

Her Excellency Federica Mogherini
High Representative of the Union for Foreign Affairs and Security Policy;
cc: Secretariat of the Foreign Affairs Council of the European Union

December 6, 2018

An Open Letter to Federica Mogherini and the Foreign Ministers of EU Member States on Croatia's Interference in Bosnia and Herzegovina.

As former High Representatives to Bosnia and Herzegovina, we are deeply concerned by Croatia's continued meddling in the political affairs of BIH, exemplified by the recent attempts of the representatives of Croatian government to deny the legitimacy of the election of Zeljko Komšić to the BIH Presidency.

The 2016 Constitutional Court ruling concerning the Election Law in Bosnia and Herzegovina ("Ljubić case") applies to the House of People in the Federation of Bosnia and Herzegovina and not to the election of the Presidency of Bosnia and Herzegovina. The misinformed narrative about the "Ljubić case" is being used as an argument against the legitimately elected Croat member of the BIH presidency, Željko Komšić. The HDZ representatives from Croatia, together with Dragan Čović, the leader of HDZ BIH, claim that the election of Komšić was illegitimate and unconstitutional. Yet neither the BIH Constitution nor the BIH election law state that presidency members must be elected by members of their 'own group'. To the contrary, electoral rules for the BIH Presidency as they apply to the Federation BIH provide a rare cross-voting mechanism aiming to incentivize moderation over divisive, fear-mongering platforms. In post-war BIH, which has been in the state of recurring political paralysis since 1996, this is an important channel for forcing the moderation upon the candidates by compelling them to reach out beyond their narrow constituency, to all BIH citizens.

We remind the EU that it is under the existing electoral rules that Dragan Čović has been elected as the representative of BIH Croats to the BIH presidency on

two previous occasions, serving as a Croat Member of the Presidency from 2002-2005 and 2014-2018.

Therefore, it is of utmost importance that at the December meeting of the EU's Foreign Affairs Council a clear message is sent to BIH political parties and to those interfering from outside the country:

1. Any electoral reform should aim to make Bosnia and Herzegovina more cohesive and functional rather than dividing it further along ethnic lines;
2. The foremost priority is to form a government in Bosnia and Herzegovina;
3. The borders of Bosnia and Herzegovina are inviolable;
4. Croatia should not interfere in the internal affairs of Bosnia and Herzegovina.

We also urge the European Commission to publish its opinion on BIH's membership application as soon as possible. The Commission's opinion should stress the importance of the rights of all citizens as individuals, prompting BIH politicians to work on advancing these rights to advance the EU accession process.

Yours,

Paddy Ashdown,
High Representative for Bosnia and Herzegovina 2002-2006

Christian Schwarz-Schilling,
High Representative for Bosnia and Herzegovina 2006-2007

Carl Bildt,
High Representative for Bosnia and Herzegovina 1995-1997