

# Speech by the High Representative and EU Special Representative for Bosnia and Herzegovina, Christian Schwarz-Schilling to the UN Security Council

Mr. President, Ladies and Gentlemen,

I first spoke to you six months ago, shortly after becoming High Representative and EU Special Representative for Bosnia and Herzegovina.

On that occasion, I set out the importance of handing greater responsibility to the authorities of Bosnia and Herzegovina and how I intended to apply the principle of local ownership to help guide this country towards Euro-Atlantic integration. Half a year on, I wish to discuss with you the complex reality of putting this principle into practice.

I will also describe how we are seeking to help Bosnia and Herzegovina transition beyond peace implementation towards Euro-Atlantic integration. And I will highlight areas where progress has been made and areas where it has not, as well as outstanding issues that need to be addressed.

The report in front of you covers the first six months of this year and ends with the decision of the Peace Implementation Councils Steering Board in June 2006 to close the Office of the High Representative at the end of June 2007.

Developments since then have demonstrated the scale of the challenge involved in moving to local ownership and will have

to be considered by the PIC Steering Board when early next year it reviews its decision, taking into account the overall situation in Bosnia and Herzegovina and the region.

Bosnia and Herzegovina 's reality today is in many ways uncomfortable.

For Bosnian politicians, it has been difficult to avoid the temptation of blaming political opponents or the international community for the lack of progress.

And for the citizens of Bosnia and Herzegovina , it has been frustrating to see the reform process slow.

Fortunately, there is considerable goodwill on all sides in Bosnia and Herzegovina.

Unfortunately, goodwill is not universal and opportunists have sought to exploit the difficulties of transition to play on old fears.

This makes it harder for those politicians with the courage to take on greater responsibility for governing the country and serving its citizens.

And you can observe a feeling in parts of the international community that now is not the time to step back and hand over the reins, that we might need more time and more patience.

Yet in these testing times the international community must hold its course and continue gradually handing over responsibility.

This must not be done so quickly that the leaders of Bosnia and Herzegovina are overwhelmed and unable to take over the reins. But, at the same time, it must not be done so slowly that the country's leaders fail to develop a sense of responsibility for Bosnia and Herzegovina 's situation, with a corresponding sense of duty towards the citizens who elected them.

Bosnia and Herzegovina is, in many respects, fortunate, since the direction in which it is travelling is clear.

The European Union is offering the prospect of membership to Bosnia and Herzegovina and the countries of the Western Balkans, as it did successfully with the eight Central European countries who joined in 2004, as well as Bulgaria and Romania who will join next year.

If there is one issue that the overwhelming majority in Bosnia and Herzegovina agree on, it is that their country's future lies in Europe.

This is very much the case even though political leaders in Republika Srpska have on occasions asserted that they were prepared to sacrifice Bosnia and Herzegovina's European future rather than make compromises on certain issues.

This European perspective should, therefore, become the driver of the country's recovery, the incentive to reform and the guarantee of future prosperity.

For this, the country's politicians have to take the necessary steps for reaching European standards. In negotiations with the European Commission for a Stabilisation and Association Agreement, the institutions of Bosnia and Herzegovina have started with a high degree of professionalism.

The negotiating team excelled at negotiating the technical side of the Agreement, a promising sign of their capacity and willingness to do what is required over the next few years to complete EU integration.

Allow me here to pay tribute to the role played by Prime Minister Adnan Terzic, who will address you as soon as I finish, and the lead negotiators, Igor Davidovic and Osman Topcagic.

There is, however, also a political side to the Agreement and

political reforms, that are a precondition for completing the SAA process, have stalled.

In part, the reform process has stalled because of the inevitable need for a period of adaptation and adjustment to the concept of ownership and the ability to put it into practice.

And in part it has stalled because of the elections that took place on 1 October. These inevitably involved a period of campaigning and election rhetoric that moved away from the problem-solving spirit of compromise and cooperation needed to undertake sensible reforms to fulfil the requirements of Euro-Atlantic integration.

However, failure to complete public broadcasting legislation, insufficient progress on a higher education law and legislation essential to fiscal sustainability are clearly slowing Bosnia and Herzegovina's progress towards Europe.

One of the key outstanding requirements for the Stabilisation and Association Agreement is police restructuring.

This is needed for Bosnia and Herzegovina to progress towards EU integration, and above all, it is needed for the sake of the citizens of Bosnia and Herzegovina.

A Police Restructuring Directorate has been working since January and is scheduled to deliver an implementation plan at the end of this month, based on three principles drawn up by the European Commission.

Securing political agreement for this plan will be a key test for the capacity of local institutions to assume ownership.

Police restructuring and the other reforms are not small matters.

They go to the heart of Bosnia and Herzegovina's ability to develop and grow, to function effectively and serve its

citizens properly.

Another area that goes to the heart of Bosnia and Herzegovina's identity, past and future is that of constitutional reform.

The Dayton constitution was created in 1995 to end a war.

It needs to evolve to meet the demands for a functional, fiscally sustainable state able to join Euro-Atlantic institutions, and a democratic state accepted as legitimate by all who live in it.

Party leaders on all sides came together regularly throughout 2005 and early 2006. After hundreds of hours of sitting together discussing where compromises could be made and where consensus was not yet possible, a first package of constitutional amendments was agreed in March.

Despite widespread support for this package and optimism that Bosnia and Herzegovina's politicians were ready to take this first step, the initiative failed – by just two votes – to reach the required two-thirds majority in Parliament.

This was a tough blow to those who dared to take a step in a difficult but vital direction. The setback was also subsequently exploited by opponents of the constitutional amendments who chose to step out of what had been a constructive negotiating process.

To be sure, the constitutional reform package is less than perfect. It is, however, a reasonable first step towards more functional state structures better able to meet European standards. It also represents the level of compromise and progress that can be made at this time.

This imperfect political reality of compromise to make progress is what ownership means. It is how a better future can be built gradually. There are no easier alternatives, there are no perfect political solutions waiting round the

corner.

The politicians of Bosnia and Herzegovina must learn that such important issues can only be dealt with one step at a time, bringing all sides along together within the process, identifying where compromise can be reached and where it cannot; and making the most of issues that can be taken forward, rather than focusing on areas where progress cannot yet be made.

The parties that agreed these amendments to the constitution have stuck by their commitment until now. As a result, there remains an opportunity for the amendments to be put before the newly elected parliament.

Indeed, the issue of constitutional reform will rise to the top of the political agenda as soon as coalitions and governments have been formed.

You should also be aware that it is likely to remain there for a long time as the first package is but the beginning of a longer-term process that both Europe and the United States are committed to supporting.

Another issue that will not disappear is that of cooperation with the International War Crimes Tribunal for the former Yugoslavia in The Hague.

The fact that war crimes suspects like Ratko Mladic and Radovan Karadzic remain at liberty after so many years continues to impede the peace process, undermines faith in the rule of law and demonstrates an unwillingness to face up to the crimes of the past.

The requirements for both completing peace implementation and EU integration are clear. Responsibility for both lies with the authorities of Bosnia and Herzegovina.

This brings us back to transition.

It was in recognition of the progress that has been made in Bosnia and Herzegovina during the past 11 years that the decision of the PIC Steering Board to close the OHR and to develop the role of Europe was taken in June.

As a key element of the next phase, the European Union is reinforcing its presence in Bosnia and Herzegovina with a view to assisting the country on the road to Europe, by finalising the SAA and developing, in particular, the role of the EU Special Representative.

In the process, many difficult issues, including in particular the rehabilitation of individuals removed from office by my predecessors, have to be resolved before the OHR can be closed.

This brings me to an issue that the United Nations failed to resolve before closing down its International Police Task Force in Bosnia and Herzegovina in 2002.

When I spoke to the UN Security Council in April, I drew attention to the plight of police officers decertified by the IPTF without the possibility of review or appeal.

On that occasion, I said that: "We should not preach the principles of the rule of law, responsibility for reforms and ownership, and, at the same time, contradict these principles in our own activities."

Since then, my staff have worked together with their colleagues in both the EU Police Mission and the institutions of Bosnia and Herzegovina to help establish the facts and develop the outlines of a review process.

In addition, a team of experts has visited New York twice this year to brief the Secretariat, the CDG and EU missions.

I intend to continue working on this issue together with the authorities of Bosnia and Herzegovina.

I am also happy to consider any proposal that the United Nations puts forward.

However, legally and politically, I am unable to resolve this issue. The ball is squarely in your court.

Mr. President, Ladies and Gentlemen,

I remain committed to the principle of ownership and hope to oversee that transition in line with the schedule I have described.

I also recognise, however, the prudence of the Peace Implementation Council's decision to review and confirm its June decision to close the Office of the High Representative after a detailed and careful assessment early next year.

The irresponsible rhetoric that marred the election campaign has helped generate feelings of insecurity among parts of the population. This is a source of concern, as is the seeming inability of politicians in Bosnia and Herzegovina to resolve problems within existing constitutional structures in the absence of intrusive international involvement.

And then there is the spectre of the decision on the final status of Kosovo hanging over the entire region. Even if strictly speaking there is no linkage between that decision and the situation in Bosnia and Herzegovina, it has the potential to be destabilising if the decision were to be delayed.

The way forward is, nevertheless, clear. The politicians of Bosnia and Herzegovina have an opportunity to demonstrate that the transition can proceed on schedule by taking the initiative, enacting and implementing the many outstanding reforms and, together with international support, working towards building a prosperous European democracy.

Thank you