

Decision Suspending All Disbursements of Budgetary Funds for Party Funding to Savez Nezavisnih Socijaldemokrata (SNSD) and Ujedinjena Srpska

n. 18/25

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1. (d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain

issues including, under sub-paragraph (c) thereof, “measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Recalling further that the Security Council of the United Nations has repeatedly affirmed, through its resolutions adopted pursuant to Chapter VII of the Charter of the United Nations, that the role of High Representative as final authority in theatre regarding the implementation of Annex 10 to the GFAP includes the “authority to make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997”;

Mindful of the most recent Communique of the Steering Board of the Peace Implementation Council, which strongly condemned flagrant attacks by the Republika Srpska ruling coalition against the GFAP and the constitutional and legal order of BiH including ongoing secessionist actions, stating further that any actions that challenge the sovereignty, territorial integrity and political independence of BiH or undermine the functionality of the institutions must be countered promptly through the constitutional and legal framework, reiterating that the international community retains the necessary instruments to uphold the GFAP and reiterating further its full support for the High Representative in ensuring complete respect for the GFAP and in carrying out his mandate under Annex 10 and relevant United Nations Security Council Resolutions;

Recalling the direct threats to the GFAP resulting from the joint statement of leaders of the Republika Srpska ruling coalition lead by SNSD and Ujedinjena Srpska signed on 24 April 2023, by which they agreed to implement a series of steps to create the preconditions for future secession of Republika Srpska;

Further reminding that such position resulted in the adoption of laws by the Republika Srpska National Assembly that posed a

threat to the constitutional order of Bosnia and Herzegovina and Republika Srpska's commitments under Annex 10 to the GFAP, constituting serious violations of the GFAP, and a threat to peace and stability in the country and the region, and that this prompted the High Representative to take appropriate measures on 1 July 2023 preventing the entry into force of such laws and to enact amendments to the Criminal Code of Bosnia and Herzegovina expanding the definition of the criminal offense against the constitutional order, expanding the definition of non-enforcement of decisions of the Constitutional Court of Bosnia and Herzegovina, and adding an offense regarding the failure to implement Decisions of the High Representative;

Recalling further that the continuation of the policies of the Republika Srpska ruling coalition resulted, among others, in the adoption of a set of Conclusions by the Republika Srpska National Assembly on 24 and 25 December 2024 attacking the sovereignty of the State of Bosnia and Herzegovina and its constitutional order, challenging its key judicial institutions such as the Constitutional Court of Bosnia and Herzegovina, the Court of Bosnia and Herzegovina, the Prosecutor's Office of Bosnia and Herzegovina as well as the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and demanding representatives of Republika Srpska and the State level officials from the Serb constituent people to take actions to implement the policies contained in these conclusions, thus seriously undermining the civilian implementation of the GFAP, including the functionality of the Bosnia and Herzegovina institutions, and prompting the High Representative to issue an Order on 2 January 2025 declaring that the said Conclusions violate Republika Srpska's obligations and commitments under Annex 4 and Annex 10 to the GFAP and prohibiting their implementation;

Considering that the Court of Bosnia and Herzegovina pronounced its Trial Judgement of 26 February 2025 in the

criminal case of Milorad Dodik et al. in circumstances of tremendous pressure on the Court of Bosnia and Herzegovina, with officials of the Republika Srpska ruling coalition parties, primarily of SNSD and Ujedinjena Srpska, continuously challenged the constitutionality of the establishment and very existence of the Court of Bosnia and Herzegovina and its jurisdiction, in disregard of the final and binding decisions of the Constitutional Court of Bosnia and Herzegovina;

Seriously concerned about the most recent activities pursued by the Republika Srpska ruling coalition led by SNSD and Ujedinjena Srpska against the sovereignty and the constitutional order of Bosnia and Herzegovina, which resulted in the adoption by the Republika Srpska National Assembly of the “Conclusions Regarding the Information on Dismantling of the Constitution of Bosnia and Herzegovina – Measures and Tasks Aimed at Protecting the Constitution of Bosnia and Herzegovina” on 26 February and the “Decision on the Measures and Tasks Arising From Unconstitutional Decision and Actions of Non-Constitutional Institutions of BiH” and subsequent to it of the Law on Non-Application of the Law and Prohibition of the Activities of Extra-Constitutional Institutions of BiH, the Law on Amendments to the Criminal Code of RS, the Law on the High Judicial and Prosecutorial Council of Republika Srpska and the Law on the Special Registry and Publicity of the Work of Non-Profit Organizations on 27 February;

Taking into consideration that on 7 March 2025, the Constitutional Court of Bosnia and Herzegovina issued temporary measures putting the said acts and laws out of force as well as all acts undertaken to implement them and prohibited all authorities within Republika Srpska and State officials from Republika Srpska to act on the basis of these laws and acts;

Noting that in disregard to the Constitutional Court of Bosnia and Herzegovina prohibition to take any action based on the above listed acts, the Republika Srpska National Assembly, at

its special session of 14 March 2025, adopted a proposal *Law on the Protection of the Constitutional Order of Republika Srpska* with the aim to establish the institutions for the protection of the constitutional order of Republika Srpska, including a so-called special prosecutor's office and the special court, which already affected the unimpeded functioning of some of the institutions of Bosnia and Herzegovina;

Deploring that the Republika Srpska ruling coalition continues to disregard the decision of the Constitutional Court of Bosnia and Herzegovina on interim measures against the Republika Srpska laws by attempting to establish new Republika Srpska institutions in defiance of the constitutional order of Bosnia and Herzegovina;

Noting that, on 13 March 2025, the Republika Srpska National Assembly adopted a draft Republika Srpska Constitution to further implement secessionist policies of the Republika Srpska ruling coalition in direct violation of the GFAP;

Noting also in this regard that, on 21 March 2025, the Republika Srpska Official Gazette published the "Rulebook on the Procedure for Nomination and Selection of the First Members of the High Judicial and Prosecutorial Council of Republika Srpska", specifying that the Rulebook is being enacted under the Law on the High Judicial and Prosecutorial Council of Republika Srpska, which the Constitutional Court of Bosnia and Herzegovina suspended and prohibited any action on that basis under the Decision on Interim Measure of the Constitutional Court, no. U-8/25 of 7 March 2025;

Noting further that, on 28 March 2025, the Republika Srpska Minister of Justice sent a letter to courts and prosecutors' offices in Republika Srpska to recall the Republika Srpska Government's Conclusions of 17 and 25 March 2025, threatening with prosecution, termination of budgetary support and termination of employment, as well as with a possible

abolishment of judicial institutions, if judicial officials in Republika Srpska abide by the decisions of the Constitutional Court of Bosnia and Herzegovina and do not implement the laws that Republika Srpska passed ultra vires and that were found prima facie unconstitutional by the Constitutional Court of Bosnia and Herzegovina, thereby inciting judges and prosecutors into committing the criminal offence of non-enforcement of decisions of the Constitutional Court of Bosnia and Herzegovina or an attack on the constitutional order of Bosnia and Herzegovina;

Mindful that, on 2 April 2025, the Constitutional Court of Bosnia and Herzegovina adopted a Ruling on Non-Enforcement of the said Decision on Interim Measure No. U-8/25 of 7 March 2025 establishing, among others, that the Rulebook adopted by the Republika Srpska Minister of Justice on the basis of the suspended Law on the High Judicial and Prosecutorial Council of Republika Srpska has no legal effect and cannot be legally valid and is thus null and void, concluding also that actions by Republika Srpska Minister of Justice Miloš Bukejlović disregard and are in contravention of the prohibition of the final and binding Decision of the Constitutional Court of Bosnia and Herzegovina no. U-8/25 and as such may entail a criminal liability of the responsible persons;

Considering that it is already notorious that the Prosecutor's Office of Bosnia and Herzegovina conducts an investigation against the leadership of SNSD and Ujedinjena Srpska for suspicion of a perpetrated crime, and that the Court of Bosnia and Herzegovina under these circumstances has already ordered a detention against the suspects;

Considering also that the suspects were duly summoned to appear in front of the competent judicial institutions but failed to do so while publicly calling for disrespect for laws and judicial institutions of Bosnia and Herzegovina, and that subsequently apprehension orders were issued and detention ordered, culminating in the issuance of arrest warrants

against the suspects;

Convinced that the behavior described above was mainly instigated by Savez Nezavisnih Socijaldemokrata (SNSD) and Ujedinjena Srpska and that such behavior seriously undermines the functioning of the State of Bosnia and Herzegovina and the rule of law and is inconsistent with the Constitution of Bosnia and Herzegovina, Article III.3.b) providing that "The Entities and any subdivisions thereof shall comply fully with the Constitution (...) and with the decisions of the institutions of Bosnia and Herzegovina", thus undermining the civilian implementation of the GFAP within the meaning of relevant provisions of laws on banks of the Republika Srpska and Federation of Bosnia and Herzegovina whereby it is forbidden for the bank to carry out conversions or transfers, or act as an agent in the acquisition, conversion or transfer of money or other assets, which the bank knows or can reasonably expect that could be used by individuals or legal persons or authorities which obstruct or threaten obstruction or pose a significant risk of actively obstructing the implementation of peace process, in accordance with regulations governing the introduction and implementation of certain interim measures for the purpose of effective implementation of international restrictive measures;

Singling out, in particular, the statements signed by the political subjects Savez Nezavisnih Socijaldemokrata and Ujedinjena Srpska committing themselves unequivocally to adherence to the General Framework Agreement for Peace in Bosnia and Herzegovina in their activities, as a precondition for certification to participate in the 2022 General Elections and 2024 Local Elections, in accordance with the Article 1.13 of the Election Law of Bosnia and Herzegovina and noting that the continued application of the laws that Republika Srpska passed acting beyond its legal powers and authority and that were found prima facie unconstitutional by the Constitutional Court of Bosnia and Herzegovina are not in keeping with those

statements;

Highlighting that the Republika Srpska secessionist agenda with persistent attacks on the GFAP, including the Bosnia and Herzegovina Constitution and its key authorities, results from the long-standing destructive behavior of SNSD, implemented through the legislative and executive authorities of Republika Srpska by the Republika Srpska ruling coalition, with SNSD and Ujedinjena Srpska at the forefront;

Commending the efforts of the authorities of the State of Bosnia and Herzegovina taken so far within the scope of their respective authority to legally challenge the acts and activities of the authorities of Republika Srpska through available domestic remedies while deploring the persistent and aggressive pursuit of the policies instigated by Savez Nezavisnih Socijaldemokrata (SNSD) and Ujedinjena Srpska which continue to be implemented disregarding the final and binding decisions of the Constitutional Court of Bosnia and Herzegovina;

Further deploring, the actions by the RS authorities, including with threats of use of force, aimed at preventing the authorities of Bosnia and Herzegovina to effectively exercise their responsibilities and enforcing their decisions in the entire territory of Bosnia and Herzegovina, thus prompting the High Representative to take measures necessary to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities in upholding the civilian implementation of the GFAP;

Aware that there may be certain members of the SNSD and Ujedinjena Srpska as well as other parties part of the coalition in power in Republika Srpska may not fully support the policies based on the total ignorance of the fundamental principles of the Dayton Peace Accords and this has been taken into consideration by evidence.

Having in mind that the territorial integrity and sovereignty of BiH must be respected and decisions of the institutions of BiH must be complied with pursuant to Article III,3,(b) of the Constitution of BiH and that obvious violations of these principles must lead responsible politicians to distance themselves from them to be excluded from any kind of sanction;

Recognizing that the right to freedom of political belief and opinion of whatever category or content and the right to express and propagate political opinions, as well as the right to fight for the realization of political goals by using democratic means, shall not constitute a basis for unilateral acts and activities that are contrary to the GFAP, that undermine the constitutional and legal order of the State of Bosnia and Herzegovina and that disregard the decisions of the competent courts of Bosnia and Herzegovina;

Having considered, borne in mind, and noted all the matters aforesaid, the High Representative hereby issues the following:

DECISION

**Suspending All Disbursements of Budgetary Funds for Party
Funding to Savez Nezavisnih Socijaldemokrata (SNSD) and
Ujedinjena Srpska**

Article 1

1. All disbursements of budgetary funds for political

party funding to SNSD and Ujedinjena Srpska in the Parliamentary Assembly of Bosnia and Herzegovina, the Parliament of the Federation of Bosnia and Herzegovina, Republika Srpska National Assembly, Cantonal Assemblies, city and municipal councils/assemblies and the Assembly of Brcko District of Bosnia and Herzegovina shall be suspended with immediate effect.

2. All suspended funds shall be transferred upon the suspension to a special account to be opened at the Central Bank of Bosnia and Herzegovina.
3. The suspension of disbursement of budgetary funds for political party financing provided for under paragraph (1) and (2) of this Article shall be lifted based on or following a positive assessment by the High Representative of the compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina or any other related circumstances the High Representative may deem justified.
4. The suspended amounts shall not be considered as an outstanding financial obligation towards SNSD and Ujedinjena Srpska designated at all levels of government for political party financing for the respective year.
5. Upon the lift of the suspension as specified in paragraph (3) of this Article, the High Representative will decide on the purpose of the funds accumulated on the special account.

Article 2

1. The person responsible for budget execution at the levels referred to in Article 1, paragraph (1) of this Decision (hereinafter referred to as: responsible person) is hereby directed to suspend and transfer the funds designated for political party financing as

provided in Article 1 of this Decision and report to the Office of the High Representative on a monthly basis, not later than on the 15th day of each month, as well as to the Supervisor for Brcko District of Bosnia and Herzegovina for the level of Brcko District of Bosnia and Herzegovina.

2. The report referred to in paragraph (1) of this Article shall include as a minimum the due date of payment and the exact amount of funds suspended and transferred to the Central Bank of Bosnia and Herzegovina pursuant to this Decision.
3. The first report upon entering into force of this Decision shall be submitted without delay but not later than the close of business of the following day and shall include the exact amount of funds for political party financing paid so far to SNSD and Ujedinjena Srpska in 2025 and the exact amount and the due date of the first upcoming payment subject to this Decision.
4. The responsible person shall be held accountable for the orderly execution of this Decision.

Article 3

1. Each and every bank and all its branches within the jurisdiction of the Banking Agency of Republika Srpska or the Banking Agency of the Federation of Bosnia and Herzegovina in which accounts are opened and held by and/or in the name of SNSD and Ujedinjena Srpska, including their regional, local and/or municipal SNSD and Ujedinjena Srpska organizations shall be obliged to transfer to the Central Bank of Bosnia and Herzegovina all the amounts paid from the budgets at any level of authority immediately upon such payment and report accordingly to the Office of the High Representative, as

well as to the Supervisor for Brcko District of Bosnia and Herzegovina for the level of Brcko District of Bosnia and Herzegovina.

2. The banks shall consider this Decision as a measure against the obstruction of the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and a failure to comply with this Decision by the director of a bank or any individual acting on behalf of a bank or by any employee thereof may result in sanctions against both the respective bank and the individual deemed responsible for the failure at the respective bank.

Article 4

This Decision shall have precedence over any inconsistent provisions of any law, regulation or act, existing or future. This Decision shall be directly applicable, and no further act is required to ensure its legal effect.

Article 5

For the avoidance of doubt, it is hereby specifically declared and provided that the provisions of the Decision contained herein are, as to each and every one of them, laid down by the High Representative pursuant to his international mandate and are not, therefore, justiciable by the Courts of Bosnia and Herzegovina or its Entities or elsewhere, and no proceedings may be brought in respect of duties carried out thereunder before any court whatsoever at any time hereafter.

Article 6

The High Representative reserves the right to amend this Decision or take other measures as he judges necessary to ensure the implementation of this Decision.

Article 7

This Decision shall enter into force forthwith immediately upon publication on the official website of the Office of the High Representative.

This Decision and shall be published without delay in the "Official Gazette of Bosnia and Herzegovina", the "Official Gazette of the Federation of Bosnia and Herzegovina", the "Official Gazette of Republika Srpska", the Official Gazettes of all Cantons as well as the "Official Gazette of Brcko District of Bosnia and Herzegovina".

Sarajevo, 24 April 2025

Christian Schmidt
High Representative