

Speech by High Representative Valentin Inzko To the UN Security Council



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Mr. President, Your Excellencies, Ladies and Gentlemen,

Thank you for giving me the opportunity today to present my fourth report as High Representative and the 38th report altogether. I hope my presentation will give you a better understanding of the overall situation in Bosnia and Herzegovina, where we now stand, and what challenges we will be facing in the period ahead.

It is now exactly 15 years, since the peace agreement ending the hostilities in Bosnia and Herzegovina was concluded in Dayton. Since that day, there has been significant progress in the country, and Bosnia and Herzegovina's membership – and successful work – in the UN Security Council is just one proof of the many improvements we have seen in the past 15 years. In this respect, it is a pleasure to have President Radmanovic here representing Bosnia and Herzegovina in this forum. Let me also use the opportunity to congratulate Mr. Radmanovic on his re-election to the BiH Presidency and on assuming the Chairmanship of the Presidency yesterday.

Let me also congratulate every citizen in Bosnia and Herzegovina for the EU's decision earlier this week to allow

visa-free travel for all Bosnians to all the Schengen countries of the European Union. This is a very significant decision, which shows the EU's commitment to Bosnia and Herzegovina's European future, but it also demonstrates that Bosnia and Herzegovina's political leaders can address difficult reform, if they muster the necessary political will.

Moreover, the regional situation in the Western Balkans has continued to develop positively. In the summer, the Croatian and Serbian Presidents made groundbreaking visits to Bosnia and Herzegovina, underlining the need for reconciliation and regional cooperation. As recently as last week, Serbian President Tadic apologized for Serbia's role in the 1991 Vukovar massacre. In a similar fashion, the new Bosniak member of the BiH Presidency, Bakir Izetbegovic, offered his own apology for the crimes committed against innocent civilians by the Bosnian army during the war.

These are positive acts and gestures, which have had a positive impact in the region and in Bosnia and Herzegovina.

However, despite the improved atmosphere in the region, the political situation in Bosnia and Herzegovina remains difficult. Today, 15 years after the signing of the Dayton Agreement, there is still insufficient dialogue and compromise. Sadly, nationalist agendas inside the country have continued to prevail over cooperation and compromise.

The European Commission's Progress Report, published earlier this week, confirmed that Bosnia and Herzegovina is not living up to its potential, and that the country, in the past year, has only made "limited progress" in addressing the conditions for European integration. Basically there has been no progress on key reforms required for Euro-Atlantic integration in the past year. Instead, there has been a marked increase in

negative and divisive rhetoric and rollback of reforms.

Unfortunately, the developments of the past year are symptomatic of the situation in Bosnia and Herzegovina during the past four years. While there was substantial progress in the first 11 years after the war – in the last four years there has been stagnation and time has been largely wasted. The fundamentals of the country and its institutions, including the constitutional framework, have been challenged on a regular basis. Let me give you some concrete examples:

Firstly, there has been a fundamental change in the rhetoric and verbal attacks against the state. Leading politicians from Republika Srpska have frequently referred to the future independence of their Entity, while claiming that Bosnia and Herzegovina is an “impossible country” and therefore not sustainable. These same leaders have also repeatedly denied rulings by two international United Nations courts – the ICJ and ICTY – that genocide took place in Srebrenica, thus further increasing tensions. I want to underline that despite this rhetoric, the Federation-based parties have stopped challenging the existence of Republika Srpska almost entirely. However, the leading Bosnian Croat party the HDZ BiH has called for a separate Croat Entity. This is not realistic – but it is unnecessarily increasing the tensions in the country.

Secondly, the state-level institutions have not worked to their full potential during the past four years, due mainly to political obstruction and bickering. In comparison with the previous 2002-2006 state-level parliament, the outgoing parliament has adopted one third less legislation. At the same time the number of rejected laws has increased substantially and Entity voting has been used with increased frequency, mostly by Republika Srpska.

Thirdly, there has also been a marked increase in unilateral actions – with the Entities adopting and implementing legislation with little regard for the state and/or the other Entity. Republika Srpska in particular, has adopted a number of laws that challenge European Partnership priorities or that aim to dismantle state-level reforms. There have also been similar, but less frequent, developments in the Federation.

The above-mentioned problems have led to a political stalemate and clear stagnation during the past four years. As a result, and as confirmed by the European Commission's Progress Report, there has been only limited progress in addressing EU-related reforms. To name just two:

In the past year, the state-level authorities have failed to address the December 2009 ruling of the European Court for Human Rights regarding discrimination against some citizens in Bosnia and Herzegovina, who are prevented from fully participating in public affairs and receiving appointment to certain state-level institutions.

Similarly, a state-level census law has not been adopted, as the political parties could not agree on future implementation of the census results. It will now be up to the new legislature to deal with this issue, but it is unlikely that Bosnia and Herzegovina will be able to hold a state-level census in 2011 together with the other countries in the region.

Equally, there has been very little progress in implementing the objectives and conditions for the transition or the closure of the Office of the High Representative which have been determined by the Peace Implementation Council.

On the state property objective, there has actually been

regression as the Republika Srpska National Assembly adopted its own Law on State Property, which – if it enters into force – would register all state property in that Entity to Republika Srpska. If this law is formally enacted, it will make a comprehensive negotiated solution on state property impossible, and subsequently this would make the closure of the Office of the High Representative substantially more difficult.

Furthermore, similar to state property, there has been no progress in addressing the defence property objective since my last report. As a result, Bosnia and Herzegovina's progress towards NATO has stalled as it has not been able to meet the conditions for implementing NATO's Membership Action Plan.

Equally, the Republika Srpska authorities continue to fail to meet the outstanding requirement for the termination of Brcko Supervision.

Due to the lack of progress, the Peace Implementation Council has not been able to decide about the closure of the Office of the High Representative, as foreseen already in 2006. The Peace Implementation Council will meet again later this month to consider the situation, but in essence the decision about the closure of my Office depends on the readiness of the Bosnian political leaders to meet the set objectives and conditions.

Despite the increasingly difficult situation on the ground, and despite the lack of progress in addressing the conditions for closure of my office, I reduced my staff by over 20 percent in July 2010. I also handed over the responsibility to vet certain appointed Entity and cantonal officials to the respective local authorities.

It was in this overall atmosphere, which I have described, that the general elections were held last month. The international media portrayed these elections as a watershed for the future of the country that will determine whether it will move forward towards Euro-Atlantic integration or backwards towards disintegration, due to the increasing calls for secession which came from Republika Srpska.

The Bosnian election authorities conducted these elections efficiently. The international election-observation missions concluded that the elections were generally held in accordance with international standards. Even though the election process generally went smoothly, a number of irregularities took place, such as forged voting in certain municipalities. This led to the renewal of the cantonal elections in one municipality, but reportedly the election fraud did not have any significant influence on the election results.

The turnout of the general elections was around 57 percent, which is the highest turnout in any elections since 2002. At the same time, there was also an 18 percent increase of voters turning out to vote compared to the 2006 elections. This is good news that shows that citizens increasingly care about the future of their country.

At the same time, the elections were held on the basis of the current Election Law, which is not in line with the European Convention for Human Rights. This does not affect the legitimacy of the elections, but this problem must be addressed urgently.

Looking beyond the general elections, it is clear that Bosnia and Herzegovina cannot afford four more years of stagnation and internal disagreements. There is now a real need for the political leaders to recreate momentum for change and reform.

Let me underline that Bosnia and Herzegovina, in order to

become fully sustainable and to move forward towards Euro-Atlantic integration, will need political leaders that are ready to change the way they conduct politics. Zero sum politics will need to be replaced by politics based on compromise and a readiness to meet each other half way. I cannot overemphasize this point. This is fundamental for a stable and forward-looking country.

In this regard, the responsibility for what happens in the next four years is firmly in the hands of the incoming authorities. They have a choice to make, and when they make it they must take responsibility for what follows.

The choice facing Bosnia and Herzegovina is not whether it survives as a State or whether it is divided. It will definitively continue to exist. Partition of the country or secession is not a solution. If it were possible to partition Bosnia and Herzegovina peacefully, it would have happened in 1992. It was not possible then and it is not possible today. A partition of the country would also be a triumph for the Milosevic-led policy of the past.

Instead, the choice facing Bosnia and Herzegovina is whether it chooses to reintegrate and reform, and in so doing join the EU and NATO, or whether it chooses stagnation and isolation.

Having in mind the situation I have described, there is still a need for the international community to remain fully focused on Bosnia and Herzegovina. We must continue to accompany the authorities in Bosnia and Herzegovina on the Euro-Atlantic path, and the international community must make it clear to the incoming governments what we expect from them in the period ahead.

As a first step to recreate momentum, we must urge politicians to form governments – at all levels – that are focused on the Euro-Atlantic agenda. However, government formation –

especially at state-level – may take long; especially since politicians in Republika Srpska have made clear their desire to roll back previously agreed reforms and to devolve a number of competencies from the state to the Entities.

Furthermore, we must insist very vocally that Bosnia and Herzegovina's territorial integrity and the constitutional framework be preserved. Unfortunately this emphasis is still necessary. We must make clear that only Bosnia and Herzegovina – as one country – has a future in the EU and NATO, and that rhetoric about Bosnia and Herzegovina as "*an impossible state*" must stop.

Beyond these basic issues, we need Bosnia and Herzegovina to progress towards both the EU and NATO. This should be in Bosnia and Herzegovina's interest as well as in the international community's interest.

In this regard, we should strongly encourage Bosnia and Herzegovina:

- To address the main problems identified in the European Commission's Progress Report, such as the ECHR ruling, the census law and other key European Partnership priorities;
- To address the five objectives and two conditions which have been set for the closure of the Office of the High Representative, also to unlock progress towards NATO;
- To start a step-by-step process of constitutional changes in order to have a country which would be fully sustainable, and efficient in dealing with the challenges of Euro-Atlantic integration.

In 10 days we will mark the 15th anniversary of the Dayton Peace Agreement. In this context we need to ensure, that we do not leave the job unfinished in Bosnia and Herzegovina.

As I have argued before, the presence of EUFOR with an executive mandate is still important. I must underline that it is important that sufficient troops are left on the ground to provide adequate levels of reassurance to the citizens in Bosnia and Herzegovina. In this respect, I strongly recommend the renewal of the UN Security Council Resolution on EUFOR next week.

Our continued attention on Bosnia and Herzegovina is the way to get to the objective that we all want to reach – where Bosnia and Herzegovina can move towards full Euro-Atlantic integration under its own steam – and that means with full ownership of responsibilities that go along with it.

I am truly convinced that this possibility can become a reality. I will, as High Representative, but also the EU's Special Representative, continue to dedicate all my efforts to assist and support Bosnia and Herzegovina's efforts in this direction. I also count on your continued support in this regard.

Thank you.