



**Maritime Association in Bosnia and Herzegovina**  
Established in 2007, Reg. No. RU648/07 of the Ministry of Justice of Bosnia and Herzegovina

**Position of the European Commission and the European Investment Bank  
in relation to the continuity of the infringement of the Republic of Croatia against  
Bosnia and Herzegovina's maritime rights under the United Nations Law of the Sea**

Esteemed Ms. Ursula von der Leyen, President of the European Commission,  
Esteemed Mr. Werner Hoyer, President of the European Investment Bank,

We sent you the document titled: "The Peljesac Bridge Project financed by the European Commission and the European Investment Bank impinges on the rights of the coastal State of Bosnia and Herzegovina in a manner which is inconsistent with Public International Law", dated 22 September 2020 (Document Reg. No. 21/IB/20, attached for reference). This document covers matters of the utmost importance to sovereignty of Bosnia and Herzegovina (B&H), and the enjoyment of its full rights as an independent and sovereign state. To date, we have not received an adequate response regarding the political relationship and intentions of the European Commission (EC) and the Republic of Croatia (Croatia), a member of the European Union (EU) towards B&H in the context of the Document Reg. No. 21/IB/20. We only received two responses focusing on the technical and operational procedures of DG REGIO, written on your behalf (Mr. Aurélio Cecilio, REGIO/DDG/E.3/NB/gfk/(2020)6089673 and Mr. Marc Lemaitre, REGIO/DDG/E.3/NB/gfk/(2020)8811570) that do not touch on the substance of the main policy issues, facts and evidence contained in the Document Reg. No. 21/IB/20.

Unfortunately, after four months, one gets the impression that no one in the EC has seriously looked at the content of the document and the important facts and evidence about the threat to the sovereignty, territorial integrity, and maritime rights of B&H from the side of Croatia. Consequently, no one noticed or wanted to notice the very strong moral and financial support provided by the EC in sync with the EIB, which admitted a few days ago that they knew nothing ("...the EIB is not aware of any formal dispute between Croatia and Bosnia and Herzegovina in relation to this project...") and that it complies with national and EU regulations and EIB policies ("... full compliance with applicable EU and national laws and regulations, as well as with the Bank's policies and procedures.")

Clearly presented facts and evidence in the Document Reg. No. 21/IB/20, require detailed analysis and answers to number of questions that remain unanswered.

We would like to draw your attention to the fact that the controversial and contested provisions on the proclaimed sovereignty of Croatia in the maritime area of B&H (Maritime Code 1994), as reaffirmed in the Maritime Code 2004, have been accepted by the EC in the process of Croatia's accession to the EU without any regard for the infringement of B&H's coastal rights, as well as the United Nations Law of the Sea (UNCLOS 1982). By the same provisions, Croatia independently established the coastal straight baseline (taken over from the ex-Yugoslavia, with total disregard to the rights of B&H), and denied B&H the right of free access to the high sea, which B&H already had as an existing right.

Such actions by Croatia contradict: the Dayton Peace Agreement on 1995, the Treaty on the State Border between the Republic of Croatia and Bosnia and Herzegovina on 1999, UNCLOS 1982, the Convention on the Territorial Sea and the Contiguous Zone on 1958. It also contradicts the Judgment of 29 November 2017 International Criminal Tribunal for the former Yugoslavia (No. IT-04-74), which apparently was not accepted or implemented, as Croatia retained the war-held illegal position (the

seawaters of B&H have been annexed by Croatia) while violating the sovereignty and territorial integrity of B&H, and its already realized rights at sea.

The above facts and evidence contained in the Document Reg. No. 21/IB/20 lead to the following question:

**Has Croatia continuously carried out aggression on B&H since 1993 before the entire international community, including the EU and all signatories of the Dayton Peace Agreement? The Dayton Peace Agreement was signed, among others, by Franjo Tuđman on behalf of Croatia and Slobodan Milošević on behalf of the then Federal Republic of Yugoslavia (now the Republic of Serbia), as a party involved in the war (1992-1995) in B&H, and with this Agreement did not acquire any rights from independent and autonomous state of B&H.**

Additionally, taking into account the above facts and evidence from the previous position, which is obviously ignored and rejected by Croatia, it is clear that the construction of the Peljesac Bridge, was met with explicit and unequivocal opposition of the highest authority of the state, the Presidency of B&H (01-011-3110-1 / 07 and 01-011 -3138-19 / 09), is illegal and represents new evidence of the continuity of aggression. This is due to the fact that the Peljesac Bridge acquires the status of a maritime good, as a general good of interest to Croatia, on which it has special protection, and which is managed, used, and protected in the manner prescribed by law. On this maritime domain, as on any other, the Croatia acquires state sovereignty. In these circumstances, the Peljesac Bridge as a maritime domain of the Croatia becomes a legal and physical obstacle to the realization of B&H's international law right for free access to the high seas and thus a new legal status in favour of Croatia's strategic aggression policy towards B&H.

As mentioned in the context of the Document Reg. No. 21/IB/20, the construction of the Pelješac Bridge points to the question:

**Does the EC and the EIB, by extensively participating in the construction of the Peljesac Bridge, morally and financially support the continuity of Croatia's aggression on B&H and support Croatia to maintain this unjust position as a given status quo, its war-acquired annexation of seawaters of B&H in the Judgment of 29 November 2017 International Criminal Tribunal for the former Yugoslavia (No. IT-04-74)?**

#### Additional part of the letter

### **Synchronized strategic activities of the signatories of the Dayton Peace Agreement involved in the war (1992-1995) in B&H**

**The Republic of Serbia** (Serbia) has continuously since 1992 to date, taken ownership and manipulated strategic infrastructure and public companies in B&H, such as hydropower plants on the Drina River, with the collusion of the **Entity Republic of Srpska** (Entity RS) in the field of energy, communications and transportation. Related to that, **Mr. Milorad Dodik**, a member of the Presidency of B&H from Entity RS, constantly mentions merging Entity RS and Serbia into one whole, and that there is no state border of B&H. The official policy of Serbia, expressed by its President **Mr. Aleksandar Vučić**, does not dispute these statements, and conditions the recognition of the historical border between B&H and Serbia with previous exchanges of state territories. Discussion of the dissolution of historical, internationally recognized borders is alarming and perilous to the wider region.

*Bojind.*

**Croatia**, as well as **Serbia**, has not changed its strategic belligerence towards B&H, which confirms current activities focused on the internal reorganization of B&H as a state with ethnic federal units, which is widely promoted by EU Parliament members in Brussels by Croatia, where **Ms. Željana Zovko**, stands out. According to the statements of **Croatian high-level politicians**, this process began with the non-recognition of the B&H Presidency elected in 2018 and the interruption of diplomatic relations with B&H, on the condition that B&H Election Law be amended. In addition, even after 20 years, Croatia don't want to ratify the Treaty on the State Border between the Republic of Croatia and Bosnia and Herzegovina (1999).

This process is linked to HDZ B&H, led by **Mr. Dragan Čović**, Member of the B&H Parliament. Mr. Čović blocked the implementation of the results of the democratic elections in 2018 in the **Entity Federation of Bosnia and Herzegovina** (Entity FB&H) with the illegitimate and unreasonable condition that the current Election Law of B&H should be amended prior. The government of Entity FB&H is working pursuant to a technical mandate, and the first next elections should be in October 2022, and not before. The amendments to the Election Law of B&H would result in ethnic constituencies that would grow into federal units in B&H, with the right of succession. In that way, all the killings on innocent people, ethnic cleansing, expulsion, genocide would be eradicated or acknowledged.

Therefore, the federal regulation of B&H would be the basic precondition for the dissolution of the country and a possible last step in the annexation of the desired B&H territories by Serbia and Croatia. Such ideas and claims are nothing new and a continuation of the aggression on B&H, which was implemented by the instigators of the war in B&H, the President of Croatia, **Franjo Tuđman** and the President of Serbia, **Slobodan Milošević**.

**All of the above indicate that it is necessary to urgently stop any activity of aggression on B&H, and especially the moral and financial assistance of these activities from supranational organisations, international financial institutions and other entities in any way.**

Respectfully yours,

Izet Bajrambašić, PhD President



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Contacts:

Isabega Ishakovića 8 /Prote Bakovića 8/

71000 Sarajevo

[info@bhmore.ba](mailto:info@bhmore.ba); <https://bhmore.ba/>