

AMERICA'S OMITTED INTEREST IN BOSNIA AND HERZEGOVINA: A RESPONSE TO SCHMITZ AND KENNEDY

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Because of their (geo)politically peripheral position in American foreign policy, there is little in the way of a permanent expert policy community concerned with the Western Balkans in Washington. Joseph E. Schmitz and Brian T. Kennedy's recent article on Bosnia and Herzegovina,¹ however, illustrates the dangers of leaving legal-political commentary on one of the most complex polities in the world to those lacking the requisite expertise. The product is not just a mangling of the major precepts of Bosnia and Herzegovina's postwar constitutional and political regime, but, more dangerously, a profound misunderstanding of the United States' own strategic interests in the region.

To wit, Schmitz and Kennedy ask what the American interest in Bosnia and Herzegovina is, and answer by telling us that it is a "sovereign, self-governing, and prosperous" Bosnia and Herzegovina.² Most Bosnians, and most Americans (even those unfamiliar with the country's complex politics), would readily agree with that prescript. The trouble is Schmitz and Kennedy's entire case for a *sovereign* and *self-governing* Bosnia and Herzegovina is constructed through the political perspectives of a Chinese- and Russian-aligned secessionist political leader and his party. Namely, Milorad Dodik and his Alliance of Independent Social Democrats (SNSD), whose positions Schmitz and Kennedy buttress with occasional references to the views of the likewise ethnic separatist Croat(ian) Democratic Union of Bosnia and Herzegovina (HDZ BiH) and their leader Dragan Čović, who has been in a coalition with the SNSD for the better part of twenty years.³

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¹ Joseph E. Schmitz & Brian T. Kennedy, *Bosnia and Herzegovina: What Is the American People's Interest?*, HARV. J.L. & PUB. POL'Y PER CURIAM, Summer 2026, at 1, <https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2026/08/Schmitz-and-Kennedy-Bosnia-and-Herzegovina-Whats-In-American-Interest-vf-1.pdf> [<https://perma.cc/9XA7-6PN6>].

² *Id.* at 2 (emphasis added).

³ See HDZ BiH and SNSD affirm long-standing partnership in Mostar while criticising international intervention, N1 (July 13, 2026), <https://n1info.ba/english/news/hdz-bih-and-snsd-affirm-long-standing-partnership-in-mostar-while-criticising-international-intervention/> [<https://perma.cc/87AU-S6XZ>]; Irvin Pekmez, *US Right-Wing Heritage Foundation Promotes Changes to Bosnia's Peace Agreement*, BALKAN INSIGHT (Aug. 12, 2026), <https://balkaninsight.com/2026/08/12/us-right-wing-heritage-foundation-promotes-changes-to-bosnias-peace-agreement/bi/> [<https://perma.cc/E43B-WTPE>]; Zeljko Pantelic, *Bosnia struggles to form state and entity governments*, EUOBSERVER (Dec. 6, 2010), <https://euobserver.com/news/31430> [<https://perma.cc/Z4GH-ML9F>]; VLADO AZINOVIĆ, KURT BASSUENER & BODO WEBER, ATLANTIC INITIATIVE & DEMOCRATIZATION POL'Y COUNCIL, *ASSESSING THE POTENTIAL FOR RENEWED ETHNIC VIOLENCE IN BOSNIA AND HERZEGOVINA: A SECURITY RISK ANALYSIS* 12 (2011), http://www.democratizationpolicy.org/pdf/DPC-AI_BiH%20Security_Study.pdf [<https://perma.cc/6ENP-P2L5>].

Thus, from the outset, the entire frame of Schmitz and Kennedy's article is a classic example of a poisoned well fallacy. Why should America's interests in Bosnia and Herzegovina be distilled through the views of political leaders, one of whom *by his own admission* is seeking to break up that state?⁴ In fact, that aim is not just articulated to the Bosnian public by Dodik's SNSD on a near daily basis, it is contained in the regime's own contracts with its retinue of lobbyists in Washington, D.C.⁵ To pursue the question of Bosnian sovereignty through the perspective of the SNSD is thus akin to querying Jefferson Davis on his positions on American federalism and the equality of persons under the law.

But let us pursue their argument further.

I. ARGUMENT BY OMISSION

In the view of Schmitz and Kennedy, and the SNSD, the path towards sovereignty, self-governance, and prosperity in Bosnia and Herzegovina is through (i) the abolition of the Office of the High Representative, the international oversight body created to assist in the implementation of the U.S.-brokered Dayton Peace Agreement, and (ii) improved relations between Washington and the secessionist regime in Banja Luka.

On what basis do they argue these claims? Schmitz and Kennedy construct a text which features lengthy excerpts from Papal encyclicals, C.S. Lewis, and Sir William Blackstone (1723–1780) but makes only passing references to the Dayton Peace Agreement, the Bosnian constitution, or any other relevant Bosnian or European legal codes.

The most glaring omission is that Schmitz and Kennedy make not a single reference to the European Convention on Human Rights (ECHR), which is embedded directly into the Dayton Peace Agreement and has, through Article II(2) of the Bosnian constitution “priority over all other law” in the country.⁶ That provision has resulted in more than a decade of litigation and jurisprudence in Bosnia and Herzegovina and Strasbourg. The sum of which is that both local⁷ and European courts have found that the country's existing ethnic-based constitutional regime is discriminatory,⁸ infringing on basic individual liberties through the unlawful elevation of poorly defined collectivist concepts (that is, “the constituent peoples” category), and that the same must

⁴ See U.S. Embassy Statement on Milorad Dodik's Secessionist Threats, U.S. EMBASSY IN BOSN. & HERZ. (Apr. 11, 2023), <https://ba.usembassy.gov/u-s-embassy-statement-on-milorad-dodiks-secessionist-threats/> [<https://perma.cc/F2V7-82KA>].

⁵ See Predrag Zvijerac, *Republika Srpska milionima lobira u SAD-u za nezavisnost*, RADIO SLOBODNA EVROPA (July 23, 2026), <https://www.slobodnaevropa.org/a/fara-lobiranje-bih-rs-dodik-nezavisnost-dickens-madson-ari-ben-menashe/33810547.html> [<https://perma.cc/L7XZ-4WHK>].

⁶ USTAV BOSNE I HERCEGOVINE [CONSTITUTION] art. II(2) (Bosn. & Herz.), <https://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/001%20-%20Constitutions/BH/BH%20CONSTITUTION%20.pdf> [<https://perma.cc/2A25-M8HA>].

⁷ See Joseph Marko, *Five Years of Constitutional Jurisprudence in Bosnia and Herzegovina: A First Balance* 25–27 (Eur. Acad. Bozen/Bolzano, Eur. Diversity & Autonomy Paper No. 7/2004, 2004), https://aei.pitt.edu/6164/1/2004_edap07.pdf [<https://perma.cc/3P9Y-F9C9>]; Zlatan Begić & Zlatan Delić, *Constituency of peoples in the constitutional system of Bosnia and Herzegovina: Chasing fair solutions*, 11 INT'L J. CONST. L. 447 (2013).

⁸ See Nedim Hogić, *Thirty years from Dayton: Has the Bosnian Constitution found its legitimacy?*, EJIL: TALK! (Dec. 10, 2025), <https://www.ejiltalk.org/thirty-years-from-dayton-has-the-bosnian-constitution-found-its-legitimacy/> [<https://perma.cc/UW5K-49FG>].

be reformed in line with the provisions of the ECHR and, *inter alia*, the opinions of the Venice Commission,⁹ and the EU's own requirements of the country.¹⁰

This is not a minor slip. The implementations of the rulings of the European Court of Human Rights (ECtHR) are so central to Bosnia and Herzegovina's present legal-political trajectory that they are the key element of the EU's fourteen priorities for the country, that is, the criteria which must be met for Bosnia and Herzegovina to even *begin* formal accession negotiations with the bloc. In fact, the rulings of the ECtHR are specified among the key criteria, per the EU Commission's 2019 Opinion, which notes:

The Constitution contains ethnic and residence-based provisions which are not in line with the European Convention on Human Rights. These concern the appointment, composition and decision-making procedures of the head of state and the executive and legislative bodies, as certain electoral rights are reserved for citizens who affiliate to the 'constituent peoples' – Bosniaks, Croats and Serbs. Significant incremental reforms are therefore needed to ensure that all citizens can effectively exercise their political rights ¹¹

By comparison, the same Opinion references the Office of the High Representative only after its commentary on the ECHR and ECtHR. Here the Commission is likewise clear:

Annex X to the Dayton Peace Agreement established the Office of the international High Representative (OHR) as the final authority¹² on the interpretation of the civilian aspects of the implementation of the peace agreement. The OHR has since been granted extensive powers to decree legislation and remove public officials – known as 'Bonn powers' Such extensive international supervision is in principle incompatible with the sovereignty of Bosnia and Herzegovina and therefore with EU membership. A process towards closing the OHR has been underway since 2008. Its outcome depends on a number of conditions.¹³

Those conditions, which are likewise never referenced by Schmitz and Kennedy, are known as the 5+2 Agenda,¹⁴ and were developed under the leadership of the then George W. Bush administration to streamline the closure of the Office of the High Representative. Of the seven (that is, 5+2) criteria towards that end, only two have been fully implemented: the signing of a Stabilization and Association Agreement between Sarajevo and Brussels (2008), and the establishment of the Brčko District as an autonomous administrative unit within Bosnia and Herzegovina's broader constitutional regime.

⁹ See Eur. Comm'n for Democracy Through L. (Venice Comm'n), *Amicus Curiae Brief in the Cases of Sejdić and Finci v. Bosnia and Herzegovina*, Op. No. 483/2008, CDL-AD(2008)027, ¶¶ 45–47 (Oct. 22, 2008), <https://www.coe.int/en/web/venice-commission/-/cdl-ad-2008-027-e> [<https://perma.cc/6EZ3-46P2>].

¹⁰ See Leonardo Torelli, *The Bosnian Constitution: facing the EU integration process*, EURAC RSCH. (Aug. 8, 2023), <https://www.eurac.edu/en/blogs/eureka/the-bosnian-constitution-facing-the-eu-integration-process> [<https://perma.cc/R26D-DV6Q>].

¹¹ Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union, at 7, COM (2019) 261 final (May 29, 2019), https://enlargement.ec.europa.eu/document/download/6cbf9fa7-a288-4497-9e4a-17527bcbafc5_en?filename=20190529-bosnia-and-herzegovina-opinion.pdf [<https://perma.cc/EJ3S-A38D>] [hereinafter Commission Opinion].

¹² See *infra* Part IV (discussing the term "final authority").

¹³ Commission Opinion, *supra* note 11, at 7.

¹⁴ *Agenda 5+2*, OFF. OF THE HIGH REP., <https://www.ohr.int/agenda-52/> [<https://perma.cc/84EP-WJ2B>] (last visited Sept. 13, 2026).

The five unfulfilled criteria—the adoption of a state property (that is, land management law), a law on defense property, fiscal sustainability, entrenchment of the rule of law, and a favorable opinion for the closure of the institution by the Peace Implementation Council (PIC)—are hardly onerous. The only reason why they have not yet been implemented is because of the obstructionist efforts of Serb and Croat nationalist hardliners, like Dodik and Čović, who have systematically opposed any modicum of political reform which might result in the rational administration of the Bosnian state. That is the opinion of eight successive High Representatives who have collectively submitted sixty-nine reports, latterly on a semiannual basis, since 1996 to the United Nations Security Council (UNSC) on progress towards the final implementation of the Dayton Peace Agreement. Across sixty-nine such reports to date, two consistent themes appear: Serb and Croat nationalist opposition to the full implementation of the Dayton Peace Agreement and the implementation of the 5+2 Agenda.¹⁵ No, they are not the only political actors in Bosnia and Herzegovina who have blocked reforms, but they are clearly in the vanguard of the same efforts. And prior to 2025, that was also the view of the U.S. across all administrations since 1996, including the first Trump administration.

To write about the question of political and constitutional reform in Bosnia and Herzegovina, as Schmitz and Kennedy purport to do, without any reference to the constitution's Article II(2), or to the ECHR, or the decisions of the ECtHR, or the EU's clearly stated conditionality criteria to Bosnia and Herzegovina on that basis, including the existing provisions for the closure of the Office of the High Representative, is incredible. It is like writing about gun laws in America without reference to the Second Amendment. If Schmitz and Kennedy are unaware of these categorical facts, how can they credibly write about Bosnia and Herzegovina or the region? If they are aware of them, and chose to ignore them, the question is why?

II. BIOGRAPHY BY OMISSION

The authors offer an implicit answer in their selective biography of the man whose political aspirations their article is, evidently, meant to defend. "Milorad Dodik," they unconvincingly claim, "can be described as a three-decade opponent of globalist agendas promoted by the European Union and by previous administrations of the United States."¹⁶ The authors then tell us Dodik was "first elected President of Republika Srpska in 2010,"¹⁷ thereby glossing over more than a decade of high-level political activity by the man in question.

Milorad Dodik began his political career in 1986 as a communist apparatchik in the rural Laktaši municipality in northwestern Bosnia.¹⁸ He first came to the fore of Bosnian politics, however, a decade later, between 1997 and 1998, when he was appointed as the newly created Republika Srpska (RS) entity's prime minister with explicit American support. Dodik assumed

¹⁵ See *HR's Reports*, OFF. OF THE HIGH REP., <https://www.ohr.int/cat/hrs-reports/> [<https://perma.cc/63XJ-RL2H>] (last visited Sept. 13, 2026).

¹⁶ Schmitz & Kennedy, *supra* note 1, at 3.

¹⁷ *Id.*

¹⁸ N1, *Serijal "Junaci doba zlog": Milorad Dodik – sluga svoje vlasti*, YOUTUBE, at 3:47 (June 15, 2021), https://www.youtube.com/watch?v=cUKEYNiK_ag [<https://perma.cc/6LUS-TLDM>].

the role even though his upstart SNSD only had two seats in the regional assembly.¹⁹ But the SNSD, and their partners, were backed by NATO-led troops deployed in Bosnia after the signing of the Dayton Peace Agreement, and it was they who surrounded the relevant government buildings to ensure the ouster of the entity's hardline, wartime Serb nationalist leadership.²⁰ This Dodik was "a breath of fresh air," as Secretary Albright's spokesman famously put it;²¹ the hope of Bosnians and Americans alike for a moderate, nonmilitant Serb ethnic politics in Bosnia and Herzegovina. In 2000, Dodik decided to stand for entity president, and failed to crack 26% of the vote, although his party became the second-largest bloc in the entity legislature.

In February 2006 Dodik reassumed the post of entity prime minister, and that October his party won forty-one of eighty-three seats in the RS assembly.²² The party has been in power ever since. Until his removal from public office in 2025, Dodik flitted between the entity's presidency and premiership, and a stint in Bosnia and Herzegovina's state presidency between 2018 and 2022. Moreover, since 2006, there has only been one state-level government without the participation of the SNSD: the 2014–2018 cohort of the Council of Ministers of Bosnia and Herzegovina under Chairman Denis Zvizdić. This government, despite the suggestions of the authors that the SNSD is the only representative of "Serb Orthodox Christians" in Bosnia and Herzegovina,²³ featured Serb ethnic representation via the "Alliance for Change" opposition bloc.

Two points then: Milorad Dodik's political career began a quarter century before Schmitz and Kennedy begin their political biography of the man, and he has been the central fixture of Bosnian politics since 2006. Thus, whatever has happened politically in Bosnia and Herzegovina over the past two decades has had the direct authorship of Milorad Dodik and his SNSD imprinted upon it. And that which has not happened—such as the closure of the Office of the High Representative—is likewise a reflection of his political activities.

III. COMPARATIVE OMISSIONS

A word then, on that which has (not) happened.

Demographers estimate that the RS entity fell below one million residents in 2024 for the first time, about 175,000 fewer residents than were recorded in the RS entity's own count of the 2013 census, driven by roughly 10,000 departures a year on top of a steady natural decline.²⁴ As

¹⁹ See *Treći saziv*, NARODNA SKUPŠTINA REPUBLIKE SRPSKE, <https://www.narodnaskupstinars.net/la/narodna-skupstina/istorijat/sazivi/treci-saziv> [https://perma.cc/GEG2-26W6] (last visited Oct. 10, 2026).

²⁰ See Associated Press, *Bosnia's Dodik: From moderate to genocide-denying autocrat*, INDEPENDENT (Jan. 8, 2022), <https://www.independent.co.uk/news/world/americas/us-politics/bosnia-washington-sarajevo-madeleine-albright-viktor-orban-b1989144.html> [https://perma.cc/6J8D-9457].

²¹ *Id.*

²² *Opposition Leader Elected Premier of Bosnia's Republika Srpska*, RADIO FREE EUR./RADIO LIBERTY (Feb. 28, 2006), <https://www.rferl.org/a/1066246.html> [https://perma.cc/EN4U-L6RU]; *Narodna skupština Republike Srpske – zbirni rezultati*, CENTRALNA IZBORNA KOMISIJA BiH, https://www.izbori.ba/rezultati/konacni/narodna_skupstina_rs/RS_rezultati.asp [https://perma.cc/3BUY-R8SE] (last visited Oct. 11, 2026) (final results of the 2006 general election).

²³ Schmitz & Kennedy, *supra* note 1, at 1.

²⁴ Maja Radoja, *Alarmantno Srpska po prvi put pala ispod milion stanovnika, pogledajte koliko ljudi sad imamo*, SRPSKAINFO (May 7, 2025), <https://srpskainfo.com/drustvo/alarmantno-srpska-po-prvi-put-pala-ispod-milion-stanovnika-pogledajte-koliko-ljudi-sad-imamo/> [https://perma.cc/8ZCV-UXBS]; see also Faris Kočan, Ana Bojinović Fenko & Jure Požgan, *Republika Srpska*, in THE PALGRAVE GEOPOLITICAL ATLAS 613 (Brian C.H. Fong ed., 2025).

recently as 2024, a regional U.S. official has publicly speculated that the region's population has slipped to circa 750,000, which would represent a nearly 40% decline from the official population figures of the 2013 Bosnian census.²⁵ Public debt is twice as high on a per capita basis in the RS entity as compared to the country's other entity, the Federation of Bosnia and Herzegovina (FBiH), while there are now officially more pensioners in the former than employed workers.²⁶ Financially, the picture is even more distressing. The 2026 budget of the Sarajevo Canton alone (one of the FBiH entity's ten cantons) amounts to more than a quarter of the RS entity's entire budget as adopted in December 2025.²⁷ Together with the Tuzla and Zenica-Doboj cantons, just three FBiH cantons have a combined budget equal to roughly half of the RS budget.²⁸ In American terms, this would be the equivalent of three counties having a combined budget half the size of their state's. Worse still, Chinese firms have secured a large share of the RS entity's major infrastructure and energy projects—including most new motorway sections, the Dabar hydropower plant, and a no-bid wind farm concession²⁹—as well as a ten-year, 57 million convertible mark (KM) cybersecurity contract, awarded without a tender, with ELINC, a subsidiary of the U.S.-sanctioned China Electronics Corporation, to install security software across some 780 public institutions in the entity.³⁰

²⁵ See Amra Zejneli Loxha, *Escobar za RSE: Kurti odbio predlog za dinare*, RADIO SLOBODNA EVROPA (Mar. 15, 2024), <https://www.slobodnaevropa.org/a/escobar-kosovo-dinar/32863074.html> [<https://perma.cc/4RA4-XYXU>]; AGENCIJA ZA STATISTIKU BOSNE I HERCEGOVINE, POPIS STANOVNIŠTVA, DOMAĆINSTAVA I STANOVA U BOSNI I HERCEGOVINI, 2013: REZULTATI POPISA tbl. 1.1 (2016), https://www.popis.gov.ba/popis2013/doc/RezultatiPopisa_BS.pdf [<https://perma.cc/X88R-YU78>].

²⁶ *Economy under scrutiny: In the RS, the debt per inhabitant is KM 6,000, in the FBiH it is twice as low*, BOSNIATODAY (Dec. 8, 2025), <https://bosniatoday.ba/economy-under-scrutiny-in-the-rs-the-debt-per-inhabitant-is-km-6000-in-the-fbih-it-is-twice-as-low/> [<https://perma.cc/7ZDC-U492>].

²⁷ See Press Release, Ministarstvo finansija Kantona Sarajevo, *Usvojen Budžet Kantona Sarajevo u iznosu od gotovo 2 milijarde KM sa fokusom na povećanje kvaliteta života građana*, <https://mf.ks.gov.ba/node/4673> [<https://perma.cc/KN8B-2LGZ>] (last visited Oct. 10, 2026); *Iznos od 7,409 milijardi: NSRS usvojila budžet za narednu godinu*, SRPSKAINFO (Dec. 18, 2025), <https://srpskainfo.com/politika/nsrs-usvojila-budzet-za-2026-godinu/> [<https://perma.cc/B85W-84TJ>]; see also *Usvojen rebalans budžeta za ovu godinu i set zakona*, RTV BN (June 17, 2026), <https://www.rtvbn.com/4092944/usvojen-rebalans-budzeta-za-ovu-godinu-i-set-zakona> [<https://perma.cc/ZQR6-RRT4>].

²⁸ See Budžet Tuzlanskog kantona za 2026. godinu, SLUŽBENE NOVINE TUZLANSKOG KANTONA No. 18/2025, at 2194 (Dec. 30, 2025), <https://minfintk.ba/file/budzet-tuzlanskog-kantona-za-2026-godinu/477> [<https://perma.cc/RV37-NW46>]; Press Release, Zeničko-dobojski kanton, *Skupština ZDK: Usvojen Budžet Kantona za 2026. godinu u iznosu od 740,8 miliona KM* (Dec. 23, 2025), <https://zdk.ba/vijesti/13983-skupstina-zdk-usvojen-budzet-kantona-za-2026-godinu-u-iznosu-od-740-8-miliona-km> [<https://perma.cc/JGK4-C9VF>].

²⁹ See Nermina Kuloglija-Zolj, *Chinese, Turkish Firms Dominate Infrastructure Projects in Bosnia*, DETEKTOR (Mar. 30, 2023), https://detektor.ba/2023/03/30/kineski-i-turski-monopol-u-gradnji-bih-vrijedan-sest-milijardi-maraka_trashed/?lang=en [<https://perma.cc/KP7J-SPVG>]; *Was the Brčko – Bijeljina section promised to the Chinese ten years ago?*, ETRAFIKA (Apr. 12, 2023), <https://etrafika.net/najnovije/88424/was-the-brcko-bijeljina-section-promised-to-the-chinese-ten-years-ago/> [<https://perma.cc/HWP5-YJBP>]; *China Eximbank provides EUR 189.4 million loan for 159.9 MW Dabar Hydroelectric Power Plant Construction Project*, AIDDATA, <https://china.aiddata.org/projects/66345/> [<https://perma.cc/V43B-YJL7>] (last visited Oct. 10, 2026); Goran Katic, *Chinese-Led Consortium Secures No-Bid Wind Project in Bosnian Serb Entity*, RADIO FREE EUR./RADIO LIBERTY (Jan. 24, 2026), <https://www.rferl.org/a/china-consortium-republika-srpska-wind-farm-deal-concession-bosnia-herzegovina/33656934.html> [<https://perma.cc/P8T4-QH8K>].

³⁰ Andrijana Pisarević, *Srpska tajno sklopila ugovor od 57 miliona sa kineskom firmom povezanom sa vojnom industrijom*, CAPITAL (July 23, 2024), <https://capital.ba/srpska-tajno-sklopila-ugovor-od-57-miliona-sa-kineskom-firmom-povezanom-sa-vojnomo-industrijom/> [<https://perma.cc/VUN7-VPK2>]; Natasa Miljanovic Zubac, *Big Brother Fears over Chinese Security Software in Bosnia's Republika Srpska*, BALKAN INSIGHT (June 18, 2025), <https://balkaninsight.com/2025/06/18/big-brother-fears-over-chinese-security-software-in-bosnias-republika-srpska/bi/> [<https://perma.cc/8DQF-A9ZN>]; *Recent Actions*, OFF. OF FOREIGN ASSETS CONTROL (June 3, 2021), <https://ofac.treasury.gov/recent-actions/20210603> [<https://perma.cc/Y3XG-VZJR>].

There is also a significant decoupling in the political trajectory of the two entities. Under Dodik's SNSD, the RS entity has become an increasingly illiberal, dominant-party system: after recriminalizing defamation in 2023, its assembly adopted a Russian-style "foreign agents" law in 2025, forcing the intervention of Bosnia's Constitutional Court.³¹ The FBiH, by contrast, remains politically pluralistic, with power contested among a wide field of parties, and regular changes in government.³² Sarajevo, for example, has emerged as a leading European tourism hotspot and was named as *National Geographic's* 2025 "Readers' Choice Winner" among the magazine's "Best of the World" picks.³³ Sarajevo has recorded back-to-back record years in tourist arrivals, with some 855,000 visitors in 2025,³⁴ and an estimated 100,000 in July 2026 alone,³⁵ an extraordinary figure given the canton's modest population of 420,000, of whom roughly 270,000 live in the City of Sarajevo proper.³⁶ August brought another 8% rise in arrivals, and the prestigious Sarajevo Film Festival alone drew some 43,000 visitors.³⁷ This year, Sarajevo and Zenica also cohosted the UEFA Women's U19 Championship.³⁸ A week earlier, another peaceful iteration of the annual Pride march took place,³⁹ and in September, the city hosted yet another Red Bull-sponsored Soapbox Race.⁴⁰ This legion of expanding business, entertainment, and sporting opportunities is

³¹ See Press Release, Council of Eur. Comm'r for Hum. Rts., *Bosnia and Herzegovina: The authorities of Republika Srpska should repeal the "foreign agent" law* (Feb. 28, 2025), https://www.coe.int/en/web/commissioner/news/2025/-/asset_publisher/aa3hyf8wKBn/content/bosnia-and-herzegovina-the-authorities-of-republika-srpska-should-repeal-the-foreign-agent-law [https://perma.cc/8LKG-75S9]; Azem Kurtić, *Bosnia's Constitutional Court Scraps Serb Entity's Disputed Laws*, BALKAN INSIGHT (May 29, 2025), <https://balkaninsight.com/2025/05/29/bosnias-constitutional-court-scraps-serb-entities-disputed-laws/bi/> [https://perma.cc/FHW5-WEFS].

³² See Damir Kapidžić, *Subnational Competitive Authoritarianism and Power-Sharing in Bosnia and Herzegovina*, 20 SE. EUR. & BLACK SEA STUD. 81 (2020) (author's manuscript at 2–3, 22), <http://damirkapidzic.com/wp-content/uploads/2022/12/Kapidzic-2020-Subnational-Competitive-Authoritarianism-and-Power-Sharing-in-Bosnia-and-Herzegovina-manuscript.pdf> [https://perma.cc/D6XY-YH9G]; BERTELSMANN STIFTUNG, BTI 2026 COUNTRY REPORT: BOSNIA AND HERZEGOVINA (2026), <https://bti-project.org/en/reports/country-report/BIH> [https://perma.cc/V8MN-NWG4].

³³ Karen Carmichael, *The 25 Best Places in the World to Travel to in 2025*, NAT'L GEOGRAPHIC, <https://www.nationalgeographic.com/travel/slideshow/best-of-the-world-2025> [https://perma.cc/4HME-HJ5K] (last visited Sept. 13, 2026).

³⁴ *Turizam u Sarajevu: Rekordne posjete, planovi za 2025. i bogat novogodišnji program*, BLJESAK.INFO (Dec. 28, 2024), <https://bljesak.info/gospodarstvo/turizam/turizam-u-sarajevu-rekordne-posjete-planovi-za-2025-i-bogat-novogodisnji-program/477797> [https://perma.cc/KF9X-B6EW]; Zlatan Kapić, *Sarajevo bilježi rekordan turistički promet, gotovo 855.000 dolazaka u 2025. godini*, ANADOLU AGENCY (Sept. 29, 2026), <https://www.aa.com.tr/ba/balkan/sarajevo-bilje%C5%BEi-rekordan-turisti%C4%8Dki-promet-gotovo-855000-dolazaka-u-2025-godini/4072071> [https://perma.cc/3WJH-99K7].

³⁵ Meruyert Pernekulova, *Sarajevo draws record summer crowds with music, film and culture*, QAZINFORM (Aug. 18, 2026), <https://qazinform.com/news/sarajevo-draws-record-summer-crowds-with-music-film-and-culture-4c121e> [https://perma.cc/J9AX-8YX5].

³⁶ ZAVOD ZA PLANIRANJE RAZVOJA KANTONA SARAJEVO, DEMOGRAFSKA ANALIZA KANTONA SARAJEVO PO OPĆINAMA U PERIODU 2013–2024. GODINE 5 (2025), <https://zpr.ks.gov.ba/sites/zpr.ks.gov.ba/files/2026-01/demografska-analiza-kantona-sarajevo-po-opcinama-u-periodu-2013-2024-godine.pdf> [https://perma.cc/CJB2-3YHU].

³⁷ *Sarajevo Canton tourist arrivals rise by 8 pct in August*, XINHUA (Sept. 6, 2026), <https://english.news.cn/20260906/a5d520b2072642daae8b523c075b5ae8/c.html> [https://perma.cc/U5UE-GYAW].

³⁸ *Welcome to the UEFA European Women's Under-19 Championship 2026!*, UEFA (June 26, 2026), <https://www.uefa.com/womensunder19/news/02a6-20f61ebbb828-e3267ed75e64-1000--welcome-to-the-uefa-european-women-s-under-19-championship/> [https://perma.cc/X96J-N6WL].

³⁹ Miriam Limàs-Kollberg, *The 7th Bosnian-Herzegovinian Pride march highlights visibility, rights, and solidarity*, CIV. RTS. DEFENDERS (July 3, 2026), <https://crd.org/2026/07/03/the-7th-bosnia-and-herzegovina-pride-march-highlights-visibility-rights-and-solidarity/> [https://perma.cc/F627-8T6L].

⁴⁰ *Red Bull Soapbox Race – Sarajevo*, 6. septembar 2026., RED BULL, <https://www.redbull.com/ba-bs/events/red-bull-soapbox-race-bosnia> [https://perma.cc/CM2W-SDVL] (last visited Sept. 13, 2026).

why already in 2020 the Cato Institute recognized Bosnia and Herzegovina as the freest Muslim-majority country in the world.⁴¹

In contrast, in 2025 the SNSD regime once again attempted to criminalize the work of NGOs and watchdog organizations⁴² reporting on the government's rampant criminality.⁴³ It had already attempted to criminalize legitimate criticism of the government in 2023.⁴⁴ Elections in the RS entity are now marred by fraud. Both the 2022⁴⁵ and 2025 elections for the entity's presidency required recounts and reruns amid allegations of regime-engineered fraud.⁴⁶ Dodik and the party have fomented major political crises nearly every year since 2006, routinely threatening to unilaterally and unlawfully pull out of the Dayton Peace Agreement,⁴⁷ including a 2019 attempt to (re)create a standing paramilitary under the direct control of Dodik himself.⁴⁸ Fittingly, the entity's most significant international distinction is that it has become a staging ground for Russia's own paramilitary camps.⁴⁹ Its efforts to promote a more humane face to the world inevitably result in failure. A tennis complex built in 2023 at an estimated cost of 53 million KM (roughly \$30 million at October 2026 exchange rates) in public funds, for a one-off ATP tournament that RS leaders promoted as a way to put the entity on the world map, today stands largely empty.⁵⁰

⁴¹ Mustafa Akyol, *Freedom in the Muslim World*, CATO INST. (Aug. 25, 2020), <https://www.cato.org/economic-development-bulletin/freedom-muslim-world#freest-muslim-majority-country-bosnia> [<https://perma.cc/BFC8-E42W>].

⁴² See Press Release, OSCE Off. for Democratic Insts. & Hum. Rts., *Republika Srpska's new NGO law raises serious concerns over human rights protection*, OSCE Human Rights Director and Media Freedom Representative say (Feb. 28, 2025), <https://odhr.osce.org/odhr/586530> [<https://perma.cc/BT7S-W8VT>].

⁴³ See *BiH among the four worst-positioned countries in Europe regarding corruption status*, TRANSPARENCY INT'L BOSN. & HERZ. (Feb. 10, 2026), <https://ti-bih.org/bih-among-the-four-worst-positioned-countries-in-europe-regarding-corruption-status/?lang=en> [<https://perma.cc/2795-HV6P>].

⁴⁴ See *Bosnian Serb Autonomous Region Reinstates Insult and Defamation in Criminal Code*, OCCRP (July 21, 2023), <https://www.occrp.org/en/news/bosnian-serb-autonomous-region-reinstates-insult-and-defamation-in-criminal-code> [<https://perma.cc/65ZT-UGZV>].

⁴⁵ See *Bosnia Orders Recount Of All Ballots Cast In Serbian Entity During Presidential Vote*, RADIO FREE EUR./RADIO LIBERTY (Oct. 11, 2022), <https://www.rferl.org/a/bosnia-elections-recount-republika-srpska/32074948.html> [<https://perma.cc/ZJ3L-63FT>].

⁴⁶ See Dragan Maksimovic, *Republika Srpska: Karan's victory cements Dodik's power*, DW (Nov. 25, 2025), <https://www.dw.com/en/republika-srpska-karans-victory-cements-dodiks-power/a-74874269> [<https://perma.cc/NPL7-JBAD>]; Siniša Karan wins the repeat vote, securing the position of President of Republika Srpska, EUR. W. BALKANS (Feb. 9, 2026), <https://europeanwesternbalkans.com/2026/02/09/sinisa-karan-wins-the-repeat-vote-securing-the-position-of-president-of-republika-srpska/> [<https://perma.cc/7WG3-HK4U>].

⁴⁷ See, e.g., Jasmina Kuzmanovic & Misha Savic, *Bosnian Serb Leader Bans Institutions, Defying Peace Accord*, BLOOMBERG (Mar. 6, 2025), <https://www.bloomberg.com/news/articles/2025-03-06/bosnian-serb-leader-bans-institutions-defying-peace-accord> [<https://perma.cc/BZ4W-ZJXX>].

⁴⁸ See Jasmin Mujanović, *Serb 'Auxiliary Force' Escalates Threats to Bosnia's Stability*, JUST SEC. (Apr. 22, 2019), <https://www.justsecurity.org/63715/serb-auxiliary-force-escalates-threats-to-bosnias-stability/> [<https://perma.cc/63ZJ-3F3L>].

⁴⁹ See Michael Schwartz, Adam Goldman & Aaron Krolik, *Inside Russia's Giant Push to Upend a Tiny Country*, N.Y. TIMES (Aug. 14, 2026), <https://www.nytimes.com/2026/08/14/world/europe/russia-moldova-putin.html>.

⁵⁰ See *Milioni uloženi, a teren prazan: Šta je ostalo od teniskog kompleksa "Srpska Open" u Banjoj Luci?*, KLIX.BA (June 27, 2026), <https://www.klix.ba/sport/tenis/milioni-ulozeni-a-teren-prazan-sha-je-ostalo-od-teniskog-kompleksa-srpska-open-u-banjoj-luci/260626104> [<https://perma.cc/5DDW-35PS>]; *Dodik: Ponosan sam, Srpska open je moćan sportski događaj*, ATV (Apr. 15, 2023), <https://atvbl.rs/sport-1/tenis/dodik-ponosan-sam-srpska-open-je-mocan-sportski-dogadaj-15-4-2023> [<https://perma.cc/2ZUZ-SVLQ>].

IV. PATTERNS OF OMISSION

As a result of a pattern of systematic violations of the Dayton Peace Agreement, and an associated pattern of criminal self-dealing, the U.S., as the chief international enforcer of the peace deal, began imposing targeted measures against Dodik and his associates. Treasury sanctions were first introduced by the Obama administration in January 2017,⁵¹ supplemented by the first Trump administration with visa bans on corrupt officials in Dodik's circle,⁵² and expanded further by the Biden administration, which redesignated Dodik for corruption and later sanctioned his children and wider patronage network.⁵³ Meanwhile, the UK imposed its own sanctions on Dodik and his number two, Željka Cvijanović,⁵⁴ and by 2025 Germany, Austria, Poland, Lithuania, Estonia, and Slovenia had all barred Dodik from entry.⁵⁵ Curiously, amid the multitude of references to the American Declaration of Independence in an article about Bosnia and Herzegovina, Schmitz and Kennedy fail to mention Dodik's pariah status within much of the democratic West.

Now, when Dodik was finally barred from holding public office in 2025 by the Court of Bosnia and Herzegovina, after two decades of running roughshod over every conceivable legal and democratic norm, it was not for "celebrating 9 January as Republika Srpska Day"⁵⁶ nor did the related "controversy [center] on the fact that 9 January coincides with the Christian holiday of St. Stephen, whose celebration critics argued was offensive to Bosnian Muslims."⁵⁷

The Constitutional Court of Bosnia and Herzegovina ruled against the January 9 holiday because it was interpreted as a violation of the country's legal directives, most embedded directly

⁵¹ Press Release, U.S. Dep't of the Treasury, *Treasury Sanctions Republika Srpska Official for Actively Obstructing The Dayton Accords* (Jan. 17, 2017), <https://home.treasury.gov/news/press-releases/jl0708> [<https://perma.cc/QF75-YYPD>].

⁵² See, e.g., Media Note, U.S. Dep't of State, Off. of the Spokesperson, *Public Designation of Nikola Spiric Under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Act of 2018* (Sept. 10, 2018), <https://2017-2021.state.gov/public-designation-of-nikola-spiric-under-section-7031c-of-the-department-of-state-foreign-operations-and-related-programs-act-of-2018/> [<https://perma.cc/PA9D-TXTR>].

⁵³ Press Release, U.S. Dep't of the Treasury, *Treasury Sanctions Milorad Dodik and Associated Media Platform for Destabilizing and Corrupt Activity* (Jan. 5, 2022), <https://home.treasury.gov/news/press-releases/jy0549> [<https://perma.cc/XL37-T9HH>]; U.S. Treasury Sanctions Members of Milorad Dodik's Family and Patronage Network, U.S. EMBASSY IN BOSN. & HERZ. (Oct. 20, 2023), <https://ba.usembassy.gov/u-s-treasury-sanctions-members-of-milorad-dodiks-family-and-patronage-network/> [<https://perma.cc/W62N-FVJ5>].

⁵⁴ Press Release, Foreign, Commonwealth & Dev. Off., *UK announces sanctions under Bosnia and Herzegovina sanctions regime: 11 April 2022* (Apr. 11, 2022), <https://www.gov.uk/government/news/uk-announces-sanctions-under-bosnia-and-herzegovina-sanctions-regime-11-april-2021> [<https://perma.cc/B3AR-6ZK7>].

⁵⁵ See *Austria and Germany ban entry for Dodik, Stevandic and Viskovic*, SARAJEVO TIMES (Apr. 3, 2025), <https://sarajevotimes.com/austria-and-germany-ban-entry-for-dodik-stevandic-and-viskovic/> [<https://perma.cc/E2EN-TBCU>]; *Lithuania imposes Sanctions on Dodik, Stevandic and Viskovic*, SARAJEVO TIMES (May 13, 2025), <https://sarajevotimes.com/lithuania-imposes-sanctions-on-dodik-stevandic-and-viskovic/> [<https://perma.cc/ZG39-PQF5>]; Anna Włodarczyk-Semczuk, Daria Sito-Sucic & Alan Charlish, *Poland to ban Bosnian Serb leader Dodik from its territory*, REUTERS (May 13, 2025), <https://www.reuters.com/world/europe/poland-ban-bosnian-serb-leader-dodik-its-territory-2025-05-13/> [<https://perma.cc/6ST7-HBSH>]; *Slovenia slaps travel ban on pro-Russian Bosnian Serb leader Dodik*, DAILY SABAH (Sept. 11, 2025), <https://www.dailysabah.com/world/europe/slovenia-slaps-travel-ban-on-pro-russian-bosnian-serb-leader-dodik> [<https://perma.cc/YEN4-FAQ3>]; *Estonia sanctions 2 foreign politicians for undermining state sovereignty*, ERR NEWS (Sept. 25, 2025), <https://news.err.ee/1609812480/estonia-sanctions-2-foreign-politicians-for-undermining-state-sovereignty> [<https://perma.cc/8XFR-CES3>].

⁵⁶ Schmitz & Kennedy, *supra* note 1, at 3.

⁵⁷ *Id.*

into the Dayton Peace Agreement, barring discrimination.⁵⁸ Specifically, the court objected to the attempt by the SNSD regime to make the holiday a purely Serb one, a direct contravention of one of the chief legal principles of the Bosnian constitutional regime: that all constituent peoples are coequal in all parts of Bosnia and Herzegovina. Thus, despite its name (that is, the Republic of Serbs) the RS entity is *not*, by law, a “Serb entity.” The Venice Commission observed the same in its amicus brief:

[The choice of 9 January as the Republic Day] can hardly be seen as compatible with the main values declared in the Constitution of the Republika Srpska, namely “the respect for human dignity, freedom and equality, national equality, democratic institutions, rule of law, social justice, pluralistic society, guarantees for and protection of human freedoms and rights, as well as the rights of minority groups, in line with the international standards, ban on discrimination” The principle of non-discrimination . . . prohibits differentiated treatment based on one of the discriminatory grounds, provided such treatment is not justified by objective and legitimate reasons.⁵⁹

Moreover, both the Constitutional Court and the Venice Commission saw in the government’s proclamation of the January 9 holiday a direct political lineage between its postwar legal character, and that of the wartime RS, whose senior political and military leadership has been convicted of crimes against humanity by the International Tribunal for the former Yugoslavia (ICTY) and Bosnia and Herzegovina’s own national courts.⁶⁰ The Venice Commission concluded:

The selection of 9 January as the Republic Day by the Law on Holidays of the Republika Srpska is inspired by an event of particular significance for one of the constituent peoples only, which is painful for people belonging to other communities. Nevertheless, it is imposed upon all citizens of the Republika Srpska. . . . [T]he Venice Commission is of the view that the selection and maintaining of 9 January as the date of the observance of the Republic Day may give rise to discrimination ⁶¹

After successive rulings by the Constitutional Court of Bosnia and Herzegovina (on this, and a litany of other matters) were ignored by the authorities in Banja Luka, High Representative

⁵⁸ See Const. Ct. of Bosn. & Herz., *Press Release relating to the Decision in Case No. U 3/13* (Dec. 1, 2015), <https://www.ustavnisud.ba/en/press-release-relating-to-the-decision-in-case-no-u-313> [https://perma.cc/J766-CCB5] (announcing the Court’s decision of November 26, 2015, holding Article 3(b) of the Law on Holidays of the Republika Srpska inconsistent with the nondiscrimination guarantees of the Constitution, the International Convention on the Elimination of All Forms of Racial Discrimination, and Protocol No. 12 to the European Convention on Human Rights).

⁵⁹ Eur. Comm’n for Democracy Through L. (Venice Comm’n), *Amicus Curiae Brief for the Constitutional Court of Bosnia and Herzegovina on the Compatibility with the Non-Discrimination Principle of the Selection of the Republic Day of the Republika Srpska*, Op. No. 736/2013, CDL-AD(2013)027, ¶¶ 46–47 (Oct. 14, 2013), [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)027-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)027-e) [https://perma.cc/VUY9-VJJPX] [hereinafter Venice Commission Amicus Brief].

⁶⁰ See Venice Commission Amicus Brief, *supra* note 59, ¶¶ 37–40, 46; Const. Ct. of Bosn. & Herz., Case No. U 3/13, Decision on Admissibility and Merits ¶¶ 78–79 (Nov. 26, 2015), https://www.ustavnisud.ba/uploads/odluke/_en/U-3-13-1017392.pdf [https://perma.cc/LG6Z-SWKW]; Prosecutor v. Karadžić, Case No. MICT-13-55-A, Judgement (Int’l Residual Mechanism for Crim. Tribs. Mar. 20, 2019); Prosecutor v. Mladić, Case No. MICT-13-56-A, Judgement (Int’l Residual Mechanism for Crim. Tribs. June 8, 2021); Prosecutor v. Krajišnik, Case No. IT-00-39-A, Judgement (Int’l Crim. Trib. for the Former Yugoslavia Mar. 17, 2009).

⁶¹ Venice Commission Amicus Brief, *supra* note 59, ¶¶ 61–62.

Schmidt amended the state Criminal Code in July 2023. After Dodik and his associates knowingly acted in defiance of these amendments, he was charged by the Public Prosecutor in August 2023; tried, convicted in the first and second instance by the Court of Bosnia and Herzegovina between February and August 2025; removed from office by the Central Election Commission of Bosnia and Herzegovina in August 2025, after which time he appealed his conviction (ironically) to the Constitutional Court, and later also the ECtHR, both of which rejected his appeals, in November 2025⁶² and in May 2026.⁶³

Yes, it was Schmidt who imposed amendments to the Criminal Code of Bosnia and Herzegovina, which criminalized overt defiance of the decisions of the Office of the High Representative *and* the Constitutional Court. But defiance of the courts is an offense in many constitutional democracies. Moreover, after those amendments, which Dodik intentionally chose to contravene, an entire legal process played out at both the domestic and European levels, and it was on this basis—that of a transparent legal process—that Dodik was convicted. That Dodik, as an avowed secessionist, objects to the origins of the law upon which he was convicted is irrelevant. Most criminals, one presumes, object to the legal code upon which they are convicted.

Further, the Office of the High Representative, as the authors themselves acknowledge, was part of the original Dayton Peace Agreement. Schmitz and Kennedy, however, argue that the Bonn Powers ought to be considered as “void ab initio, as if they never existed, because the Parties never agreed to them.”⁶⁴ Aside from implying an unprecedented rollback of hard-won, and largely American-secured political reforms in Bosnia and Herzegovina that would almost instantly result in a return to a conflict-like environment in the country, their actual claim is simply not true. Article V of Annex X of the Dayton Peace Agreement states clearly that the “High Representative is the *final authority* in theater regarding interpretation of this Agreement on the

⁶² Daria Sito-Sucic, *Bosnia’s top court confirms political ban on former Bosnian Serb leader*, REUTERS (Nov. 4, 2025), <https://www.reuters.com/world/bosnias-top-court-confirms-political-ban-former-bosnian-serb-leader-2025-11-04/> [https://perma.cc/5C3E-YTGS].

⁶³ *Sud u Strazburu potvrdio da je odbačena Dodikova apelacija zbog presude i smjene s funkcije predsjednika RS-a*, RADIO SLOBODNA EVROPA (June 16, 2026), <https://www.slobodnaevropa.org/a/33781653.html> [https://perma.cc/7M88-8VZF].

⁶⁴ Schmitz & Kennedy, *supra* note 1, at 7. Schmitz and Kennedy likewise make no reference to Schmidt’s most contentious intervention, which had nothing at all to do with Dodik or the SNSD. In October 2022 he amended the Federation entity election law and constitution only minutes after the polls had closed in the country’s general elections. *See Decision Enacting Amendments to the Constitution of the Federation of Bosnia and Herzegovina*, OFF. OF THE HIGH REP. (Oct. 2, 2022), <https://www.ohr.int/decision-enacting-amendments-to-the-constitution-of-the-federation-of-bosnia-and-herzegovina-3/> [https://perma.cc/6ZDX-TJ8S]; *Decision Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina*, OFF. OF THE HIGH REP. (Oct. 2, 2022), <https://www.ohr.int/decision-enacting-the-law-on-amendments-to-the-election-law-of-bosnia-and-herzegovina-8/> [https://perma.cc/WG3L-4PK8]. He thereby directly altered how already cast votes were tabulated. Schmidt did so exclusively to appease the demands of the HDZ BiH and their patrons in Zagreb, despite widespread public opposition. These amendments were then followed up by an *ad hoc* suspension of the same entity constitution to seat a government dominated by the HDZ BiH, after Schmidt’s original interventions failed to address an obvious flaw in the entity’s government formation processes. *See Decision on Unblocking the Appointment of the Government of the Federation of Bosnia and Herzegovina*, OFF. OF THE HIGH REP. (Apr. 27, 2023), <https://www.ohr.int/decision-unblocking-the-appointment-of-the-government-of-the-federation-of-bosnia-and-herzegovina/> [https://perma.cc/TCG4-VSCL]. Far from opposing these obscene efforts, the HDZ BiH, like Zagreb, warmly welcomed them. Admittedly, by citing this most glaring instance of overreach by the High Representative, Schmitz and Kennedy’s argument would be significantly undermined, as it shows that the HDZ BiH (and the SNSD, which offered little to no comment on the entire episode) are only selectively opposed to the use of the Bonn Powers.

civilian implementation of the peace settlement.”⁶⁵ If there were any confusion as to the meaning of the term “final authority” in this context it was removed by the 55-member PIC Bonn Conference of 1997, whose conclusions stated that the “Council welcomes 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,” which included:

other measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities Such measures may include actions against persons holding public office or officials who are absent from meetings without good cause or who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation.⁶⁶

The PIC’s conclusions were then further welcomed by the UN Security Council in December 1997, which issued its own call for:

all concerned to ensure the closest possible coordination among the Office of the High Representative, the multinational stabilization force, [the United Nations Mission in Bosnia and Herzegovina] and the relevant civilian organizations and agencies in order to ensure the successful implementation of the Peace Agreement and the priority objectives of the civilian consolidation plans ⁶⁷

To suggest that “the Parties” in 1995 did not agree to what has since become known as the Bonn Powers is only to argue that the signatories were ignorant of the meaning of the term “final authority.” While that may be true of certain individuals in Belgrade and Zagreb at the time, it was clearly not true of those who drafted the agreement, and were ultimately tasked with its implementation, that is, the U.S., and generations of international officials since.

V. THE AMERICAN INTEREST IN BOSNIA AND HERZEGOVINA, ACTUALLY

As of October 2025, Milorad Dodik, like virtually the entirety of his secessionist regime, has been relieved of all U.S. sanctions.⁶⁸ He has not amended his political ways in any discernible fashion but his SNSD has been on an enormous spending spree among Washington lobbyists.⁶⁹ He had already publicly speculated in 2017 that he may have spent as much as \$30 million lobbying U.S. officials.⁷⁰ The figure is likely upwards of \$50 million today. And even though a

⁶⁵ General Framework Agreement for Peace in Bosnia and Herzegovina annex 10 (Agreement on Civilian Implementation of the Peace Settlement), art. V, Dec. 14, 1995, <https://www.ohr.int/dayton-peace-agreement/annex-10/> [<https://perma.cc/93QU-65ZE>] (emphasis added).

⁶⁶ Peace Implementation Council, *PIC Bonn Conclusions: Bosnia and Herzegovina 1998: Self-sustaining Structures* § XI, ¶ 2 (Dec. 10, 1997), <https://peacemaker.un.org/sites/default/files/document/files/2024/05/pic20bonn20conclusions.pdf> [<https://perma.cc/KYK4-8ZUA>].

⁶⁷ S.C. Res. 1144, pmb., ¶¶ 2, 6 (Dec. 19, 1997), <https://unscr.com/en/resolutions/1144/> [<https://perma.cc/TZY7-N5TX>].

⁶⁸ See Kevin G. Hall & Aida Čerkez, *US Lifts Sanctions Against Pro-Russian Bosnian Serb Leader*, OCCRP (Oct. 29, 2025), <https://www.occrp.org/en/news/us-lifts-sanctions-against-pro-russian-bosnian-serb-leader> [<https://perma.cc/KDE5-ABJP>].

⁶⁹ See Zdravko Ljubas & Aida Čerkez, *Serb Separatists Paid Millions in Lobbying Campaign that Targeted Diplomat Tasked with Protecting Peace in Bosnia*, OCCRP (May 15, 2026), <https://www.occrp.org/en/feature/serb-separatists-paid-millions-in-lobbying-campaign-that-targeted-diplomat-tasked-with-protecting-peace-in-bosnia> [<https://perma.cc/42ZQ-MSPL>].

⁷⁰ Ajdin Muratovic, *Bosnian Serb Leader Says It’s Possible He Spent \$30M on US Lobbying*, VOICE OF AM. (Feb. 2, 2017), <https://www.voanews.com/a/bosnian-serb-leader-says-its-possible-he-spent-30-million-on-us-lobbying/3703503.html> [<https://perma.cc/K4HE-P7Z4>].

link to Schmitz and Kennedy's article appears in the informational materials disseminated by RS lobbyists and filed in the Foreign Agents Registration Act (FARA) database,⁷¹ as do articles by, and reports on, one of their chief sources, Max Primorac,⁷² it is inconceivable that the authors would consider a Chinese- and Russian-backed political radical filling the coffers of D.C. insiders as an expression of America's interests in Bosnia and Herzegovina.

What is America's core strategic interest in Bosnia and Herzegovina and the Western Balkans then, actually? Materially, they are few and far between. The region has a small and declining population, notoriously difficult geography, and a still more difficult history. Its modest natural resources and industrial capacities are not irrelevant *per se* but nor are they sufficient to significantly shape U.S. interests as such. Recently discovered lithium deposits, for example, in Bosnia and Herzegovina, referenced by the authors,⁷³ pale in comparison to the vast reserves in South America, which the U.S. and its manufacturers can much more easily access.

As such, the bipartisan view of the Western Balkans has for decades been straightforward: America's categorical priority in the region is to prevent a resumption of conflict. Beyond that it is to facilitate the region's integration into the Euro-Atlantic political order, so that it is Brussels, rather than Washington, which will deal with the day-to-day challenges of governance reform therein, and the U.S. is able to reorientate towards more salient matters. Above all, its posture against China; China, which has emerged as one of Banja Luka's chief patrons.⁷⁴

Historically though, on the Anglo-American political right the region did experience a moment of ideological currency. That is because for the political and intellectual luminaries of the American and British conservative movement(s) of the early to mid-1990s, the violently engineered dissolution of Yugoslavia by the Milošević regime in Belgrade was one of the first tests of the new Atlantic order following the Cold War. Serbia's aggression against Bosnia and Herzegovina between 1992 and 1995 in particular became an animating cause for American and British conservatives. Both because of the extraordinary brutality of the Serbian campaign, especially the atrocities against the Bosniak civilian population by Milošević's Bosnian Serb proxy forces (those *inter alia* valorized by the January 9 holiday), and the unfathomable American and British acquiescence to a UN arms embargo. One nominally imposed on the whole of the former

⁷¹ See McGinnis Lochridge, Informational Materials Disseminated on Behalf of Republika Srpska, FARA Registration No. 6672 (Aug. 4, 2026), <https://efile.fara.gov/docs/6672-Informational-Materials-20260804-58.pdf> [<https://perma.cc/MR6A-QEVN>].

⁷² See McGinnis Lochridge, Informational Materials Disseminated on Behalf of Republika Srpska, FARA Registration No. 6672 (Nov. 24, 2025), <https://efile.fara.gov/docs/6672-Informational-Materials-20251124-1307.pdf> [<https://perma.cc/3SXD-Z2LU>] (reprinting Max Primorac, *Ending 30 Years of Failed Nation-Building in the Balkans*, DAILY SIGNAL (Nov. 21, 2025)); McGinnis Lochridge, Informational Materials Disseminated on Behalf of Republika Srpska, FARA Registration No. 6672 (May 28, 2025), <https://efile.fara.gov/docs/6672-Informational-Materials-20250528-1259.pdf> [<https://perma.cc/KW9Y-GBGP>] (reprinting Max Primorac, *Nation-Building in Bosnia and Herzegovina: 30 Years of Failure*, NAT'L INT.); McGinnis Lochridge, Informational Materials Disseminated on Behalf of Republika Srpska, FARA Registration No. 6672 (Dec. 15, 2025), <https://efile.fara.gov/docs/6672-Informational-Materials-20251215-1356.pdf> [<https://perma.cc/MHD5-U9CV>] (reproducing an SRNA report of Primorac's remarks).

⁷³ Schmitz & Kennedy, *supra* note 1, at 3.

⁷⁴ See Goran Katic & Milorad Milojevic, *Bosnian Serbs Chase Closer Ties With Beijing Amid Western Pressure, Looming Debt*, RADIO FREE EUR./RADIO LIBERTY (May 14, 2023), <https://www.rferl.org/a/bosnia-serbs-china-debt-crisis/32411122.html> [<https://perma.cc/PD7Q-SVY6>].

Yugoslavia, but which only locked in Serbia's battlefield advantages after its seizure of the Yugoslav army and security apparatus and their enormous weapons stockpiles.

Margaret Thatcher, Bob Dole, John McCain, George P. Shultz, Jeane Kirkpatrick, William Kristol, Richard Perle, Robert Kagan, Winston S. Churchill, and Patrick Cormack were only some of the more prominent conservative voices who repeatedly lambasted the Bush and Clinton administrations, along with the Major government, for their inept dawdling in the face of the first genocide in Europe since the Holocaust.⁷⁵ Thatcher was strident in her criticisms of the Major government, responding in April 1993 to Foreign Secretary Douglas Hurd's warning of a "level killing field," for instance, that there was "a killing field now where the innocent haven't the requisite arms properly to defend themselves," that Western inaction was "not worthy of Europe, not worthy of the West, and not worthy of the United States," and that "[w]e have been a little like an accomplice to massacre."⁷⁶ Thatcher insisted that the U.S. and UK had a moral obligation to, at least, provide the Bosnians the chance to defend themselves. Senator Joseph Lieberman shared her view. Speaking from the floor of the Senate in 1995 in support of a bipartisan effort for the U.S. to unilaterally circumvent the arms embargo, the Connecticut Senator was unequivocal: "Give the Bosnians the weapons they deserve. Stop denying them their inherent right to defend themselves, a right we have as individuals, the right Bosnians have as a nation, under international law, under the charter of the United Nations."⁷⁷

The Clinton administration vetoed the legislation. When the war finally turned and a combined Bosnian and Croatian offensive was on the cusp of defeating Belgrade's RS satellite regime (after its Croatian parallel, the *Republika Srpska Krajina*, had already been routed by the same allied force) U.S. chief envoy Richard Holbrooke pressured the government in Sarajevo to halt the Bosnians' march on Banja Luka, only miles outside its environs.⁷⁸ In the views of the Clinton administration, a peace deal required a settlement, not the defeat of the aggressor. Above

⁷⁵ See G.A. Res. 78/282, pmb. (May 23, 2024); *International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica*, UNITED NATIONS, <https://www.un.org/en/observances/srebrenica-genocide-commemoration-day> [https://perma.cc/2CMM-74BT] (last visited Oct. 10, 2026); Isabel Zarrow, *USC Shoah Foundation Partners with the Srebrenica Memorial Center, Adds Srebrenica Survivor Testimonies to Visual History Archive*, USC SHOAH FOUND. (Feb. 10, 2022), <https://sfi.usc.edu/news/2022/02/32576-srebrenica-memorial-center-partnership> [https://perma.cc/S2CQ-4BFV]; ICTY *Remembers: The Srebrenica Genocide (1995–2015)*, INT'L RESIDUAL MECHANISM FOR CRIM. TRIBUNALS, <https://www.irmct.org/specials/srebrenica20/> [https://perma.cc/Z94F-AFF7] (last visited Oct. 10, 2026); see also, e.g., Margaret Thatcher, *Stop the Excuses. Help Bosnia Now.*, N.Y. TIMES (Aug. 6, 1992), <https://www.margaretthatcher.org/document/108299> [https://perma.cc/XUX9-BG22]; Bosnia and Herzegovina Self-Defense Act of 1995, S. 21, 104th Cong. (1995) (introduced by Senator Dole, with Senator McCain among the cosponsors); 222 Parl Deb HC (6th ser.) (1993) col. 835 (UK) (statement of Winston Churchill).

⁷⁶ Telegram No. London 06626 from U.S. Embassy London to Sec'y of State, *Thatcher Rips West for Inaction in Face of Serb Massacres in Bosnia* ¶ 2 (Apr. 14, 1993) (declassified), <https://archive.margaretthatcher.org/doc02/A6D095B704FB47BC9B54CE3AE3AD9678.pdf> [https://perma.cc/3E8N-W8MM] (reporting Baroness Thatcher's April 13, 1993, BBC and ITN interviews).

⁷⁷ 141 CONG. REC. S10270 (daily ed. July 19, 1995) (statement of Sen. Lieberman), <https://www.govinfo.gov/content/pkg/CREC-1995-07-19/html/CREC-1995-07-19-pt1-PgS10270-2.htm> [https://perma.cc/TUF5-RYNZ].

⁷⁸ See George Packer, *The End of the American Century*, ATLANTIC (May 2019), <https://www.theatlantic.com/magazine/archive/2019/05/george-packer-pax-americana-richard-holbrooke/586042/> [https://perma.cc/4LCS-ZEP5]; *Muslim-Croat troops halt near Banja Luka*, UPI (Sept. 19, 1995), <https://www.upi.com/Archives/1995/09/19/Muslim-Croat-troops-halt-near-Banja-Luka/2778811483200/> [https://perma.cc/89JK-M3ZP].

all, the former Arkansas Governor needed a halt to the conflict ahead of the 1996 U.S. presidential election, in which his advisers feared Bosnia would be a drag on his campaign against one of the loudest “Bosnia Hawks” in the U.S. Congress, Senator Bob Dole.⁷⁹

President Clinton won, of course, and U.S. policy towards Bosnia and Herzegovina has since muddled through. Constitutional reform to rationalize the country’s legal order, to elevate individual rights and liberties over sectarian collectivism, remains the self-evident way forward, and the only way forward that reflects America’s own constitutional and political norms and values. Yet no administration has seen fit to prioritize amending an agreement which has kept a country at peace for three decades, despite its myriad flaws. In purely realpolitik terms this is understandable.

But it is certainly not how American conservatives at the hour of Bosnia and Herzegovina’s greatest need saw it. At that time, they embodied President Reagan’s dictum that Americans are a “people who seek peace . . . around the world. The United States has no higher mission than to build a lasting peace that enshrines liberty, democracy, and dignity for individuals everywhere.”⁸⁰ Alas, such sentiments too have been omitted from Schmitz and Kennedy’s analyses.

⁷⁹ See Hamza Karčić, *Declassified: How US Intelligence Predicted Yugoslavia’s Bloody Demise*, BALKAN INSIGHT (May 3, 2023), <https://balkaninsight.com/2023/05/03/declassified-how-us-intelligence-predicted-yugoslavia-bloody-demise/btj/> [<https://perma.cc/B5TU-53MT>]; Associated Press, *Clinton addresses nation with Bosnia plans*, ARIZ. DAILY WILDCAT (Nov. 28, 1995), https://wc.arizona.edu/papers/old-wildcats/fall95/November/November28,1995/05_2_m.html [<https://perma.cc/4D44-CKM5>]; Hamza Karčić, *Saving Bosnia on Capitol Hill: the case of Senator Bob Dole*, 13 J. TRANSATLANTIC STUD. 20 (2015).

⁸⁰ Ronald Reagan, President of the U.S., Remarks at a Spirit of America Rally in Atlanta, Georgia (Jan. 26, 1984), <https://www.reaganfoundation.org/ronald-reagan/quotes/the-united-states-has-no-higher-mission-than-to-build> [<https://perma.cc/KH3A-S4CW>].