues such as hiring, promotion and retirement, the work of the Working Group established for this purpose was postponed due to the overwork of the Police members of the Working Group and is expected to resume after October Local

Elections.

73. The Draft of the new Law on Public Administration is in the process of review by an European Union Delegation consultant, while there was no further work on the new Law on Civil Service during the reporting period.
74. The duration of a year-long Brčko Port project initiated by the European Bank for Reconstruction and Development to strengthen corporate governance has been extended for six months, at the request of the Bank.
75. Following the agreement signed between the Republic of Croatia and Bosnia and Herzegovina in September 2023, the first phase of the implementation of the project of reconstruction of the Brčko -Gunja Bridge that connects Brčko to the commercially crucial Zagreb-Belgrade highway in Croatia has begun. The Ministry of Maritime Affairs, Transport and Infrastructure of the Republic of Croatia is preparing technical documentation that will be subject to the approval of the Ministry of Communications and Transport of Bosnia and Herzegovina.
76. In June 2024, the World Bank's €25 million loan intended for the Sava and Drina Rivers Corridors Integrated Development Program became operational. Two of five infrastructure projects are ready for implementation, while the local authorities continued to work on preparing the remaining technical documentation for the other three.
77. Implementation of the project of constructing the main water pipeline that will secure sustainable, clean and uninterrupted water supply throughout the Brčko District commenced in early April 2024. The project is expected to be completed in 18 months.
78. Strengthening the District's energy security through infrastructure development, an EU-compliant legal framework that has been previously adopted, including the Law on Electricity, the Law on Renewable Sources of Energy, and the Law on Energy Efficiency, was further developed by the Energy Working Group that was



established for this purpose. Following its pre-agreed schedule with the USAID EPA project, the Working Group drafted laws on concessions, water, environment protection, and spatial planning and construction, but had to halt further procedure on the three laws until the complex procedure of obtaining supporting paperwork was finalized. The Law on Environmental Protection was adopted in early September 2024. The Law on Water was adopted in the first reading at the same session and the Assembly has planned a public hearing in between two readings, before its final adoption. Two other laws are still pending several procedural steps and will then be ready for adoption.

79. Mindful of the objectives of the Brčko District Sustainable Energy and Climate Action Plan, the authorities continued to work with the United Nations Development Program (UNDP) on retrofitting public buildings for better energy efficiency. Works on the Brčko District Assembly building as the third building of the four selected for retrofitting in 2023 – 2025 were completed.
80. Due to the overall slowdown in the implementation of reform agenda, the construction of the Brčko District's first business zone that commenced on the basis of an agreement signed with an Austria-based consortium has been minimal because the Brčko District failed to make significant progress on providing necessary infrastructure to the zone, which it is obligated to provide under the agreement. The consortium continued to work on meeting technical requirements for three more investment projects in the Brčko District, for two of which the Brčko District Assembly approved the regulatory plans as the key prerequisite to initiating the preparation of corresponding technical documentation. The third project – the construction of an ethnographic village – is in progress.
81. With regard to clearing the entire Brčko District of

mines by the end of 2024, demining activities have been progressing during the reporting period according to the planned schedule. The Government responded quickly and effectively to a problem of an administrative nature that emerged in September 2024, thus demonstrating its readiness to follow the schedule through to the end of the year.

### ***Fiscal Sustainability***

82. Certainty and adequacy of financing are key elements affecting the ability of the institutions of Bosnia and Herzegovina to carry out their constitutional and legal obligations. Akin to the previous reporting period, no steps have been taken to provide assurances to that end regarding 2024.
83. The Fiscal Council of Bosnia and Herzegovina held no sessions in the reporting period. The Fiscal Council should have adopted the Global Framework of Fiscal Balance and Policy in Bosnia and Herzegovina for the Period 2025-2027 by the end of May 2024. The four-month delay has already disrupted the preparation of the State budget for 2025.
84. Certainty and adequacy of financing of the State and all other levels of government in the country are also directly dependent on the stability and functionality of the single indirect tax system and its institutional structure: the Indirect Taxation Authority (ITA) of Bosnia and Herzegovina and the Governing Board. The Governing Board did not meet in the reporting period. The last agreed coefficients – those from the third quarter of 2023 that benefit the Republika Srpska – will continue to apply.
85. There was no progress on at least two longstanding issues with financial implications.
86. The Board has not yet identified an alternative enforcement source for the outstanding BAM 30 million

debt of the Indirect Taxation Authority to the Republika Srpska based on a 2015 Bosnia and Herzegovina Court decision. The attempted debt enforcement by the Republika Srpska in 2018 from public revenue accounts of the Indirect Taxation Authority caused financial damage to all indirect tax revenue beneficiaries, including both entities and the Brčko District, as well as to recipients of value-added tax refunds and customs insurance depositors. The suspension of the enforcement by the Court of Bosnia and Herzegovina expires in June 2025.

87. The Board has not yet agreed to a model of distribution of road toll revenue reserves, which have accumulated about BAM 274.1 million to date. The absence of an agreement prevents using these funds for highway and road construction. It also damages the Indirect Taxation Authority financially as it must pay charges on the deposit accounts.
88. Addressing the issues pertaining to certainty and adequacy of financing of the institutions of Bosnia and Herzegovina as well as to the stability and functionality of the single indirect tax system is crucial to strengthening the fiscal sustainability of Bosnia and Herzegovina and thereby its political stability.
89. Another element of importance to that end is the BiH Central Bank that, pursuant to the General Framework Agreement for Peace in Bosnia and Herzegovina, is the sole authority for issuing currency and for monetary policy throughout BiH. The OHR continues to follow and strongly support the work of this institution, whose unimpeded work and ability to meet constitutional and legal obligations safeguard BiH's monetary and financial sector stability and are vital for reforms and overall BiH stability.

### ***Rule of Law***

90. The concrete requirements in the rule of law sector form part of the 14 key priorities set out in the European Commission Opinion on Bosnia and Herzegovina's application for membership in the European Union, namely the adoption of the new Law on the High Judicial and Prosecutorial Council (HJPC) and the new Law on Courts of Bosnia and Herzegovina. While the drafting and the consultation process, including the opinion of the Venice Commission of the Council of Europe on the new law on the High Judicial and Prosecutorial Council, is continuous, it did not yield the finalization of the draft. The situation remains the same with the new Law on Courts of Bosnia and Herzegovina as there has been no agreement regarding the seat of the new separate appellate chamber. I have serious reservations with proposals to move the appellate chamber to Banja Luka.
91. The Court of Bosnia and Herzegovina is the cornerstone of the division of competencies between the State of Bosnia and Herzegovina and its Entities with its competency on the entire territory of the country, and its criminal jurisdiction over offences prescribed by entity codes when they have consequences for or endanger the values of the whole state or are otherwise of inter-entity character is the State's ultimate responsibility in defense of its constitutional values and in ensuring that it functions pursuant to the rule of law, as is its constitutional requirement. The new Law on Courts of Bosnia and Herzegovina should not diminish the Court's competency or its functionality.
92. The new Draft Law on the High Judicial and Prosecutorial Council contains a provision that should correct a serious flaw in the urgent amendments adopted in 2023. To the detriment of the rule of law, the rigorous asset declaration scheme initially envisaged to prevent and sanction possible conflicts of interest and irregularities of judges and prosecutors, fight corruption and improve perception of the judiciary was

seriously undermined by diluting the obligation of the authorities to deliver the information required to investigate the truthfulness of asset declarations. That situation does not meet the expectations of the Steering Board of the Peace Implementation Council and the international community, which were expressed formally to the Collegium of the Parliamentary Assembly of Bosnia and Herzegovina. The current law is thus insufficient, as it makes the application of the State-level law dependent on Entity-level and Brčko District legislation, which may directly contradict State obligations and thus render the State law void, creating the possibility of different legislative treatment of judges and prosecutors depending on their Entity background.

93. Positively, the newest Draft reverted to the explicit provisions guaranteeing functional independence of the Council by prescribing that general legislation regulating administrative bodies shall not apply to the Council, an issue that could otherwise be ambivalent and enable operational influence of the executive over the judicial council. But the adoption process of the draft is stalled by the lack of agreement on the composition of the Council. It is being pointed out that the composition of the Council should reflect the constitutional provision that officials appointed to positions in the institutions of Bosnia and Herzegovina shall generally be representatives of the Peoples of Bosnia and Herzegovina, and – as the Venice Commission specified it – it should reflect as much as possible the country's diversity in terms of ethnic, gender, linguistic, religious or other criteria, in order to enhance the legitimacy and public trust in such an institution. At the same time, it should primarily rely on objective and merit-based criteria.
94. For both requirements, there is a danger that the process designed to improve rule of law conditions in

Bosnia and Herzegovina be abused to undo previous reforms. On the contrary, to continue to build a country that functions on the principle of the rule of law, previous reforms should only be enhanced and added to by measures identified in the so-called Priebe report of 2019. Much needs to be done to guarantee judicial independence and impartiality, especially considering the ongoing challenges to the judiciary by public authorities. As a priority, the rollback of previously achieved results must halt and be reversed.

### ***Criminal Records on War Crimes***

95. In the reporting period, the implementation of the Memorandum of Cooperation on provision of information from judgements of convictions of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals started. Pursuant to this Memorandum of Cooperation, information on criminal judgements against citizens of Bosnia and Herzegovina and persons born in Bosnia and Herzegovina is officially delivered to Bosnia and Herzegovina. The relevant bodies in Bosnia and Herzegovina have been charged with integrating the received information into domestic criminal records. The domestic registration of judgements of the international tribunal is not only a general rule of law issue but is tantamount to the implementation of legislation that requires a clean criminal record or at least that a person was not sanctioned for war crimes in order to perform certain public functions. I attach a particular importance to this issue so that I intend to continue facilitating and monitoring this process.
96. Registration of international judgements regarding the most serious violations of international humanitarian law is a step forward in curbing a disregard for these judgements in political, professional and social life to

the detriment of reconciliation and social cohesion, while various parts of the country still glorify war criminals. While domestic registration in Bosnia and Herzegovina depends on the basis of citizenship or of having been born in the territory of Bosnia and Herzegovina, there is no centralized registry for criminal records, but the task of registering criminal records is the responsibility of local police authorities in the place of birth. Comprehensive legislation is needed to tackle the issues of registration in criminal records, legal consequences of convictions and rehabilitation.

#### **D. Further Challenges to the General Framework Agreement for Peace**

##### ***Attacks on High Representative***

97. Challenges to the institution and mandate of High Representative by the ruling coalition in the Republika Srpska continued during the reporting period. These involve threats and inflammatory rhetoric but also actions to undermine the credibility of the High Representative and thereby his ability to implement his mandate. Such actions are in direct violation of Annex 10 to the General Framework Agreement for Peace, which mandates full cooperation of the parties to the Agreement with the High Representative.
98. As it has been reported in my previous reports to the UN Security Council, President of the Republika Srpska Milorad Dodik has stated on more than one occasion that he does not recognize me as High Representative and does not deem my decisions as High Representative to be binding. His defiant stance and his unlawful acts of disregarding my decisions led to his indictment on 11 September 2023 along with the acting Director of the Official Gazette of the Republika Srpska and to their subsequent prosecution in the Court of Bosnia and

Herzegovina. Dodik's trial continues in the Court of Bosnia and Herzegovina; he regularly appears at the trial in spite of the fact that he has labeled the Court of Bosnia and Herzegovina as unconstitutional.

99. With that being said, I expect all authorities of the Republika Srpska to show full compliance with the Constitution and all institutions of Bosnia and Herzegovina, as well as the General Framework Agreement for Peace and all its institutions, including the Office of the High Representative.

### ***UN Resolution on Srebrenica***

100. On 23 May, the United Nations General Assembly adopted a resolution designating 11 July as the "International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica" and condemning any denial of that historical event and any actions that glorify those convicted of war crimes, crimes against humanity and genocide by international courts.
101. Although the Resolution on Srebrenica is grounded on facts established in judgments of the International Criminal Tribunal for the Former Yugoslavia, which contain guilty verdicts for the crime of genocide committed in Srebrenica in 1995, as well as the judgement of the International Court of Justice of 26 February 2007 in the case of Bosnia and Herzegovina v. Serbia and Montenegro on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide, the authorities in Republika Srpska have used the adoption of the Resolution as a pretext to undertake various political actions. These actions, both before and after the Resolution's adoption, have aimed at secessionism and dissemination of inflammatory and nationalistic rhetoric under the guise of a false narrative that Serbs are dubbed a "genocidal people."
102. In response to the possible adoption of the Resolution,



on 18 April 2024, the Republika Srpska National Assembly adopted the Conclusions Regarding the Concluding Report of the Independent International Commission of Inquiry on the Sufferings of All Peoples in the Srebrenica Region between 1992 and 1995. This involved rejecting the 2004 Report of the Commission for Investigation of the Events in and around Srebrenica between 10 and 19 July 1995. The 2004 report was part of the implementation of the March 2003 Judgment by the Human Rights Chamber in the "Srebrenica Cases," which addressed 49 applications filed by relatives of missing persons from the events in and around Srebrenica during that period. The Republika Srpska National Assembly disputed the use of the term "genocide" to describe the crime committed in Srebrenica, minimizing the number of Bosniak victims to 3,000.

103. Almost parallel to this, the Municipal Assembly in Srebrenica adopted the Decision on Changing the Names of Streets, Squares, Parks, and Populated Areas on 15 April 2024, without the participation of Bosniak representatives in the decision-making process. The street names were last changed in 2002, when the Municipal Assembly in Srebrenica annulled the previous decision with names reflecting the then post-war all-Serb character of Srebrenica. The decision also included the renaming of Reuf Selmanagić Crni Street, which is known from a 1995 video showing Ratko Mladić demanding the removal of the street name sign. In addition, the Mayor of Srebrenica, Mladen Grujičić and President of the Republika Srpska Milorad Dodik discussed publicly a potential initiative to rename Srebrenica to remove any affiliation of the municipality with the legally and factually established act of genocide that was perpetrated in July 1995.

104. A day before the adoption of the UN General Assembly Resolution on Srebrenica, the Republika Srpska National Assembly adopted the text of the *Protest Against the*

*Breach of the General Framework Agreement for Peace in Bosnia and Herzegovina and General International Law in the false capacity of a contracting party to the General Framework Agreement for Peace. In the protest note addressed to the Parties to the General Framework Agreement for Peace, witnessing countries and other countries, which submitted the final Draft of the Resolution to the United Nations General Assembly, the Republika Srpska National Assembly argued that these countries had violated their international obligations by circumventing the Presidency of Bosnia and Herzegovina. The Republika Srpska demanded an immediate cessation of alleged actions that contravene the General Framework Agreement for Peace, threatening the suspension or annulment of the Agreement, and ultimately self-determination.*

105. The Protest Note represents an unauthorized attempt by the Republika Srpska to proclaim a violation of the General Framework Agreement for Peace, under the erroneous assumption that it is entitled to suspend or terminate the General Framework Agreement for Peace through application of the Vienna Convention on the Law of Treaties. The Republika Srpska is neither party to the General Framework Agreement for Peace nor it has international legal capacity to act vis-à-vis third states under the Constitution of Bosnia and Herzegovina or the Vienna Convention, and therefore it is not authorized to submit a protest note to the signatories or witnesses of the General Framework Agreement for Peace or any other state.

### ***All-Serb Declaration***

106. On 8 June 2024, subsequently to the adoption of the Resolution on Srebrenica, the first All-Serb Assembly "One Nation, One Assembly – Serbia and Srpska" held in Belgrade gathered political and ecclesiastical leaders

with the aim of adopting the Declaration on the Protection of National and Political Rights and the Common Future of the Serb People. The Declaration, consisting of 49 conclusions, addresses a wide range of issues relevant to the position of the Serb people, including claims that undermine the sovereignty and territorial integrity of Bosnia and Herzegovina. The All-Serb Assembly continues to advocate for a return to the so-called Original Dayton Agreement and erroneously characterize the appointment of the High Representative in Bosnia and Herzegovina as contrary to Annex 10 of the General Framework Agreement for Peace. Among other points, it asserts that the Republic of Serbia, as a signatory of the General Framework Agreement for Peace, should internationalize the issue of undermining the Peace Agreement. To ensure its full implementation, the National Assembly of the Republika Srpska adopted the Declaration on 2 July 2024, and it was ratified by the National Assembly of the Republic of Serbia on 31 July 2024.

107. In the aftermath of the Pan-Serbian Assembly and the adoption of its Resolution, the ruling coalition in Republika Srpska announced the Agreement on regulating relations between Republika Srpska and the Federation of Bosnia and Herzegovina in accordance with the General Framework Agreement for Peace” and international acts. The so-called Agreement on “peaceful disassociation”, accompanied with a 47-page comprehensive background document, was proposed by the Government of the Republika Srpska to the Republika Srpska National Assembly and to be shared with the Federation of Bosnia and Herzegovina, but was withdrawn from the agenda for the 14<sup>th</sup> Special Session of the Republika Srpska National Assembly held on 9 July 2024. The Agreement on Disassociation relies on the false and dangerous premise that Bosnia and Herzegovina is a union of states or a

confederation with each Entity vested with the capacity to launch the procedure for “peaceful disassociation” between the two Entities. This represents yet another dangerous step in ignoring and violating the General Framework Agreement for Peace and international law, the territorial integrity of the State of Bosnia and Herzegovina with the aim to pursuing a policy of secession by the Republika Srpska.

108. To implement one of the conclusions from the Pan-Serbian Assembly Declaration and to create the legal basis for the display in the Republika Srpska of the Republic of Serbia’s official anthem and coat of arms as all-Serb symbols, the National Assembly of Republika Srpska adopted Draft Law on Amendment to the Law on Use of Flag, Coat of Arms and Anthem. The final outcome of this issue, including potential court challenges, remains to be seen.

### ***Threats to Transitional Justice and Social Cohesion***

109. President of the Republika Srpska Milorad Dodik and other political leaders in Republika Srpska engaged in an aggressive campaign against the United Nations General Assembly resolution establishing 11 July as an International Day of Reflection and Commemoration of the July 1995 genocide in Srebrenica.
110. As it was elaborated earlier in this report, this context significantly affected the occurrence of denial of the genocide and glorification of war criminals. The Srebrenica Memorial Center, which monitors public occurrences of these acts, reported to have recorded 305 cases of denial in Bosnian and Serbian media during the first half of 2024 – a threefold increase compared to the previous year. Its records show a surge in occurrences in April and May 2024, coinciding with the voting on the Srebrenica Resolution. President of the Republika Srpska Milorad Dodik and other political

leaders from that entity engaged in an aggressive campaign against the initiative for a United Nations General Assembly resolution that was characterized by historical revisionism, repeated denial of genocide in Srebrenica, and secessionist rhetoric.

111. Public attention has been drawn to the lack of institutional responses to hold leading figures accountable for genocide denial, particularly the lack of prosecutions of such cases in line with the amendments to the Criminal Code introduced in July 2021, which make the denial of genocide and other war crimes, as well as the glorification of war criminals, offenses criminally punishable on the State level. The Srebrenica Memorial Centre and other actors from civil society emphasize that the absence of sanctions undermines positive norms, such as respect for the rights of the victims and court rulings, as well as the deterring effects of these legal provisions. The lack of law enforcement creates instead an environment that motivates the well-documented, continued use of denialist rhetoric, especially by high-ranking politicians seeking to exploit it for political gain.
112. About 100 cases related to the criminal offense of inciting national, racial and religious hatred, discord and intolerance, which include genocide and other war crimes denial, have been registered with the Prosecutor's Office of Bosnia and Herzegovina. According to the Prosecutor's Office, complaints were most often filed by citizens against other citizens, largely due to social media posts and online comments, and by citizens and NGOs in response to statements made by politicians in the media and public space. However, almost no cases have been formed based on reports submitted by police and security agencies with the relevant level of evidence of the elements of a criminal offense and witness statements. Many of the applications submitted by citizens have been sent via email, often anonymously,

and a significant number of applicants were unwilling to engage in further cooperation, which – according to the Prosecutor’s Office – complicates the case development process. On the other hand, the Prosecutor’s Office is obliged under the law to prosecute cases as their official duty, regardless of whether there was any outside report received. So far, several indictments were raised for this criminal offense, and the Court of Bosnia and Herzegovina rejected to confirm the indictment in one case. One case has been completed in the first instance pending appeal, while two other cases are currently being processed.

113. On a positive note, due to the great public interest regarding these cases, especially its provision which prohibits public approval, denial, gross minimizing, or attempts to justify crimes of genocide, crimes against humanity, or war crimes, the Prosecutor’s Office of Bosnia and Herzegovina has taken steps to enhance transparency of the processing and the reasons for prosecutorial decisions. It began publishing indictments and negative prosecutorial decisions (in anonymized form) on its website, along with the explanations of the acting prosecutors. In addition, I welcome the exchange of views and best practices between Judges and prosecutors of Bosnia and Herzegovina and judges and prosecutors from other countries regarding prosecution and adjudication of genocide denial and hate crimes.

### ***Developments Related to Annex VII – Agreement on Refugees and Displaced Persons***

114. The General Framework Agreement for Peace in Bosnia and Herzegovina regulates the issues of refugees and displaced persons in Annex VII. The implementation of Annex VII of the General Framework Agreement for Peace is based on strategies adopted by the domestic authorities and other measures including projects

implemented by domestic authorities with the help of various international organizations. The “Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement”, which was adopted in 2003, pointed to the basic aims and directions of strategic activity, necessary to be undertaken, with the intent of fulfilling the goals of Annex VII. The new “Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement” was adopted in 2010 by the Parliamentary Assembly of Bosnia and Herzegovina, and it outlines ten fields correlating to the identified needs of the internally displaced persons (IDPs) and returnees.

115. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina continues to release Reports on the Implementation of the “Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement” in accordance with the Revised Strategy, which is still in effect. The Council of Ministers of Bosnia and Herzegovina adopted the 2022 Report on 20 May 2024, making it the most recent report to be adopted. According to this report, there are 91,223 displaced people in Bosnia and Herzegovina, while there are 16,935 refugees outside the country according to UNHCR data. The number of internally displaced persons in the country remains high due to various factors including financial issues, legal issues and the need to update the database of internally displaced persons as the current system makes it harder to determine the real numbers.

116. The Regional Housing Program (RHP), which lasted between 2013 and 2023, is the most significant recent multilateral effort to provide sustainable housing solutions to displaced persons and refugees in the Western Balkans. The original goal for housing in Bosnia and Herzegovina was 5,400 households, or 14,000 people. However, by the time the project ended in November 2023,

the Regional Housing Program had provided 2,778 housing units in the country, helping nine to ten thousand people. As of early June 2024, 321 Regional Housing Program units in the country remain unfinished because of a lack of co-financing from institutions of Bosnia and Herzegovina.

117. Earlier trends of return-related violence have continued during the reporting period, with several cases of violence and intimidation against, or involving returnees. Such cases continue to produce tension and burden inter-ethnic relations, rendering the efforts toward improvement of relations and reconciliation more difficult. Return-related violence, together with a wider context of occasional cases of general inter-ethnic violence generate additional constraint to positive processes. Inter-ethnic tension, and in general the level of concern rose notably during April and May 2024, the period of public debate and campaign in relation to the adoption of the UN Srebrenica Resolution, particularly in some return areas, but also country-wide, there have been reports of increased anxiety among the local population.
118. Initiatives toward introducing stricter legislation to tackle return-related violence have come to a halt, after a period of increased activity and the presentation of proposals for change in relevant legislation. In May 2024, the relevant working group appointed by the House of Representatives of Bosnia and Herzegovina deliberated on possibilities to change the Criminal Code of Bosnia and Herzegovina and introduce the criminal offense of “attack on returnees” and to call on the local communities to establish local security forums to tackle the return-related security problems. However, these proposals have not been adopted by the Parliament of Bosnia and Herzegovina during the subsequent session in August 2024 as no support was forthcoming from the MPs from the Republika Srpska.



119. On the other hand, some of the return associations and groups stress that security may not be one of their top concerns. During the reporting period, there have been several reports and reactions, noting returnees' concerns regarding the implementation of the new legislations in the Entities, which may affect the returnees' rights of ownership of land. Several such concerns were raised in both the Republika Srpska and the Federation of Bosnia Herzegovina. Furthermore, in the background of the tensions and spats triggered by return-related incidents, everyday problems of this category of the population remain insufficiently visible. Therefore, the returnee families' problems relating to access to employment and appropriate health care, housing, education, and economic sustainability in general, remain unanswered.
120. In this context let me remind that both the Entities and Bosnia and Herzegovina assumed the responsibility under Article II of Annex 7 of the GFAP, to create in their territories the political, economic and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group.
121. In this context, even a number of positive developments remain overshadowed. However, the opening of several reconstructed mosques in some returnee communities in the Republika Srpska (Bijeljina, Kučić Kula near Zvornik, Kotezi near Trebinje), as well as introduction of Serbian language in the schools in Glamoč, and initiatives to do the same in Mostar, send positive messages that normalization is possible, with more concentrated and dedicated support.

### ***Missing Persons***

122. It is worth recalling the notable successes made in the field of missing persons. More than 75 per cent of over

30,000 persons who went missing during the war of the 1990s has been accounted for, representing the highest rate of case resolution worldwide. However, at this point, challenges remain in the search for 7,600 persons still unaccounted for. These are the most difficult cases, and at the same time, their investigation is further exacerbated, *inter alia*, by the passage of time, changes in terrain, and the slow progress in war crimes proceedings, which complicates access to reliable information on the location of burial sites (e.g., testimonies from surviving witnesses).

123. Families of the missing have highlighted the challenges in the search for missing persons, most recently on 30 August 2024, the International Day of the Missing. The families, who have made an immense contribution to the process, appeal to the authorities and the public not to burden future generations with this unresolved issue and its effects on justice and trust building. Resolving these cases is not only a technical process but also a moral and legal obligation. The families urge responsible State authorities to step up their efforts to fulfil their international and domestic legal obligations. It is essential to improve the resources and technical equipment to facilitate the process of identification of missing persons as well as the cooperation with the Missing Persons Institute (MPI) as an independent, State-level institution so that it can continue its critical work in the non-discriminatory search for burial sites, exhumation and identification.
124. The 2004 Law on Missing Persons – another unique post-war achievement – is not being fully implemented due to a lack of political agreement on the establishment of the Fund for Families of the Missing. The families therefore suggest changes to the Law, which would transform the Fund in a way that would support the work of the associations of families of missing persons through grant funding.

125. Finally, the search for the missing represents an area where cooperation beyond politicization of the ethnic identity of the victims and based on a human approach produces the best results. In this regard, regional cooperation in accounting for the 11,000 persons still listed as missing and restoring dignity of the victims through multilateral mechanisms such as the Missing Persons Group for the former Yugoslavia currently represent one of the few platforms demonstrating their potential for an active promotion of transitional justice and reconciliation. In early September 2024, the Group met in The Hague to prepare for a strategic meeting with European Union Ministers of Foreign Affairs. This Group plans to present its report on the progress achieved in identification of the persons missing in connection with the conflicts in the 1990s at the Berlin Process Summit in October 2024.

### ***Compensation for Victims of War***

126. Since my last Report, the overall situation regarding victims' access to reparations shows no progress in terms of the implementation of the State's international obligations to secure their rights as prescribed by international human rights law.
127. The authorities in Bosnia and Herzegovina did not show any willingness to establish an effective reparation scheme at the national level to provide all forms of redress to victims of war crimes, including sexual violence, and development and adoption of a framework law that clearly defines criteria for obtaining the status of victims of war crimes, including sexual violence, and sets out the specific rights and entitlements guaranteed to victims.
128. Victims of war crimes find themselves unable to enforce their right to obtain effective and adequate reparations for the harm suffered. This is mainly due to the absence

of legislative, policy and practical measures, including psychological support and a comprehensive reparation scheme, that would enable them to access effective remedies.

129. The fragmented nature of the legal framework, with conditions for accessing rights and the range of rights being regulated differently in the Republika Srpska, the Federation of Bosnia and Herzegovina and the Brčko District, is hindering survivors' efforts to claim their rights.
130. The courts in the Republika Srpska continue the practice of seeking reimbursement for court costs from victims of war who were barred by statutes of limitations from seeking compensation through civil proceedings. All other levels of in Bosnia and Herzegovina ceased this practice following relevant ECtHR and Bosnia and Herzegovina Constitutional Court rulings (Constitutional Court of Bosnia and Herzegovina No. AP 1101/07 of 22 March 2018; European Court of Human Rights, *Cindrić and Bešlić v. Croatia*, no. 72152/13, 6 September 2016). According to the recent data provided by TRIAL International in 2024, there are approximately 600 pending cases at different stages in the specialized courts in the Republika Srpska. Obliging victims of war to pay thousands of convertible marks of court fees to the very entities they had initially sued, asking them to compensate for the harm they suffered lead to grave re-traumatization and aggravate the already difficult socio-economic situation in which they find themselves, predominantly in returnee communities.
131. At the same time, the Republika Srpska authorities are yet to amend the Republika Srpska Law on Victims of Torture in order to extend the deadline for application by victims in order to be granted such status. The amendments should also address concerns related to the procedures which govern granting such status to ensure it meets international standards.

132. As I reported previously, the UN Committee Against Torture decision from 2019 ordering the State to ensure that applicants receive the compensation previously awarded in criminal proceedings, medical and psychological care and a public apology, remains unimplemented.

### ***Education and Curricula***

133. Education across the country is still used to entrench rather than overcome divisions, irresponsibly undermining social cohesion and fueling mistrust among future generations. History teaching, especially in relation to the recent past, remains a critical element in this regard. It promotes ethnocentric biased versions of the war and about specific war events and their perpetrators and victims rather than encouraging young students to develop an informed view on legally established historical facts and critical thinking, and to adopt positive norms such as respect, mutual understanding, and empathy towards others.

134. In September 2024, the Ministry of Education and Culture of the Republika Srpska introduced a new 9<sup>th</sup> grade history curriculum. The introduction of the new history curriculum sparked reactions from civil society and political leaders, including requests for a review of the curriculum's constitutionality. Upon the application of 13 Members of the House of Representatives of Bosnia and Herzegovina requesting for review of constitutionality of Article 4(1)(12) of the Rulebook on the Curriculum for Primary Upbringing and Education of the Republika Srpska (Official Gazette of the RS, 77/24) and Appendix no. 20 – Curriculum for the subject of History for the 9th grade of primary school, the Constitutional Court of Bosnia and Herzegovina made an interim decision at its extraordinary plenary session on 11 October 2024 to suspend, effective immediately, the

implementation of the disputed article of the Rulebook and the Appendix in the part pertaining to "Topic 11, Republika Srpska and the Homeland Defense War" until a final verdict by the Constitutional Court (Case No. U-20/24).

135. The Court also underlined that primary and secondary education is of fundamental importance for the personal development of every child and that the right of the child to education is also about preparing the child for a responsible life in a free society, in a spirit of understanding, peace, tolerance, gender equality and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin. The Constitutional Court further explained that the adoption of the interim measure was necessary since teaching in schools in the RS has already begun and the application of disputed parts of the Rulebook could potentially endanger the human rights of pupils and cause them considerable harm that cannot be remedied retroactively. The court explained that the consequences are reflected in the existence of a risk of possibly causing further segregation and division among students of different ethnic communities and an increase in the sense of exclusion and marginalization of students from other ethnic communities, which could create an atmosphere of discrimination.
136. The lack of fact-based, impartial teaching about history remains to be problematic across the country and a significant hurdle to trust-building and reconciliation. The Organization for Security and Co-operation in Europe (OSCE), which has been monitoring closely the situation regarding education sees it not as an isolated development of political populism and pressure on education, but part of a larger trend that moves further away from the much-needed reform of history teaching, not limited to the Republika Srpska, but across Bosnia and Herzegovina. Moreover, this development is not in

line with the country's aspirations toward EU membership. It represents steps backward in relation to Key Priority 5 of the 14 Key Priorities in the European Commission Opinion on Bosnia and Herzegovina's EU membership application, namely the promotion of an environment conducive to reconciliation in order to overcome the legacies of the war.

### ***Peacebuilding Fund***

137. As indicated in my previous report, following the confirmation of eligibility of Bosnia and Herzegovina in 2022 for the UN Secretary General's Peacebuilding Fund, the inaugural session of the Peacebuilding Steering Committee for Bosnia and Herzegovina, co-chaired by the Minister of Foreign Affairs, Elmedin Konaković and the United Nations Resident Coordinator in Bosnia and Herzegovina, Dr. Ingrid Macdonald, was held in February 2024 in Sarajevo. The establishment of the Peacebuilding Steering Committee marks a pivotal moment in collective efforts to support sustaining peacebuilding initiatives in Bosnia and Herzegovina and is aligned with the government's progress in implementing key priority five of the European Union accession priorities focused on creating an environment conducive to reconciliation.
138. Authorities in Bosnia and Herzegovina, particularly the Ministry of Foreign Affairs, Ministry of Human Rights and Refugees, Ministry of Civil Affairs, and Entity health ministries, have continued implementing programs supported by the UN Secretary-General's Peacebuilding Fund (PBF) for Bosnia and Herzegovina. These programs focus on Women, Peace, and Security; Youth, Peace, and Security; strengthening trust between institutions and civil society; addressing hate speech; and dealing with the past. The peacebuilding efforts are led by the Peacebuilding Committee. The establishment of this committee is recognized as one of the benchmarks for the

start of European Union accession negotiations. Additionally, during the UN General Assembly in September 2024, Minister of Foreign Affairs of Bosnia and Herzegovina Elmedin Konaković addressed the Ministerial meeting of UN Peacebuilding Commission (PBC) with an intervention entitled: “Perspectives on the 2025 Peacebuilding Architecture Review”, highlighting the country’s engagement with the Peacebuilding Fund, prioritizing community ties, women’s involvement, and youth empowerment as key elements for both peace and European integration.

139. Positive developments in promoting peacebuilding and social cohesion in Bosnia and Herzegovina include efforts to address the challenges of transgenerational trauma, improve the quality of social services, and foster dialogue between communities. Nine local authorities—Bosanski Petrovac, Bosansko Grahovo, Drvar, Glamoč, Ključ, Livno, Mrkonjić Grad, Ribnik, and Sanski Most—are contributing to the stabilization and development of their regions. The health ministries of the Federation of Bosnia and Herzegovina and the Republika Srpska have committed to addressing gaps in essential services for conflict-affected and marginalized groups. This includes increasing the capacity and sustainability of selected healthcare providers, strengthening institutional frameworks through the integration of standard operating procedures, and revising resource packages for interconnected service provision.
140. Regardless of such positive developments, any progress in creating an environment conducive to reconciliation must address the numerous systemic failures in ensuring the status and enforcement of wartime victims’ rights across the country.

### ***Gender-based violence***



141. Gender-based violence remained widespread in the reporting period. In the first half of 2024, seven women were murdered in Bosnia and Herzegovina by their partners or family members. Following public outrage over a femicide committed live on social media in August 2023, the Ministry of Justice of the Federation of Bosnia and Herzegovina intensified efforts to draft a Law on Protection from Domestic Violence and amendments to the Criminal Code of the Federation of Bosnia and Herzegovina. The draft law is currently in the process of being approved by the FBiH Government, after which it is expected to be submitted to the FBiH Parliament.

### ***Gender Equality***

142. In June 2024, Bosnia and Herzegovina submitted its Progress Report on the Implementation of the Beijing Declaration and Platform for Action as part of the Beijing +30 Process. The report provides a comprehensive overview of progress, challenges, and priorities in gender equality, highlighting institutional efforts, budget constraints, and the need for continued support and systemic action. Despite alignment with gender equality standards, Bosnia and Herzegovina faces significant economic gender inequalities, with the lowest female labor market participation in Southeast Europe (35%). Substantial barriers to higher decision-making positions persist. Additionally, 37.5% of women reported experiencing sexual harassment in the workplace, with one in five women facing repeated harassment, further discouraging labor market participation. Gender-based harassment and segregation remain prevalent, particularly affecting women in rural areas. The report also underscores gender stereotypes in education, which reinforce inequality, with women often leaving education for family responsibilities and spending more time on unpaid household chores (six hours

per day) than their counterparts in the European Union.

143. The persistently low level of women's political participation (around 20%) remains concerning and this is also the case in the context of the recent local elections. In the previous local elections in 2020, only 3.52% (5 of 142) elected mayors and 19.58% (622 of 3177) of elected councilors to municipal legislatures were women. While 42% (10.983 of 26.089) of the overall number of candidates in the 2024 local elections were women (the legally prescribed gender quota is 40%), what presents a very slight increase in comparison to previous local elections, only 7.5% (29 of 386) women were candidates for mayoral positions, including 4 of the 5 incumbent women mayors. As per the preliminary results of the 2024 local elections, there is a slight increase of elected women mayors in Bosnia and Herzegovina – 5.83% or 8, what is still extremely low. The results with the exact overall number of future women councilors were not available at the time of writing of this report. There is one woman candidate running for mayor in one of the five municipalities where elections have been postponed due to the recent disaster.
144. Women are underrepresented in State and Entity legislatures and face significant challenges during electoral campaigns. In the current State and Entity legislatures, women make up between 17% and 28% of elected members.
145. Mounting anti-gender initiatives are threatening progress achieved towards the protection of women's rights and gender equality. In early 2024, the Republika Srpska National Assembly abandoned the draft Republika Srpska Law on Gender-based and Domestic Violence which was to introduce important provisions. In July 2024, the Entity's government submitted to the National Assembly the amendments to the Republika Srpska Criminal Code seeking to remove the term "gender." While purporting to

protect women and families, these initiatives will have profound and harmful effects on women and girls, and on society. It will also limit efforts to address the widespread issue of gender-based violence, including domestic violence, femicide and hate crimes.

### **III. Developments Related to the State Institutions of Bosnia and Herzegovina**

#### **A. Presidency of Bosnia and Herzegovina**

146. The Presidency of Bosnia and Herzegovina held six regular sessions in the reporting period as well as a number of extraordinary sessions. The Presidency took decisions from within its competency in the domain of foreign policy and defense and engaged in various bilateral and multilateral forums and international summits and conferences.

147. On 5 July 2024, the Presidency adopted the State Budget for 2024 and submitted it to the Parliamentary Assembly of Bosnia and Herzegovina.

148. The Members of the Presidency continued to hold and express divergent positions on multiple issues including the implementation of the General Framework Agreement for Peace, the constitutional and legal order of Bosnia and Herzegovina, statehood matters, state property, NATO integration, mandate and role of the High Representative, Russian aggression against Ukraine, genocide in Srebrenica and its continued denial by the Republika Srpska authorities, adoption of the UN Resolution on Srebrenica and All-Serb Assembly.

149. As far as political actions and public narrative are concerned, the two major events which dominated the reporting period and had major impact on the work of the Presidency and relations between its members were (1) the adoption of the United Nations Resolution on Srebrenica on 23 May, and (2) the All-Serb Assembly in Belgrade and the subsequent adoption of the Declaration.

150. During the reporting period, Presidency Chair Denis Bećirović continued his intense international diplomatic activity, both in bilateral meetings with different heads of states, and in multilateral fora, attending regional and international summits, including South-East European Cooperation Process, UN General Assembly and UN Security Council. He consistently stressed the need for preserving the peace, dialogue, regional cooperation, affirmation of culture of remembrance and prevention of genocide. Presidency Chair Bećirović maintained that membership to NATO represents the only true guarantee for security in the Region. He consistently warned and condemned actions by the Republika Srpska authorities, endangering and undermining Dayton, undermining independence, sovereignty and statehood of BiH, hence endangering peace and stability.

151. Presidency Chair Bećirović regularly warned of the serious political situation in the country, unravelling in the aftermath of All-Serb Assembly and subsequent adoption of the Declaration both by the Republika Srpska National Assembly and the Parliament of the Republic of Serbia, which institutionalized and internationalized the issue, and its political and legal impact. Presidency Chair Bećirović has been insistent that the adopted Declaration can produce unforeseeable consequences and represents an open attack on national and international law, an attack on the General Framework Agreement for Peace as well as the constitutional order of Bosnia and Herzegovina.

152. Both Presidency Chair Bećirović and Presidency Member Željko Komšić engaged in an intensive diplomatic campaign at the end of April 2024, at the UN Headquarters in New York, together with Permanent Representative of Bosnia and Herzegovina to the UN Ambassador Zlatko Lagumdžija, to facilitate the adoption of the Srebrenica Resolution, reminding that genocide denial and glorification of convicted war criminals represent an attack on victims of genocide and

their dignity, and that the Resolution could help reconciliation within Bosnia and Herzegovina as well as the Region. Presidency Chair Bećirović went on a series of bilateral visits specifically to raise awareness of the importance of the adoption of Srebrenica Resolution at the UN.

153. Presidency Chair Bećirović referred to the adoption of the Resolution as the most important diplomatic, political and moral victory of Bosnia and Herzegovina in the 21<sup>st</sup>. On 24 May 2024, following the adoption of the UN Resolution on Srebrenica, Presidency Chair Bećirović addressed the public, stressing the Resolution was not targeting peoples, but represented an invitation to respect civilization values and reach catharsis. He delivered an impassioned speech at the 11 July Srebrenica Commemoration, stressing the importance of the Resolution and its future impact, the significance of 11 July becoming an International Remembrance Day of Srebrenica Genocide to be marked across the World, but also as a chance for a catharsis and dealing with past. Presidency Chair Bećirović reminded of dangers of today and reminiscence of the 1990s, warning of the dangers of the Greater-Serbia statehood project and how it endangers peace and stability.

154. On 21 June 2024, Presidency Member Željko Komšić addressed the Plenary session of the Venice Commission on matters of the Constitutional Court of Bosnia and Herzegovina and appointment of judges, the criteria, the ethical system and political agendas that wish to insert ethnic/Entity-based decision making into the Constitutional Court declaring it unacceptable.

155. Serb Member of the Presidency Željka Cvijanović maintained the position of the Alliance of Independent Social Democrats (SNSD) that the foreign policy system had completely collapsed due to a failure to respect the constitutional competencies within the system, and failure to harmonize positions when presenting them on behalf of Bosnia and

Herzegovina and addressing international organizations. Following the adoption of the UN Resolution on Srebrenica, on 28 May 2024, Presidency Member Cvijanović tabled the initiative for dismissal of the Permanent Representative of Bosnia and Herzegovina to UN Zlatko Lagumdžija for abuse of official position and attack on the constitutional order. The Presidency rejected her initiative.

156. Presidency Member Cvijanović continued to stress the need to consistently respect the General Framework Agreement for Peace, the constitutional competencies of different levels of governance, and the need for intensifying internal dialogue, stabilizing political situation and further advancing on the EU path.

157. Presidency Member Cvijanović strongly condemned the speech by Presidency Chair Denis Bećirović at the Srebrenica Genocide Commemoration on 11 July 2024, accusing him of inflaming hatred against Serbia, Serbs and the Republika Srpska, ultimately stating that Bosnia and Herzegovina is not facing any Greater Serbia politics, but rather Greater Bosniak unitarism which persistently aims to marginalize two out of three constituent peoples.

158. The Presidency members held extraordinary sessions on 4 October, to pass decisions on approving engagement of Armed Forces of Bosnia and Herzegovina in wider areas of Mostar, Konjic, Jablanica and Kiseljak to help with rescue after the catastrophic floods hit the region, to assist civilian authorities in urgent response to natural disasters.

## **B. Council of Ministers of Bosnia and Herzegovina**

159. During the reporting period, the Council of Ministers of Bosnia and Herzegovina held 15 regular sessions and 13 extraordinary sessions under Chairwoman Borjana Krišto (Croatian Democratic Union of Bosnia and Herzegovina – HDZ BiH).

160. Soon after the enactment of the Election Integrity Package that amended the Election Law of Bosnia and Herzegovina, Chairwoman Krišto initially showed some resentment, claiming that this intervention had interrupted good cooperation and synergy among the members of the State-level coalition. No evidence of this claim was noted.

161. Chairwoman Krišto continually stressed the Government's commitment to the European path and the European future of Bosnia and Herzegovina, the need for continuation of reforms especially in the domain of judiciary, rule of law, fight against corruption, the need for the respect and protection of equal collective rights of Constituent Peoples and the Others, including the election of legitimate political representatives.

162. The reporting period was marked by lively diplomatic activity, encompassing numerous bilateral and multilateral visits, participation in various international conferences and summits, as well as domestic forums and symposia.

163. The established practice of not proposing legislation to the Parliamentary Assembly of Bosnia and Herzegovina unless there is full political consensus continued to be duly followed, resulting in less than modest legislative output.

164. The Council of Ministers of Bosnia and Herzegovina adopted two pieces of legislation, one of them being the State Budget for 2024, which the Council adopted on 4 July 2024, and the other Amendments to the Law on High Judicial and Prosecutorial Council. The adoption of other documents within its competence included the Mid-term strategy on debt management, Work Program for 2024, Strategy for fighting corruption 2024-2028 along with Action Plan (EU priority), Action plan for implementation of Agricultural Census, 2023 Migration Profile, setting up of Central Harmonization Unit with the Ministry of Finance and Treasury, as well as numerous appointments of council and governing board members and

directors to State institutions.

165. The Council continued to focus on regional and cross-border cooperation, dealing with pending legal disputes, migration, infrastructure projects, digitalization, energy efficiency, other technical and EU related matters. On 26 September 2024, the Council of Ministers appointed Coordination Team for setting up a Common Regional Market in Western Balkans, aimed at implementing the Action Plan for Common Regional Market.

166. On 31 July 2024, the Council of Ministers failed to reach a consensus after Minister of Foreign Affairs Elmedin Konaković requested the revision of Agreements on Police cooperation Bosnia and Herzegovina signed with Republic of Serbia and Republic of Croatia. Two cabinet ministers from the Republika Srpska, Minister of Security Nenad Nešić (DNS) and Minister of Trade and Economic Relations Staša Košarac (Alliance of Independent Social Democrats – SNSD) reacted harshly to the request for revision, which had been initiated as a result of the visit of Serbian police and military cadets to Bosnia and Herzegovina, to mark the 82<sup>nd</sup> anniversary of the battle of Kozara during World War II, and the massive public reaction that followed.

### **C. Parliamentary Assembly of Bosnia and Herzegovina**

167. During the reporting period, the House of Representatives of Bosnia and Herzegovina held four regular and two urgent sessions, while the House of Peoples of Bosnia and Herzegovina remained effectively blocked and held only two urgent sessions.

168. As a result, the legislative output of the Parliamentary Assembly of Bosnia and Herzegovina had been seriously constrained, with a total of three laws adopted, one of which was the State Budget for 2024, and others changes to the Law on High Judicial and Prosecutorial Council and changes to the



## Public Procurement Law.

169. The House of Peoples of Bosnia and Herzegovina has failed to reconvene in a regular fashion since 18 March 2024, when Bosniak Caucus representatives walked out of the session in protest over an unconstitutional SDS proposal of the Law on Constitutional Court being included on the agenda. The Bosniak Caucus conditioned its return to regular sessions with the removal of the controversial proposal from the agenda. Finally, the proponent removed the proposal.

170. Delegates in the House of Representatives of Bosnia and Herzegovina flooded the agenda with initiatives and legislative proposals in an attempt to compensate for the limited legislative output on the part of the Council of Ministers of Bosnia and Herzegovina.

171. A total of four legislative proposals were rejected, previously proposed by the delegates. Also rejected was an initiative by Deputy Speaker Denis Zvizdić, tasking the Council of Ministers of Bosnia and Herzegovina to engage in implementing priorities from “Item 4g” of the Opinion of the European Union which refer to eliminating veto in decision making relevant for Acquis.

172. On 16 July, the House of Representatives of Bosnia and Herzegovina rejected an initiative by the Party of Democratic Action (SDA) Club for removal of Minister of Security Nenad Nešić (Democratic People’s Alliance – DNS), for publicly offending victims of genocide and denial of genocide in Srebrenica.

173. An urgent session of the House of Representatives of Bosnia and Herzegovina was convened on 18 April 2024, upon the request of Alliance of Independent Social Democrats (SNSD) Club to discuss the present political situation in the State institutions, with emphasis on the legislative role of the Parliamentary Assembly of Bosnia and Herzegovina. A set of

controversial and illegal conclusions were proposed by the Alliance of Independent Social Democrats (SNSD), which the House rejected, and those evolved around explicit intention to while abusing the Parliamentary Assembly, derogate the High Representative, annul his Decisions declaring them not legally binding, effectively ordering the Official Gazette not to publish the High Representative's decisions, all under a veil of promoting EU path and defending Bosnia and Herzegovina's political independence, and acknowledging the complete failure of the foreign policy system.

174. On 19 July, the Official Gazette of Bosnia and Herzegovina published the decision of the Central Election Committee of Bosnia and Herzegovina concerning the fifth delegate in the Serb Caucus of the House of Peoples of Bosnia and Herzegovina, whereby the seat was allocated to Party of Democratic Progress (PDP – Nenad Vuković) while Alliance of Independent Social Democrats (SNSD – Snježana Novaković-Bursać) lost her seat, which resulted in SNSD's formally losing the ability to defeat any decision in the House by itself.

#### **IV. Developments Related to the Federation of Bosnia and Herzegovina**

##### **A. Executive and Legislative Authorities of the Federation of Bosnia and Herzegovina**

175. As already reported, after all constitutional deadlines for the Government formation expired following the 2022 General Elections, my 27 April 2023 Decision unblocked the appointment of the Government of the Federation of Bosnia and Herzegovina and helped to overcome the continual political stalemate at the Entity level.

176. An integral part of my 27 April 2023 Decision was the Amendment CXXXI to the Constitution of the Federation of Bosnia and Herzegovina that entered into force on 1<sup>st</sup> of May

2024 while the Parliament of the Federation of Bosnia and Herzegovina failed to amend the Constitution. The Amendment enables the Federation authorities to overcome similar government formation blockages by providing deadlines for the appointment of the Government and introducing new unblocking modalities in case this fails, including the dissolution of the Parliament of the Federation and the Cantonal Assemblies with subsequent early elections in case the Government ultimately fails to be appointed. It was expected that the Parliament of the Federation of Bosnia and Herzegovina would develop a long-term solution to prevent future obstacles in the formation of the government and that the 12-month period between the Decision and the Amendment's entry into force should have been sufficient for an agreement to emerge on constitutional changes relating to this issue. Only one initiative to that end was launched on 12 April 2024, when a majority of delegates in the Bosniak Caucus in the House of Peoples of the Federation of Bosnia and Herzegovina proposed an amendment to the Constitution of the Federation of Bosnia and Herzegovina in place of the enacted amendment. While the request by the majority of the Bosniak Caucus to schedule parliamentary debates in both Houses for the consideration of the proposed constitutional amendments was not met, Muamer Zukić, President of the Bosniak Caucus, sent a letter to my Office asking for the enactment of a decision that would set a new deadline for the entry into force of my amendments. I did not meet this request since I have already reminded all relevant political stakeholders of the deadline and since there is no impediment to amending the Constitution of the Federation in this regard after its entry into force. I welcomed any constructive proposals by domestic authorities to improve the Constitution of the Federation aimed at improving good governance and ensuring the functionality of institutions reiterating that without a stable Federation, there can be no functional State and no progress towards the future the citizens of this country deserve.

177. The Government met regularly throughout the reporting period, holding 10 regular sessions and 50 extraordinary sessions. On the other hand, the Parliament of the Federation of Bosnia and Herzegovina met far less frequently, with the House of Peoples of the Federation of Bosnia and Herzegovina holding only one extraordinary session and five regular sessions and the House of Representatives of the Federation of Bosnia and Herzegovina holding two extraordinary sessions and four regular sessions. It is important to say that there were two joint thematic sessions discussing the institutional response to domestic violence and violence against women.

178. The Federation Parliament adopted two new laws as well as six proposals amending current laws. Following the 25 September 2023 resignation of Mirjana Marinković-Lepić (Our Party – NS) from the position of the Speaker of the House of Representatives of the Federation of Bosnia and Herzegovina for health reasons, the House elected Dragan Miokovic from the same political party on 29 May 2024.

179. On 29 May 2024, the House of Representatives of the Federation of Bosnia and Herzegovina finally met its constitutional obligation to appoint a replacement for Member of the Constitutional Court of Bosnia and Herzegovina Judge Mato Tadić who retired in November 2022. The lack of agreement among the members of the Selection and Appointment Committee in the House of Representatives of the Federation of Bosnia and Herzegovina whether to propose only the top-ranked candidate or the full list of successful candidates to the House of Representatives of the Federation of Bosnia and Herzegovina for a final vote, prolonged the appointment for more than a year. Finally, the House voted on only one candidate, appointing Marin Vukoja as judge to the Constitutional Court of Bosnia and Herzegovina with a majority vote on 29 May 2024.

180. To date, a replacement for Kata Senjak, a judge on the Constitutional Court of the Federation of Bosnia and

Herzegovina, who met the retirement requirements on 14 January 2023, has not been appointed by the House of Peoples of the Federation of Bosnia and Herzegovina. It is important to note that, by virtue of the amendment to the Constitution of the Federation of Bosnia and Herzegovina that I enacted on 2 October 2022, if a new judge is not appointed by the date when the judge to be replaced reached 70 years of age, the judge who reached 70 years of age shall continue to serve until a new judge assumes office. As a result, sitting judge Kata Senjak may continue to serve until the relevant authorities meet their constitutional obligation. Although the procedure to fill the vacant position in the Court was initiated on 27 June 2022, the Constitutional Court of the Federation of Bosnia and Herzegovina reminded the House of Peoples on the urgency to fill the vacant position on several occasions. Lack of action by Tomislav Martinovic (Croatian Democratic Union of Bosnia and Herzegovina – HDZ BiH), Speaker of the House of Peoples prevented the House to implement its constitutional duty to appoint a replacement.

181. As reported earlier, on 15 November 2023 the Government of the Federation of Bosnia and Herzegovina adopted a Decision on Change of Purpose of Forestland and Temporary Use of Forestland for Other Purposes (“Decision on Forestland”) allowing that the forest land may be temporarily used for planned purposes other than forest stewardship, such as for the purpose of extracting minerals and other natural resources, during the concession contract. The intention of the Government was to fill the existing legal void caused by the long-lasting absence of a Federation-level Law on Forests, and at the same time to attempt to abide by the State Property Disposal Ban and enable implementation of important investment projects.

182. Following the judgement of the Constitutional Court establishing that the contested decision was not compatible with Articles I(1), I(2) and VI(5) of the Constitution of

Bosnia and Herzegovina, and rendering it null and void. the Federation of Bosnia and Herzegovina Government annulled the disputed decisions on 14 August 2024 and sent it to the company “Adriatic Metals” for it to act in accordance with the law.

183. The post of Police Director of the Federation of Bosnia and Herzegovina has been vacant since January 2019, and the post of Deputy Police Director has been vacant since February 2023. The Independent Board of the Federation of Bosnia and Herzegovina, responsible inter alia for recruiting the police director and deputy director, disbanded in August 2022. The Parliament of the Federation of Bosnia and Herzegovina has not appointed a new Independent Board.

184. The Federation legislation establishing a special prosecutor and court department for fighting corruption and organized crime, which was adopted in 2014, remains unimplemented for ten years already. This shows how much the authorities are ready to enforce their declarative support to fight against corruption.

185. While on 2 September at the urgent session the Government of the Federation of Bosnia and Herzegovina made a decision on the premises where the special department could operate, the Federal Ministry of Justice led by Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) announced its intention to amend the law in the direction of weakening special departments, by diminishing the scope of crime that the departments should deal with, especially when it concerns corruption offences in a canton. This would disable the special departments to deal with one substantial possible source of corrupt practices.

## **B. Mostar**

### ***Statute***

186. The non-implementation of the Mostar Agreement endorsed

on 17 June 2020 remains a pressing issue as the city approached the 2024 local elections. The original Agreement, which stipulated changes to the election system in Mostar and adoption of the Statute requiring qualified majority (24/35) should have occurred at the City Council's first inaugural session. As was explained in my previous report, due to lack of political willingness to implement that provision, the Statute has neither been adopted nor amended, further exacerbating the political gridlock.

187. On 17 June 2024, President of the Croat Caucus in the House of Representatives of the Federation of Bosnia and Herzegovina Damir Dzeba (Croatian Democratic Union of Bosnia and Herzegovina–HDZ BiH) publicly issued a reminder on the 4th Anniversary of 2020 Mostar Agreement, claiming that while the local elections held in December 2020 fulfilled the first part of the Agreement, the second part – amendments to the Bosnia and Herzegovina Election Law – remains unresolved. President of the Croat Caucus in the House of Representatives Dzeba blames this delay on the President of the Party of Democratic Action (SDA) Bakir Izetbegović and other Bosniak leaders, stressing the importance of these amendments for securing legitimate representation of all constituent peoples and citizens at all governance levels.

188. On 15 July 2024, President of the Party of Democratic Action (SDA) of the Mostar City Council Salem Marić made a third attempt to introduce the revised Statute in City Council session but withdrew it. Before this, he urged international representatives, including me, to pressure councilors from the Coalition between Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) and Party of Democratic Action (SDA) to support it, citing a lack of political will. However, my stance remains unchanged: the Statute must result from internal political and expert consensus, not external pressure.

189. In light of this prolonged stagnation, I strongly urge all parties to elevate their discourse and commit to adopting the Statute. It is essential to establish a functional, equitable, and cohesive governance structure for Mostar, one that genuinely serves the interests of its diverse population and safeguards the city's long-term stability.

### ***Contentious Issues***

190. The ongoing controversy surrounding the construction of the Mevlana Intercultural Centre at a disputed site in Mostar continues. The Mevlana Intercultural Center in Mostar is perceived by the Croat political group, including the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) as strategic move to assert Bosniak presence in the predominantly Croat western part of the city.

191. 23 July 2024 marked the 20<sup>th</sup> anniversary of the reconstruction of the Old Bridge, endorsing a commitment to a symbol of unity, future intercultural dialogue in multicultural societies through reconciliation and harmonious interactions. I remain engaged in promoting intercultural dialogue in Mostar and in Bosnia and Herzegovina as a whole.

### **C. Cantons/Municipalities/Cities**

192. Heavy rainfalls in Bosnia and Herzegovina on 3 and 4 October 2024 caused severe floods and landslides that resulted in the loss of lives and property, especially in Municipalities of Jablanica and Konjic in Herzegovina-Neretva Canton and Fojnica, Kiseljak and Kreševo in Central Bosnia Canton.

193. Humanitarian solidarity and relief aid at all levels were fast and strong. On 4 October 2024, Chairwoman of the Council of Ministers of Bosnia and Herzegovina Borjana Krišto called



for international assistance. Thanks to good cooperation between all levels of authority in Bosnia and Herzegovina, strong support from the EUFOR-Althea mission coupled with the national and international civilian teams, as well as the coordinated efforts of the EU and the UN, all types of disaster relief were provided for the citizens of the affected areas. Due to the scale of devastation, the EU activated Civil Protection Mechanism (EUCPM) for urgent assistance upon the request of Bosnia and Herzegovina.

194. The damage assessment and coordination of rehabilitation activities for the citizens of the affected areas pose the biggest challenges to the local and international stakeholders. The impact of this tragic disaster is not solely endured by the local communities but will inevitably have a general bearing on the whole country in economic terms.

195. While the Republika Srpska was among the first to extend disaster relief to the affected areas, the Serb Members of the Council of Ministers soon after blocked a State-level decision to declare a 3-day mourning period.

## **V. Developments Related to Republika Srpska**

### **A. Executive authorities of the Republika Srpska**

196. The reporting period was marked by the adoption of UN Resolution on Srebrenica on 23 May 2024, the subsequent convention of the All-Serb Assembly "One Nation, One Assembly – Serbia and Srpska" in Belgrade on 8 June 2024 and the local election on 6 October 2024. Meanwhile, the trial of Republika Srpska President Milorad Dodik and Republika Srpska Official Gazette Acting Director Miloš Lukić for breaching obligations in office continued.

197. Two dominant and interlinked trends have defined the political landscape of the Republika Srpska: a) the deliberate subversion of the State of Bosnia and Herzegovina, its competencies and institutions and b) the pursuit of a

secessionist agenda by the political leaders of the Republika Srpska.

198. The Republika Srpska leaders' claim that the State threatens the security, autonomy, and identity of Bosnian Serbs. By rejecting State-level laws, policies, and rulings, the authorities of the Republika Srpska portray themselves as defenders against perceived external threats and protectors of Serb interests in Bosnia and Herzegovina. The intent of this narrative is to gain exclusive political and economic power within the entity and diminish the control of the state. Such defiance and rhetoric distract the attention of voters from the governance failures of the authorities of the Republika Srpska.

199. The Government of the Republika Srpska held 21 regular sessions during the reporting period (until 16 September 2024).

## **B. Republika Srpska National Assembly**

200. During the reporting period, the National Assembly of the Republika Srpska held two regular sessions, one special session, and one "solemn" sessions, during which 20 pieces of legislation were passed. Eight out of a total of 20 adopted laws were on three agenda items: circumventing U.S. sanctions, undermining the High Representative's authority, and subverting Bosnia and Herzegovina state competencies.

## **VI. Public Security and Law Enforcement**

201. The practice of inappropriate political interference in operational policing has not diminished in this reporting period.

202. Border protection in Bosnia and Herzegovina is in urgent need of consistent, proper, state funding. No improvement in this regard has been made in the reporting period.

203. Lack of police officials is evident in most of the Cantons in the Federation of Bosnia and Herzegovina. Most of the competition procedures for appointment of the new police officials are underway, while capacities of the Police Academy are limited. While candidates are waiting for their turn for the training, police administrations are facing problems due to the large number of retirements.

204. Deputy Director of State Investigation and Protection Agency (SIPA) Zoran Galić is suspected by the Prosecutor's Office of Bosnia and Herzegovina for the alleged criminal offense of abuse of office and accepting gifts or other forms of benefit, to facilitate tobacco smuggling to Bosnia and Herzegovina during the period when he was the Director of the Border Police of Bosnia and Herzegovina. He has been out of the reach of the authorities of Bosnia and Herzegovina since the beginning of August when he crossed the border with Croatia just before his planned arrest.

205. The Council of Ministers of Bosnia and Herzegovina did not deliberate on the appointment of State Investigation and Protection Agency (SIPA) Director following the proposal of the Minister of Security of Bosnia and Herzegovina Nenad Nešić (DNS – Democratic People's Alliance), given the clear opposition of Bosniak Ministers in the Council of Ministers against the name which the Minister of Security put forward, and the insistence by the Serb Ministers in the Council of Ministers on the proposed name. Currently, the appointment remains blocked.

206. At its urgent session on 17 May 2024, the Government of the Federation of Bosnia and Herzegovina appointed Vahidin Munjić as the new Acting Director of the Police Administration of the Federation of Bosnia and Herzegovina. The Police Administration was left without a director after 2019 when Dragan Lukač was dismissed upon his personal request. There is still no concrete progress with regards to amendments to both the Law on Internal Affairs and the Law on Police Officials in

the Federation of Bosnia and Herzegovina.

207. At its session on 4 June 2024, the Central Bosnia Cantonal Assembly adopted Amendments to the Law on Police Officials. Considering the large number of retirements in the Cantonal Ministry of the Interior, the main aim of Amendments was to maintain operational activities of the Police Administration.

208. On 3 July 2024, Herzegovina-Neretva Cantonal Government passed the Decision to relieve from duty the current Deputy Police Commissioner Ramiz Hasić due to his retirement, and appointed Mirsad Subašić for a period of four years.

209. On 18 July 2024, Una-Sana Cantonal Government appointed Amel Kozlica as the Director of Police Administration for a period of 4 years upon the Cantonal Interior Ministry's proposal and based on the decision by the Canton's Independent Selection and Revision Board. The Canton had been lacking a police chief since October 2022, and this appointment was the first one following extensive changes to the relevant Cantonal legislation in March 2024 when the title of the post was revised (Director of the Police Administration instead of Police Commissioner) and different appointment procedures were adopted, which can be considered as a departure from the police independence model of the previous legislation.

210. Following the completion of the procedure for selection of the candidate for new Police Commissioner before the Independent Board, and upon the proposal of the Cantonal Minister of the Interior, Central Bosnia Cantonal Government appointed Ibrahim Klisura as the new Police Commissioner on 20 September 2024.

211. The agreement of cooperation between the European Border and Coast Guard Agency (Frontex) and Bosnia and Herzegovina is still in the final stages of negotiation.

## **VII. Economic and Social Developments**

## A. Economic Trends

212. Economic activity in Bosnia and Herzegovina for 2024 indicates a positive trend. The growth rate in Q1 was 2.7 per cent, compared to the same period in 2023. On the other hand, some economic indicators – such as export and industrial production – confirm the slowdown. In the period January-July 2024, Bosnia and Herzegovina's exports dropped by 7.1 per cent and while imports increased by 3.9 per cent. In the same period industrial production dropped by 5.3 per cent while inflation was 1.9 per cent. Foreign direct investments in Q1 amounted to BAM 509.4 million (up by 4 per cent compared to the same period in 2023).

213. The Ministry of Finance and Treasury of Bosnia and Herzegovina estimates the overall public debt at the end of Q1 of 2024 at BAM 13.09 billion, which is ca. 25.5 per cent of Bosnia and Herzegovina's GDP. Out of this amount, the foreign debt is BAM 8.98 billion (68.60 per cent) and the domestic debt is BAM 4.11 billion (31.40 per cent). The Federation share in the overall debt is 50.96 per cent, the Republika Srpska's share is 48.28 per cent, and the share of the State institutions and the Brčko District is 0.44 per cent and 0.32 per cent, respectively.

214. The financial sector appears stable. According to the preliminary data, the banking sector in Bosnia and Herzegovina had a profit of BAM 463 million in the period January-June 2024. This is a 27.9 per cent increase compared to the same period in 2023.

215. On 2 August 2024, credit rating agencies Standard & Poor's and Moody's Investors Service confirmed sovereign credit rating on Bosnia and Herzegovina "B+ outlook stable" and "B3 outlook stable" respectively.

216. The social indicators improved but the progress is merely statistical. In June 2024, the average net salary was BAM

1.374, up by 8.5 per cent compared to the same month in 2023. In July, the average pension in Bosnia and Herzegovina amounted to BAM 666, up by 8.1 per cent compared to July 2023. Nevertheless, income levels remain significantly below the average price of the basket of goods of over BAM 3,000 for a four-member family, suggesting that even those with steady incomes struggle to make ends meet. The number of unemployed persons in July was 328,700. This is a 6.2 per cent decrease compared to the same month in 2023. The registered unemployment rate is about 27.6 per cent, while the real (labor survey-based) unemployment rate is about 13.3 per cent for Q2 of 2024. The number of employed persons is 852,500 (up by 0.5 per cent). The number of pensioners is 736,203 (up by 2.5 per cent).

217. The imminent demographic crisis Bosnia and Herzegovina is faced with was outlined in my previous report (S/2024/367). There has been no apparent improvement in the demographic situation in this reporting period. Political instability, corruption, nepotism and poor standards of living are quoted as the key factors that account for emigration. The outflow of youth is especially among the most serious impacts of the political, economic, and social challenges Bosnia and Herzegovina faces and it continues to jeopardize the overall economic, political, and social prospects of the country.

## **B. Fiscal Issues**

218. There were no delays in debt servicing and regular budget payments in the reporting period. This was foremost due to the continued growth of indirect tax revenue, which accounts for most budget revenue for all levels of government. In the first eight months of 2024, the Bosnia and Herzegovina Indirect Taxation Authority collected BAM 7.50 billion. This is an increase of 8.25 per cent or BAM 572 million over the same period in 2023. The regular execution of financial commitments should also be attributed to borrowing, which was particularly excessive in the Republika Srpska, but decreased due to US

Office of Foreign Assets Control (OFAC) sanctions.

219. The adoption of the 2024 budget at the State level was significantly delayed. The Budget was adopted only on 16 July 2024 by the House of Representatives of Bosnia and Herzegovina and on 19 July by the House of Peoples. While this can be attributed to the eight-month delay in the adoption of the Global Framework of Fiscal Balance and Policy in Bosnia and Herzegovina for the Period 2024-2026 as the first step in the budget process at the State level, the 2024 budget preparation and adoption was also a hostage to political party calculations.

220. The Budget of Bosnia and Herzegovina Institutions and International Obligations for 2024 totals BAM 2.786 billion, which is a 9 per cent increase compared to the 2023 adopted budget. Of this overall amount, the financing of State institutions constitutes BAM 1.355 billion (up by 3 per cent) and the servicing of foreign debt constitutes BAM 1.430 billion (up by 15 per cent).

221. Looking at the financing of State institutions only, domestic revenues total BAM 1.269 billion (up by 8 per cent), of which BAM 1.020 billion come from indirect tax revenues (same as in 2023), BAM 248 million come from non-tax revenues (up by 63 per cent) and BAM 0.75 million come from transfers from other levels (up by 10 per cent). The Budget shows a deficit in the amount of BAM 84.8 million (down by 48 per cent), and its coverage is planned mainly from the transferred unspent funds from previous years in the amount of BAM 84.8 million.

222. On the expenditure side, the Budget plans in general terms BAM 806.3 million for gross salaries and allowances (up by 2 per cent); BAM 167.9 million for employee and MPs compensations (down by 3 per cent); BAM 225.8 million for material and service expenditures, rent, agreed services, etc. (up by 13 per cent); BAM 35.4 million for current transfers

and grants (up by 4 per cent); and BAM 108.9 million for capital expenditures for the purchase of land, buildings and equipment (up by 20 per cent).

223. The implications of the extended temporary financing in 2024 compounded by the implications of inadequate financing in the last decade are not addressed by the adoption of the 2024 Budget. The overall increase of BAM 40 million is modest considering the number of institutions (75) and their mounting needs and obligations. With a few exceptions, State institutions will remain at about the same level of financing in 2024 as last year.

224. With that being said, the 2024 Budget is unlikely to make a positive difference in terms of supporting the functionality of State institutions and equipping them to properly cope with obligations arising under the European Union accession process.

225. Preparation of the 2025 budget has been already delayed for more than four months since the Fiscal Council of Bosnia and Herzegovina failed to adopt the Global Framework of Fiscal Balance and Policy in Bosnia and Herzegovina for the Period 2025-2027 before the 31 May deadline as the first step of the 2025 budget preparation. Thus far, the Fiscal Council of Bosnia and Herzegovina has made no effort to get the document agreed or adopted.

226. The Federation maintained its budget stability, which should be attributed to the sustained growth of indirect tax revenues and the continued domestic borrowing, mainly through the issuance of treasury bills and bonds.

227. On 12 September 2024, the Federation Government adopted the Consolidated Report on Budget Execution for the period of January-June 2024, which included the overall data for the Federation level, cantons, local self-government units, and extra-budgetary funds. All levels of government of the



Federation of Bosnia and Herzegovina achieved a positive financial result in the amount of BAM 390.4 million. The total financial result at the level of the budget of the Federation of Bosnia and Herzegovina amounts to BAM 84.5 million, at the level of cantons BAM 94.1 million, at the level of municipalities in the amount of BAM 151.9 million, and at the level of the social protection sector, e. at the level of extra-budgetary funds, amounts to BAM 59.9 million.

228. The Republika Srpska is currently facing significant financial challenges. This year, it is burdened with high debt service, amounting to BAM 822 million, BAM 1.07 billion in 2025, and BAM 1.6 billion in 2026. Due to the US Office of Foreign Assets Control (OFAC) sanctions, the Republika Srpska finds borrowing difficult. The 2024 Budget envisaged borrowing BAM 1.3 billion, but due to OFAC sanctions, it has only managed to borrow BAM 425 million. Despite this, the Republika Srpska has been servicing its debt regularly, with debt services amounting to over BAM 600 million since the beginning of the year.

229. According to the Fiscal Council of the Republika Srpska, future economic challenges will be overstaffing, loss-making public companies, and health sector sustainability.

230. The Republika Srpska authorities acknowledge the negative impact of the sanctions but claim that the financial situation is manageable. The budget plan has been designed to ensure that current revenues cover priority payments, such as pensions and civil servant salaries, which are not currently at risk. However, austerity measures may be necessary if the sanctions persist, such as reducing non-priority expenses and public investment and delaying supplier payments.

### **C. Problems of Specific State Legal Entities**

#### ***Electricity Transmission Company of Bosnia and Herzegovina***

231. In the previous reporting period, the Electricity

Transmission Company of Bosnia and Herzegovina was still governed by a management board and an executive management in its acting capacity on account of a seven-year delay in appointing new members. The failure to appoint new members with full credentials impeded investments in transmission networks. As a reminder, the company was established by the Bosnia and Herzegovina Law Establishing the Electricity Transmission Company, adopted by the Parliamentary Assembly of Bosnia and Herzegovina in 2004, following the June 2003 agreement between the two entities regulating the issue of the establishment of a joint transmission company and independent system operator at the State level, based on article III (5) (b) of the Constitution of Bosnia and Herzegovina.

232. The appointment of a new management board was finally possible during this reporting period. On 5 September 2024, the Council of Ministers of Bosnia and Herzegovina appointed four members on the proposal of the Government of the Federation of Bosnia and Herzegovina and three on the proposal of the government of the Republika Srpska. The handover to the newly appointed management board occurred on 2 October 2024, while the executive management is still performing duties in its acting capacity.

***Seven cultural institutions of special significance for Bosnia and Herzegovina***

233. These institutions that were established before the signing of the Dayton Peace Agreement, by the laws of the (Socialist) Republic of Bosnia and Herzegovina perform activities of public interest for the state and its citizens. However, the current situation in the management structures of those cultural institutions is alarming and represents an immediate threat to their functioning in the near future.

234. The seven cultural institutions of special significance for Bosnia and Herzegovina are the National Museum of Bosnia and Herzegovina; the Historical Museum of Bosnia and Herzegovina; the National and University Library of Bosnia and Herzegovina; the Museum of Literature and Theatre Arts of Bosnia and Herzegovina; the Library for the Blind and Vision Impaired of Bosnia and Herzegovina; the Film Archives of Bosnia and Herzegovina, and the Art Gallery of Bosnia and Herzegovina.
235. Since the signing of the Dayton Peace Agreement, the legal status of these cultural institutions has been disputed, with Republika Srpska based parties questioning the validity of the laws establishing them, opposing their registration as state-level institutions, and challenging their funding from the Bosnia and Herzegovina budget. As a result, these institutions have been operating without permanent management – directors, executive and supervisory boards, relying on temporary appointments from the Government of the Federation of Bosnia and Herzegovina to avoid closure. This has limited their ability to carry out important legal, administrative and logistic tasks essential to their smooth functioning.
236. The situation is the most critical at the National and University Library as it has no director or any other authorized representative. The previous director retired on September 6, 2024, leaving the employees in a very difficult position without a person responsible to perform and authorize the most basic tasks essential for its functioning. The employees ceased providing services to the public on 9 October 2024 and the Library ceased its operations.
237. These institutions are State institutions and, consequently, Bosnia and Herzegovina has the legal status of the founder and owner of these institutions and needs to exercise its competencies regarding the necessary appointments and financing.

## ***Public Railways Corporation of Bosnia and Herzegovina***

238. The Public Railways Corporation of Bosnia and Herzegovina is the only corporation established under Annex 9 to the General Framework Agreement for Peace. As reported in my previous report, the Corporation lacks sufficient funds to settle its financial obligations, including payment of salaries and operational expenses. The Corporation is fully dependent on financial transfers from the Entities. While the Federation of Bosnia and Herzegovina respects its dues, the Republika Srpska continues to contribute less than its share of 40 per cent, leaving the Corporation at the risk of not being able to sustain itself. The situation remained unchanged in the reporting period.

## ***Financial Sustainability of the Public Broadcasting System***

239. The public broadcasting system continues to face financial challenges. Three public broadcasters comprising the public broadcasting system are financed separately, contrary to the legislation in force. Namely, the financing of Bosnia and Herzegovina Radio-Television and Radio-Television of the Federation of Bosnia and Herzegovina is temporarily settled by a contract with EPBosnia and Herzegovina (JP Elektroprivreda BiH d.d. – Sarajevo is the name of the company dealing with the distribution of electricity) which collects the radio and television (RTV) tax at about 56 per cent of households, with noteworthy non-payment in western Herzegovina. The Republika Srpska Radio-Television (RTRS) has been independently collecting the RTV tax in the Republika Srpska since 2017 and is not allocating the collected tax in accordance with stipulated ratio (50 per cent to Bosnia and Herzegovina Radio-Television, and 25 per cent to each Entities' broadcasters). Partial collection of the RTV tax, as well as large organizational structure of

all three public broadcasters, especially Bosnia and Herzegovina Radio-Television, cannot result in financial sustainability of the system as a whole.

240. Following the final court decision from 2022 establishing the debt of the Bosnia and Herzegovina Radio-Television to EBU (European Broadcasting Union) in the amount of BAM 9.8 million, contracted interest in the amount of BAM 8.2 million as well as the statutory default interest from the date of the lawsuit (2016), competent court has issued a conclusion scheduling a hearing for sale of real estate by Bosnia and Herzegovina Radio-Television for 25 September 2024. It is needless to say that the potential sale of property used by Bosnia and Herzegovina Radio-Television will further complicate the financial situation of the only public broadcaster of the country. It is also worth noting that there are registered claims of the Tax Administration of the Federation of Bosnia and Herzegovina and the Indirect Taxation Authority of Bosnia and Herzegovina in the amount of BAM 38 million. The Public Attorney of Bosnia and Herzegovina intervened in the court proceedings stating that the property on which the enforcement is ordered is State property on which there is a prohibition on disposal, and it is likely that said intervention will delay the aforementioned procedure, i.e., the sale of specified real estate. However, the fact remains that the debt of Bosnia and Herzegovina Radio-Television, which is only the debt established by the final court decisions at the moment, amounts to more than BAM 60 million and it still needs to be settled.

241. On 29 June 2024, it was reported in the media that the Ministry of Communications and Transport of Bosnia and Herzegovina will request for the debt repayment towards EBU to be financed from the State budget for 2025, and that further strengthening of Bosnia and Herzegovina Radio-Television through a new law on the public

broadcasting system, which will guarantee the collection of the RTV tax throughout the country, needs to be achieved. Minister of Communications and Transport Edin Forto is reported to have emphasized the importance of smooth functioning of Bosnia and Herzegovina Radio-Television as one of the most obvious symbols of statehood that must survive despite everything and be stronger than ever. However, considering the overall political context, the intended activities will be quite a challenge to carry out.

242. The ongoing situation is critical regarding Bosnia and Herzegovina's efforts to meet the European Union's 14 priorities, which include ensuring the financial sustainability of the public broadcasting system. The proposed solutions include short-term measures for immediate stability and long-term strategies such as legislative changes and internal restructuring for the efficiency of public broadcasting system.

243. As a result of the joint letter from the international community to the Parliament of the Federation of Bosnia and Herzegovina on 27 February 2024 expressing concerns arising from the fact that Radio-Television of the Federation of Bosnia and Herzegovina has been operating with only one of four members of the Governing Board for more than 10 years, and asking the Parliament to fulfill its responsibility and appoint board members so that this body, part of the public broadcasting system board, could function properly, the Federation Parliament published vacancy for four members of the Radio-Television of the Federation of Bosnia and Herzegovina Governing Board on 1 July 2024. Interviews with candidates for members of the Radio-Television of the Federation of Bosnia and Herzegovina Governing Board were cancelled on 2 September 2024 because of lack of quorum in the Joint Working Group for appointment of the Parliament of the Federation of Bosnia and Herzegovina. Attempts at scheduling a new date for interviews are

pending.

#### **D. Specific International Obligations**

244. Bosnia and Herzegovina has not rectified its non-compliance with the Energy Community Treaty, which is the reason for on-and-off sanctions by the Energy Community Ministerial Council since 2015. During the Informal Ministerial Council meeting of the Energy Community held on 3 July 2024 in Banja Luka, the Contracting Parties were urged to accelerate the transposition and implementation of the Electricity Integration Package without further delays to avoid potential tariffs on power exports to the EU in the future.

245. Bosnia and Herzegovina is breaching the Energy Community Treaty in six different cases (in relation to the areas of electricity, energy efficiency, infrastructure, gas, environment and “third energy package”). The most serious breach concerns the long-standing failure of Bosnia and Herzegovina to establish a gas sector regulator at the State level, which the Republika Srpska persistently rejects. In addition, Bosnia and Herzegovina has the highest overall number of cases of breach and the lowest implementation of Treaty obligations, with a score of 35 per cent.

#### **E. Sustainable Development Goals**

246. In June 2024, the Council of Ministers of Bosnia and Herzegovina adopted the Sustainable Development Goals (SDG) Financing Framework to support the implementation of the Sustainable Development Goals Framework, the first country-wide strategic vision for sustainable development since 2007. The Sustainable Development Goals Financing Framework, serving as a de facto Integrated National Financing Framework, provides a common reference point for all levels of government. It enables informed and targeted financing measures and improves the mobilization of additional resources

for accelerated sustainable development, as outlined in the Sustainable Development Goals Framework. It includes both short and mid-term actions, such as policies, institutions, instruments, and modalities necessary to re-channel existing public funds and more effectively use external funds to integrate and attract private capital.

247. Following the successful preparation and presentation of the second Voluntary National Review at the High-Level Political Forum in New York in July 2023, work on advancing the Sustainable Development Goals and the 2030 Agenda has continued in an inclusive, country-wide manner. In line with the decision by the Council of Ministers of Bosnia and Herzegovina to adopt the Sustainable Development Goals Framework in Bosnia and Herzegovina in April 2021, sub-national levels of government have proceeded with the preparation and harmonization of their respective sustainable development strategies with the Sustainable Development Goals Framework.

248. In this context, the 2021–2027 Development Strategy of the Federation of Bosnia and Herzegovina was prepared and adopted in 2022 in full alignment with the Sustainable Development Goals Framework. The Brčko District Development Strategy was also adopted. Guided by the same framework, Republika Srpska has initiated the process of preparing its own development strategy, expected to be completed by 2025. This demonstrates how the Sustainable Development Goals and the 2030 Agenda serve as integrating factors for Bosnia and Herzegovina, offering a common agenda of importance and value for all people and levels of government. This process has been facilitated by the inclusive Sustainable Development Goals Council in Bosnia and Herzegovina, established by the Council of Ministers in 2023. The Council, chaired by the Directorate for Economic Planning and co-chaired by the Ministry of Foreign Affairs, includes representatives from entity and Brčko District authorities directly engaged in strategic



planning across various levels of government.

249. The delegation of Bosnia and Herzegovina played an active role at the Summit of the Future held on 22 and 23 September 2024 in New York. Chairman of the Presidency of Bosnia and Herzegovina Denis Bećirović and Minister of Foreign Affairs, Elmedin Konaković addressed the Summit of the Future and held meetings on the sidelines of the 79<sup>th</sup> session of the United Nations General Assembly respectively.

250. Presidency Chairman Bećirović delivered a speech emphasizing Bosnia and Herzegovina's commitment to the fundamental principles of the United Nations and the importance of multilateralism in addressing global challenges. During his address, the Presidency Chairman underscored Bosnia and Herzegovina's dedication to global peace, human rights, and climate action. His speech also highlighted the tragic lessons from Bosnia and Herzegovina's past, particularly the genocide in Srebrenica, calling for a more effective United Nations role in conflict prevention and peacebuilding. He reaffirmed Bosnia and Herzegovina's support for the Pact for the Future and its readiness to actively contribute to its implementation.

#### **VIII. Developments Related to Annex VIII – Agreement on Commission To Preserve National Monuments**

251. With five professional expert members – two foreign and three local (two from the Federation of Bosnia and Herzegovina and one from the Republika Srpska) – the Commission to Preserve National Monuments operated effectively, also due to relevant decisions adopted by the Presidency of Bosnia and Herzegovina in the early 2000s. However, in 2016, the Presidency of Bosnia and Herzegovina decided not to fill the two international positions in the Commission. The 2016 decision of the Presidency was temporary, as it was supposed to be applicable until 30 May 2017. At the same time, a new

rule was introduced, whereby the presence of the three domestic members constituted a quorum for work and decision-making. Despite advocacy from the international community at the time, the remaining two international members have not been appointed to the Commission as of the time of writing. Nevertheless, the quorum and decision-making rules (i.e. the presence of three members and the consensus of three members) were incorporated into the Commission's rules of procedure, which are still applicable.

252. The Commission's independence is jeopardized because two of its members are active in political parties and elected as such to cantonal assemblies.
253. The Republika Srpska National Assembly adopted the Draft Law on Changes to the Law on implementation of the decisions of the Commission for Protection of National Monuments in accordance with the Annex 8 of the General Framework Agreement for Peace on its 10th General Session held on 2 July 2024. The Draft Law envisages that the previous wording "national monuments of Bosnia and Herzegovina" excludes the name "Bosnia and Herzegovina" in the new Draft Law.
254. Regarding the state and operations of the Commission, nothing changed throughout the reporting period. The planned sessions of the Commission in July and August 2024 were canceled due to disagreements about the agenda which was not adopted. Disagreements over the date of the last scheduled session, which was supposed to take place on 6 September 2024, prevented it from happening.

## **IX. Media Developments**

### ***Intimidation of journalists***

255. As was underlined in my previous report, the intimidation of journalists is still a major problem, much more so in the Republika Srpska. Denying access to information and governmental institutions to journalists

who are not aligned with the ruling party remains a frequent practice. Several pieces of new legislation in the Republika Srpska still risk restricting media freedom.

### ***Communication Regulatory Agency***

256. The mandate of the members of the Governing Council of the Communications Regulatory Agency of Bosnia and Herzegovina expired at the end of 2017. Although the Council of Ministers of Bosnia and Herzegovina established a candidates list and submitted it to the Parliamentary Assembly of Bosnia and Herzegovina to carry out the appointment procedure for new members of the Governing Council in March 2024, the candidates list is still not considered by the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. The delay suggests significant political influence in what should be a procedural appointment, raising concerns about the independence and neutrality of this regulatory body crucial for fair governance in the communication and broadcasting sectors.

257. Nevertheless, the current Council of the Agency composed of four out of seven members, held a competition for the new director of the Agency, and the application deadline was 17 June 2024. The Council of the Agency has not yet considered the application (only one has arrived). The current Director-General Draško Milinović, former Director-General of Radio and Television of the Republic of Srpska (RTRS), will presumably be re-appointed.

### ***Digitalization Progress***

258. In terms of its operations, on 26 January 2024, the Communications Regulatory Agency made a public call for the allocation of a license for Multiplex C to optimize available capacities for digital broadcasting. This is an addition to the already established Multiplex D

within which 18 stations already broadcast digitally. The Communications Regulatory Agency also granted a license for Multiplex 1 for digital radio, enabling commencement of digital radio broadcasting.

259. The digitalization process is advancing through two Multiplexes. Multiplex A, primarily for public broadcasters, saw an expedited procurement procedure – finalized in January 2024 with the signing of an agreement between the Ministry of Communications and Transport of Bosnia and Herzegovina and the consortium of companies from Banja Luka and Zagreb – for the procurement of equipment for digital transmission and broadcasting of public radio and television services in Bosnia and Herzegovina, i.e., equipment necessary to finalize the Digitalization Project (Phases II and III). However, the Banja Luka based company was in the meantime black-listed by the Office of Foreign Assets Control of the U.S. Department of the Treasury (OFAC) and was withdrawn from the project. On 10 August 2024, Minister of Communications Bosnia and Herzegovina Edin Forto confirmed that Sirius 2010 withdrew from the Multiplex A digitalization project aimed at public broadcasters due to U.S. sanctions. The Croatian company “Odašiljači i veze” (OIV) is foreseen to take over the project, but significant delays have already impacted the timeline. While this decision prevents further disruption, the overall process is still lagging behind the initial expectations.

260. Meanwhile, according to the Communications Regulatory Agency, Multiplex D is on track to cover 90 per cent of Bosnia and Herzegovina’s territory with digital terrestrial signals by the end of the year, currently hosting 18 TV stations, with an ongoing invitation for new participants.

## **X. European Union Military Mission in Bosnia and Herzegovina**

261. As it was underlined in my previous report, the unanimous approval of the United Nations Security Council on 2 November 2023 to extend the mission of EUFOR-Althea was of utmost importance for peace and stability in Bosnia and Herzegovina. The international community cannot permit a security vacuum to develop in Bosnia and Herzegovina.

262. Due to lack of reconciliation, EUFOR-Althea is still needed as a reassuring element for the citizens of Bosnia and Herzegovina. Visibility and mobility of the deployed EUFOR troops and the availability of Over-the-Horizon Reserve Forces (OTH RF) for EUFOR-Althea remain essential given the unique political and security situation.

263. According to articles I and II of Annex 1-A and articles I, II and IV of Annex 1-B to the General Framework Agreement for Peace, all parties are committed to arms control and have agreed to cooperate with international organizations. EUFOR undertakes a role in arms control by conducting verifications and inspections. This creates a safe and secure environment in close coordination with the relevant ministries. EUFOR is a key contributor in the field of humanitarian demining through the Mine Action Strategy of Bosnia and Herzegovina.

264. Since the invitation to the NATO membership Action Plan in 2010, the Armed Forces of Bosnia and Herzegovina (AFBiH) have continuously evolved to become a reliable partner in the Euro-Atlantic security architecture. Although the Armed Forces of Bosnia and Herzegovina is a crucial state-level institution in which cooperation within the multi-ethnic structure functions best, its operational and command capabilities remain dependent on the support of strong NATO and European Union partners.

## **XI. Office of the High Representative Operations**

265. While the Office of the High Representative has faced substantial reductions to its budget and staff over the past

few years, its remaining tasks have not decreased commensurately. The current annual operating budget of the organization is €5.8 million. Collecting budgeted funds remains challenging, with around €600,000 of the budget expected to go uncollected in the current operating period. As previously noted, the Russian Federation suspended its contribution to the Office's budget in February 2022, and this remains its position. The Office employs 75 national staff and 20 international staff, 16 of whom are seconded to Sarajevo, its regional and field offices.

266. To achieve progress on the 5+2 Agenda, it is imperative to maintain a robust and efficient Office of the High Representative. Its capacity to fulfill its mandated responsibilities is highly dependent on the appropriation of necessary resources. The current financial situation is not commensurate with the goals established by the Steering Board of the Peace Implementation Council and could endanger the achievement of the purported mandate of the Office of the High Representative.

267. As mentioned in my previous report, deliberations continue regarding the organization of a high-level political evaluation conference in 2025 that will coincide with the 30<sup>th</sup> commemoration of the Srebrenica Genocide and the anniversary of the General Framework Agreement for Peace. The said conference will aim at developing an integrated approach that will encompass the General Framework Agreement for Peace implementation and European integration.

## **XII. Reporting Schedule**

268. I submit this report in accordance with the requirement in UN Security Council Resolution 1031 (1995) for the High Representative to submit regular reports to the Secretary-General for transmission to the Security Council. Should the Secretary-General or any member of the Council require further information, I am at their

disposal. The next regular report is scheduled for May 2025.