**Proposal**

**To the Esteemed Representatives** of Bosnia and Herzegovina, the Republic of Croatia, and the Republic of Serbia - Parties’ to the General Framework Agreement for Peace in Bosnia and Herzegovina (Parties),

**To the Esteemed Representatives** of the French Republic, the Federal Republic of Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America – Witnesses to the General Framework Agreement for Peace in Bosnia and Herzegovina (Witnessing Countries),

**To the Esteemed Representatives** of the Republic of Rwanda, the Italian Republic, the Republic of Albania, the Republic of Chile, the Republic of Finland, the Republic of Ireland, the Hashemite Kingdom of Jordan, the Principality of Liechtenstein, Malaysia, the Kingdom of the Netherlands, New Zealand, the Republic of Slovenia, the Republic of Turkey, the Republic of North Macedonia, Canada, the Republic of Austria, the Republic of Lithuania, the Kingdom of Sweden, the Republic of Vanuatu, the Grand Duchy of Luxembourg, the Republic of Poland, and the Republic of Estonia (other countries),

In its capacity as a contracting party to the General Framework Agreement for Peace in Bosnia and Herzegovina, and in accordance with the provisions of Article 60 of the 1969 Vienna Convention on the Law of Treaties and Article 70 of the Constitution of the Republic of Srpska, the Republic of Srpska, as represented by its National Assembly, hereby adopts:

**PROTEST AGAINST THE BREACH OF THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA AND**

**GENERAL INTERNATIONAL LAW**

1. The National Assembly of the Republic of Srpska hereby issues a formal protest in response to the actions taken within an informal group of states 'cross-regional core group' which submitted the final Draft of the UN Resolution on the Genocide in Srebrenica to the General Assembly of the United Nations.

This official protest primarily concerns the Republic of Croatia (Party), as well as the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America (Witnessing Countries), as well as other countries that partook in facilitating or co-facilitating the UN Resolution on the Srebrenica Genocide, the process that contravenes fundamental principles of international law, specifically the General Framework Agreement for Peace in Bosnia and Herzegovina and its Annex 4.

1. Annex 4 in Article V Section 2 c. and Section 3 a. stipulates that the Presidency shall endeavor to adopt all Presidency Decisions by consensus; and that the Presidency of Bosnia and Herzegovina is empowered to conduct the foreign policy of Bosnia and Herzegovina.

Contrary to the provisions of Annex 4, the final Draft of the UN Resolution on the Genocide in Srebrenica was drafted and submitted to the General Assembly of the United Nations without the involvement or approval of the Presidency of Bosnia and Herzegovina, which was never consulted on the matter.

1. The General Framework Agreement for Peace in Bosnia and Herzegovina and all its Annexes amount to general international law. Its subject matter is peace and international peace, it is a multilateral peace treaty with a number of Witnessing Countries. Furthermore, the United Nations Security Council (SCUN) has played a pivotal role in its internationalization, as evident in precedent Resolution 1031 (1995), which formally endorsed the agreement, as well as subsequent resolutions and active involvement in its implementation.

Annex 4 to the General Framework Agreement for Peace in Bosnia and Herzegovina introduces the Constitution of Bosnia and Herzegovina and essentially regulates the most sensitive issue in each peace agreement: power-sharing in post-conflict society. By establishing a framework for sharing power, this Annex serves as a cornerstone of both peace and statehood in Bosnia and Herzegovina, making it indispensable to the accomplishment of the object or purpose of the treaty. As such, Annex 4 introduces international law constrains on the capacities of other organs representing Bosnia and Herzegovina.

1. The General Framework Agreement for Peace in Bosnia and Herzegovina and all its Annexes are biding *erga omnes*. Acting contrary to the provisions of Annex 4 constitutes a breach of contractual obligations on the part of the Republic of Croatia; general international law obligations and fiduciary duties on the part of Witnessing Countries; and general international law obligations on the part of other countries.
2. *Bona fides* principle introduced in Article 26 of the Vienna Convention mandates treaty parties to fulfil their obligations in good faith and abstain from actions that undermine the intended goals and objectives of the treaty. As a Party, the Republic of Croatia is bound to respect introduced power-sharing in Bosnia and Herzegovina and the competencies of the Presidency. The doctrine of impossibility of performance cannot apply and give relief to the obligations of the Party.
3. Along with the obligations arising from general international law, Witnessing Countries are branching their fiduciary duties when undermining provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina.

In the pursuit of ethical conduct and good governance, certain fundamental fiduciary principles are universally acknowledged, including trust, loyalty, and accountability. Although the specific application of these principles may differ depending on the legal framework and context, they remain essential considerations in international law. The Witnessing Countries, in their role as fiduciaries, are tasked with, but not limited to, upholding standards of proper conduct, preventing conflicts, and serving the interests of all Parties impartially without any discrimination or favoritism. By doing so, they can prevent the abuse of power and promote good governance. Ultimately, the most critical responsibility of the Witnessing Countries is to foster peace-building and reconciliation, a duty that is currently being compromised by their existing commissions.

1. Other states cannot recall the *pacta tertiis* rule from Article 34 of the Vienna Convention to evade the obligation to respect provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina. Under international general law, the principle that a third State cannot be bound by a treaty between other States is not considered a peremptory norm. In both theory and practice, exceptions to this *pacta tertiis* rule are acknowledged. For instance, treaties that create international waterways, such as the Panama Canal, are exempt, as are those that demilitarize specific areas, like the Åland Islands Treaty. Similarly, treaties that establish shared regimes for marine or land territories, like the Antarctic Treaty, and peace agreements, such as the General Framework Agreement for Peace in Bosnia and Herzegovina, are also recognized as exceptions to this rule.

In the context of a highly internationalized peace-making process preceding the conclusion of the General Framework Agreement for Peace in Bosnia and Herzegovina, which involved various universal and regional stakeholders such as commissions, the Contact Group, peace conferences, the United Nations, and its organs and agencies, the Parties have been endowed with a corresponding authority to resolve the matter with *erga omnes* effect. This implies that their competence to act in the general interest is presumed to be recognized by all third States, unless they explicitly object to the assertion made by the contracting parties.

1. Obligations of the Party, Witnessing Countries, and other countries from the scope of general international law also stem from Article 38 of the Vienna Convention.
2. The treaty's purpose of peace implementation, promoting cooperation and mutual respect has been eroded by the actions of the Party, Witnessing Countries, and other countries, which have also had concrete, destabilizing effects on regional security and the delicate balance of power-sharing in the General Framework Agreement for Peace in Bosnia and Herzegovina.
3. In light of these serious violations, the Republic of Srpska demands immediate cessation of the aforementioned commissions and a return to compliance with all relevant international laws and treaty obligations. We also request that the Party, Witnessing Countries, and other countries provide a formal response detailing the measures that will be taken to rectify this situation and prevent future breaches.
4. Failure to address this protest note and to take corrective action will exempt the Republic of Srpska from the practice of bypassing the Presidency, and any effects of the Resolution on the Genocide in Srebrenica.

Also, failure to address this protest note may compel the Republic of Srpska to seek resolution through international legal mechanisms of dispute settlement and peaceful remedies, including but not limited to arbitration, international adjudication, treaty suspension or annulment, self-determination, etc.

1. We trust that the Party, Witnessing Countries, and other countries will treat this matter with the seriousness it deserves and act promptly to uphold the principles of international law.
2. The National Assembly of the Republic of Srpska is forwarding this protest note to the Serb Member of the Presidency of Bosnia and Herzegovina Željka Cvijanović for her attention and subsequent action.

Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **President**

**of National Assembly**

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Dr.** **Nenad** **Stevandić**