

Bosnia and Herzegovina: What is happening and what happens next?

St Antony's College, University of Oxford

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Ladies and Gentlemen,

It is my great pleasure to be with you today as we look at what is happening in Bosnia and Herzegovina today and what we can expect to happen in the near future, in light of our more than two decades of experience implementing the peace in Bosnia and Herzegovina.

I am particularly pleased to be having this discussion here at Oxford, having in mind the unwavering commitment and impressive contribution that the United Kingdom has made and continues to make to peace in Bosnia and Herzegovina.

Here I am thinking perhaps first and foremost of Lord Paddy Ashdown, who presided over the international community's greatest successes in entrenching the peace and reintegrating the country.

But I am also thinking of the UK's bilateral political activities, your contributions to the efforts of IFOR and SFOR and the apprehension of war criminals, your activities in the UN Security Council and inside the Peace Implementation Council Steering Board, to say nothing of the committed engagement of British diplomats and politicians, like Baroness Arminka Helic. And I could name many, many more examples.

The UK has always had a clear-eyed assessment of the situation in Bosnia and Herzegovina, and has always stepped up to take effective action to make things better for Bosnia-Herzegovina

and its people.

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Today's discussion is important, not only for our ongoing efforts in Bosnia and Herzegovina, but also for similar efforts that might be required in the future elsewhere around the world.

It is true that there is no "one size fits all" when it comes to post-conflict resolution but there are experiences that we can and should learn from when we look back over the last twenty-three years.

While the issues that I will set out here today are mainly relevant to our future engagement in Bosnia and Herzegovina, I hope they will also provide food for thought for those of you interested in similar missions elsewhere in the world.

Ladies and Gentlemen,

While much was achieved in the first ten years of our effort in Bosnia and Herzegovina, the more recent period has been far less impressive and the ghosts of the past have been reawakened by frequent challenges to the very fundamentals of the peace and to a sovereign Bosnia and Herzegovina.

As a result of this, in 2018, it is difficult to avoid a sobering conclusion; despite the country receiving unprecedented levels of international support and making some impressive progress since the war, we remain some way off completing the job.

Our common goal of irreversible stability for the country has not yet been achieved and it is now clear more than ever that autopilot is not working.

Of course, when it comes to the bottom line – ensuring peace – the Dayton Accords have been a success.

Let us not forget that. Let's not take peace as a given in a world where for so many it clearly is not and let's continue to do what is necessary to maintain that peace.

Having said that, peace is the base for social, economic and political development. However, it is not the end state.

The International Community and the citizens of Bosnia and Herzegovina both realize that the country has the potential to be so much more than a small impoverished European state muddling along from one crisis to another.

We all know that Bosnia and Herzegovina can again be a place where a way of life, entrenched in the values of tolerance and diversity can rise from the ashes of war and in so doing offer its people a life of dignity.

And so, it is entirely right that after almost twenty-three years the people of Bosnia and Herzegovina – especially the young – expect much more from their country and their politicians. They are suffering from one of the highest youth unemployment rates in Europe and many of them are voting with their feet and leaving the country.

For the country to secure lasting peace, stability and a level of prosperity that will enable its citizens to live with dignity, a fundamental change of approach, a new way of doing politics that puts the interests of citizens first is needed.

The tendency to live in the past must end and instead the country must look decisively towards the future and consciously pull together to fulfil its self-declared ambition to be a fully integrated member of the Euro-Atlantic family.

So it is against this high benchmark of what we want to achieve in Bosnia and Herzegovina that we must try and learn from our experiences. If living conflict-free is all we want then it has been a blinding success, but if we aspire for so much more, and we do, we know the job is far from done.

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In 1995, in an effort to bring the war to an end and make sure that the same atrocities would never happen again, we focused on creating a political system in which no one people would be able to become the dominant political force to the detriment of the others. This was the most logical thing to do at the time.

But here is one of the most crucial lessons I think we must learn: If you essentially freeze a conflict through a peace settlement as we did in Bosnia and Herzegovina, you need to be prepared to stay engaged for a considerable period of time to see meaningful progress.

You also need to be prepared to proactively push issues forward when blockages invariably arise. If you are not prepared to do both of these things, stagnation will quickly set in and in time this will lead to instability.

Some have argued that such engagement is incompatible with Bosnia and Herzegovina's sovereignty or its aspirations to join the European Union. In my own opinion, these two elements are not incompatible. Let us take the example Germany, where allied forces maintained a degree of legal jurisdiction until unification, or Cyprus, an EU member state where an international military presence remains. Or of my own country, Austria

This type of more proactive engagement by the international community, working closely with elected politicians to implement the Peace Agreement by re-integrating the peoples of Bosnia and Herzegovina and rebuilding its institutions led to remarkable progress in first ten years after Dayton.

The creation of a state flag and other symbols, a common passport, a state border police, several new ministries, a single army, the establishment of a single indirect tax system, an integrated judicial system, a unified electricity

transmission system, and the list goes on.

These were not imposed measures. These were structural reforms delivered by the Dayton framework. These were integrative steps that has the broadest level of political support.

The single most impressive achievement was, without a doubt, the establishment of the Armed Forces of Bosnia and Herzegovina. Earlier there were effectively three. It was the clearest example of a reform that would have been deemed unthinkable in Dayton in 1995, but that became a reality when the country and the International Community came together around a common vision – the vision of Euro-Atlantic integration.

So yes, ground-breaking progress is achievable within the Dayton framework. But looking back at the last ten to twelve years, I can't help but think that the International Community could have done much more.

Ladies and Gentlemen,

In sharp contrast with the 'golden period', that coincided in part with Lord Ashdown's mandate, the period that followed it has not only been characterized by a slowdown in Bosnia and Herzegovina's efforts to reform, but they have also been marked by a readiness to challenge the very fundamentals of the Peace Agreement.

We continue to see an *a la carte* approach to the BiH Constitution and the Peace Agreement, where parties choose what they like and ignore the provisions they don't like when it suits them.

There is an alarming number of challenges directed at the very fundamentals of BiH as an independent and sovereign state as envisaged by the Constitution and the Peace Agreement. In an unfortunate trend of the last 4-5 years, these challenges, levelled at strategic sectors such as foreign policy,

military, taxation, energy, and state-level judiciary, keep threatening the well-functioning of the state institutions, which proved time and again extremely damaging for the country's future prospects.

For example, for years now, top officials from the Republika Srpska have been openly calling for secession, claiming incorrectly and repeatedly that Republika Srpska is already a state and that Bosnia and Herzegovina only derives its sovereignty from the good will of the entities.

This rhetoric is accompanied by the usurpation and denial of the authorities of the state provided for under the Dayton Peace Agreement.

For example, the RS National Assembly adopted Resolution on Military Neutrality in October, clearly targeting the NATO membership aspirations of BiH, even though foreign affairs is an area of exclusive State authority.

In 2016, in violation of a number of Constitutional Court decisions, the RS organized a referendum on establishing January 9 as the national day of RS. Like in 2017, celebration of "RS Day" on 9 January this year has created tensions across the country.

What was most concerning about these developments was that the referendum was held despite a direct injunction from the Constitutional Court against it. The RS president and other officials have been quite open in saying that they do not consider the decisions of the state-level judiciary applicable in the RS when the RS authorities disagree with such decisions.

There are even more worrying developments. For example, in an effort to undermine the authority of the Armed Forces of BiH, one of the greatest achievements of the post-war period, President Dodik recently called for the return of an RS army.

Emergence of a paramilitary group called “Serbian Honour” in January in the RS has also been a source of concern for many people in the country who are still haunted by the role of such groups in the war. Unfortunately, we already see the spiralling effect of this development as there are signs that similar groups are emerging in other parts of the country.

In February, local and international media covered the largescale purchase by the RS police of long-barrel military grade weapons, while the RS authorities openly stated their intent to acquire one such weapon for each of the approximately 5,000 police officers in the RS. While these purchases appear to have been conducted in line with the applicable legal procedures for procuring and importing such weapons, the question remains as to the intent behind the policy of a one-to-one ratio of long-barrel weapons to police officers.

As I always emphasize, we need less weapons in BiH, not more.

I am also deeply concerned by the more recent readiness among some senior Bosniak politicians to refer to the possibility of a renewed conflict, including controversial statements suggesting that a rearming effort was underway to “respond” in case of a hypothetical war scenario.

In addition, the fact that almost 25 years after the war in Bosnia and Herzegovina, senior political figures continue to deny the judgments of the International Criminal Tribunal for the Former Yugoslavia and glorify war criminals is extremely harmful for the process of reconciliation.

Irresponsible and inflammatory rhetoric challenging the fundamentals of the Peace Agreement is not new and the fact that the election campaign season has started can only go so far in explaining the increased focus on divisive issues, which has in fact been a long term trend – independent of election cycles.

Indeed, European Commission President Juncker in an interview earlier this year suggested that without the continued “promise of EU accession, we could all too easily see a repeat of the conflict witnessed here...”

And yet while Bosnia and Herzegovina continues to make some important (if incremental) steps forward in the process of EU integration, the integration process has so far not proven to be a driver of fundamental reform.

In 2014, the United Kingdom and Germany launched a significant economic and political reform initiative, linked to international financial institution funding that promised to deliver some of the first real change in many years. This initiative was continued under the auspices of the EU, but more recently a number of independent observers, most recently Bodo Weber, have characterized this initiative as a failure, pointing to the fact that the conditions were lowered and rule of law reforms neglected, according to his analysis.

One unfortunate reality I can confirm from my own experience is that many of the elected political officials in Bosnia and Herzegovina are not genuinely interested in the transformations that would come with true EU integration. This is because effective rule of law would mean an end to the corrupt patronage system.

The reason I risk boring you with these details is to underline one essential thing: peace in this country and BiH as a state are still fragile. BiH is a single multiethnic sovereign state consisting of two entities, in which all citizens – the three constituent peoples and others – live and work together, and elected officials above all have a responsibility to contribute to peace and reconciliation.

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Ladies and Gentlemen,

The challenges we face in BiH include perhaps the biggest challenge of all, one of the most crucial principles of democracy: Rule of Law. As we look back at our work we must ask ourselves whether we prioritized issues correctly. With hindsight, a far greater emphasis should have been placed on the Rule of Law at the very outset of the peace process. Almost twenty-three years on, it is clear that major progress is still required to entrench the Rule of Law.

Bosnia and Herzegovina's judicial institutions are today the subject of unprecedented levels of public and behind the scenes pressure, rather than the effective oversight that they should be subject to. Not only does this blatant pressure need to stop, but it needs to be replaced by a decisive commitment to strengthen the judiciary at all levels, while at the same time advancing reforms that will ensure more effective oversight of individual cases.

Unfortunately, the political class continues to show a worrying disregard when it comes to the implementation of Constitutional Court rulings, as well as European Court of Human Rights decisions. Prominent elected officials continue to ignore or reject the final and binding decisions of state-level courts and corruption is prevalent in the political system.

These two elements came together in a recent case concerning the state-level judiciary. In July 2017, the BiH Constitutional Court declared as unconstitutional several provisions of the BiH Criminal Procedure Code. As the deadline of six months has passed without the BiH Parliament correcting the issue, the Court could soon rule on non-enforcement, leaving the BiH judiciary without the tools necessary for fighting organized crime and corruption.

It is unfortunate that some political parties object to the adoption of amendments in line with international standards. And it is very telling that the parties which oppose that are

those same parties which challenge the state-level and the current arrangements in the Federation BiH.

Another prime example of chronic non-implementation of court rulings is the “Sejdic-Finci” case. The lawmakers failed to introduce the necessary constitutional changes following the 2009 ruling of the European Court of Human Rights in the Sejdic-Finci case; BiH citizens who don’t belong to one of the three constituent peoples, such as Jewish and Roma people, are still ineligible to stand for election to the House of Peoples or the Presidency.

We as an international community should not have a double standard in Bosnia and Herzegovina. We need to insist more forcefully that the European values we consider vital to our own democracies, like equality – “egalite” as the French say, are maintained in Bosnia and Herzegovina.

In Mostar, the last local election was held 10 years ago, since the political parties are still unable to implement a 2010 decision of the BiH Constitutional Court which deemed certain provisions of the Election Law unconstitutional, depriving citizens in Mostar of the basic democratic right to elect their local representatives. I am encouraged by the fact that representatives of several political parties in Mostar have started meeting on their own initiative in Mostar, in what appears to be a sincere attempt to finally resolve this issue. I urge the parties to reach a compromise that would enable the citizens of Mostar to enjoy the same democratic right to elect their local leaders as the citizens in the rest of the country enjoy.

Finally, the country is likely to face a crisis in the election year, because once again the political actors are reluctant to compromise and introduce necessary changes following a decision by the Constitutional Court. In 2017 the Court stroke down provisions of the election law on indirect elections to one of the chambers of the Federation parliament

– the House of Peoples and now the state-level parliament needs to adopt amendments to the law. Electoral reform issue is the single most serious political challenge we are facing at the moment considering that, in the absence of a compromise, the formation of authorities throughout the country after the elections could prove extremely difficult.

The European Union and the United States are currently working to facilitate an agreement between the main political parties on this issue, and my Office supports them in this effort. But the ultimate responsibility lies with political leaders. A range of possible solutions exists which can accommodate a compromise, if the main parties are willing to step back from maximalist demands and negotiate in good faith. But time is running out.

Here, I would like to draw your attention to a related issue, the one of too frequent elections and opportunities missed because of it.

As we sought to advance democracy in Bosnia and Herzegovina, a central component of our strategy was holding frequent elections, but it has probably reached its limits in terms of promoting change.

The holding of general and local elections alternately every two years has its downsides: Too much time is lost on election campaigns and this limits the “windows of opportunity” to adopt and implement difficult reforms, be it the reforms needed for EU integration or the reforms required by aforementioned court rulings, free from elections and election campaigning.

With the country facing some challenging reforms in the future, the time may have come to have a change of approach and to harmonize the municipal and general election cycles so these elections are held during the same year. This might also raise voter turnout, especially if we can limit the scope for

fraud, not least by using e-technology.

Ladies and Gentlemen,

Another lesson which I think we can learn from our engagement in Bosnia and Herzegovina relates to the need for a greater emphasis on Human Security.

In Bosnia and Herzegovina human security has not received enough attention. In particular, education and reconciliation are areas where not enough progress has been made. As a result of this, generation after generation appears to be locked into a system and a narrative of division, mistrust and fear.

Genuine reconciliation and the reintegration of the country and its society are not only desirable, they are absolutely essential. The EU should urgently look at how it can advance integration and push back on division and segregation. Within Bosnia and Herzegovina there are people like Nelson Mandela, like Willy Brandt.

There is much work to be done to achieve real reconciliation. When we compare it to the situation between Germany and France in the post-World War II years, to the relations that were forged between two countries who had fought so bitterly, the contrast is a stark one. There is no equivalent of the Arte station between France and Germany, just to take one small example.

Education is one area where we must be far more ready to challenge local political forces that would segregate young people.

One idea which I have advanced is to have something like an Erasmus programme within Bosnia and Herzegovina and between the countries of the Western Balkans.

Ladies and gentlemen,

Vision matters and it builds constituencies for change. There

is no doubt that a genuine belief both within the political class and the general public that Euro-Atlantic integration was possible was central to the remarkable progress that was made between 2002 and 2005.

This belief has faded badly in the intervening period but now I am glad to say it has been revived. In February this year not one but two developments gave hope to the people of Bosnia and Herzegovina. First, the Western Balkans Strategy of the EU was announced, reiterating the EU's commitment to the countries of the Region, and at the end of the month, answers to the EU Questionnaire were handed over to the President of the EU Commission, Mr. Juncker, during his visit to Sarajevo.

Understandably, people once again have high hopes regarding the EU membership of the country. They expect that the EU will soon accept the candidacy of Bosnia and Herzegovina. It is now vital that this is taken forwards in a manner that goes beyond the dry technicalities of the *acquis*, emphasizing instead a refreshed vision for the country that is relevant to its citizens.

I believe that one of the strongest cases for EU membership is still not being made; EU membership will meet the aspirations of many Bosniaks, Serbs and Croats to live together in one union, the European Union, without borders. This is a vision that even those who put ethnic agendas first can buy into.

I know fences are going up along borders these days, but I firmly believe this will not last and the countries of the region will one day be fully integrated into the EU and free from borders between them.

It is here that the International Community needs to do a better job. We, especially the EU, should try to better explain the virtues of EU membership, patiently and undaunted by the pessimism and cynicism that often dominate these discussions in a time when attacking the EU for its supposed

deficiencies is all too easy.

We should also not overestimate the power of EU membership dreams and never think that people's hopes alone are enough for them to be motivated to accomplish necessary reforms. People need more than just abstract targets; they need to see concrete improvements in their daily lives and we need to convince them that the EU membership is the most plausible way to achieve these improvements, if not the only way.

Ladies and gentlemen,

Over the years, the tendency has been for the political debate to be projected through the ethnic prism and to be reduced to the issue of constitutional competences rather than seeking to find practical ways to tackle the challenges facing the country, be it the crumbling health system or the unsustainable pension system. All too frequently over the last ten years, initiatives for positive, practical change were hijacked by the politics of the past rather than being taken forward in order to deliver concrete practical benefits for citizens.

Maybe now is the time for a paradigm shift and a change in approach to once again make major progress in Bosnia and Herzegovina. With notable progress having been made to support and nurture a vibrant civil society, the conditions are now slowly falling into place for issues to be discussed in a different way and in greater partnership with those outside government, as well as within the closed confines of the political establishment.

We desperately need the issues to be once again approached from a different angle and with a greater emphasis on advancing core values. Environmental issues, education, human rights and fight against corruption are all examples of areas which would benefit immensely from a more open, practical and less politicized debate.

Look for example at the long list of Human Rights and Fundamental Freedoms articulated under Article II of the BiH Constitution. Isn't it time for Bosnia and Herzegovina to openly debate whether these basic rights and values embedded so firmly and clearly in the constitution are being respected or whether changes need to be made to ensure they become a reality for every citizen, regardless of their ethnic background or where they live in the country?

It would be wrong of me to avoid the issue of constitutional changes. While not the priority at the moment, we all know they will be required in the future.

Let's be clear, the vast majority of the changes that Bosnia and Herzegovina needs to deliver will be done through legislative changes, but there will be times when the constitution will need to change as Bosnia and Herzegovina moves forward and the country seeks to establish the level of functionality that is required to meet EU and NATO standards and to raise living standards for its citizens beyond those that prevail today.

If we are to succeed there will need to be a fundamental change in approach to constitutional change and a fundamental change to the perception that has been created by political elites that changes to the BiH Constitution will somehow threaten the existence of entire constituent peoples. This has instilled a sense of fear in the population when it comes to constitutional changes.

There is clearly no room for fear. The only amendments to the Constitution of Bosnia and Herzegovina that are going to be adopted are those adopted in line with the procedures set forth in the BiH Constitution and which clearly require the support from representatives from all three constituent peoples.

Ladies and Gentlemen,

Almost twenty-three years ago Bosnia and Herzegovina began its long journey, a journey which has yet to be completed, to build lasting peace and stability from the ashes of a brutal war and the worst atrocities that the European continent has seen since the end of the Second World War.

Lest we forget, the country that still stood in 1995 was a country heavily and brutally scarred, but a country that believed that the future could only be better than the misery of the war it had emerged from.

Much of that optimism, which was at record highs in 2005 when Bosnia and Herzegovina was making so many huge steps forward, has been lost in the following period. It now stands as a major challenge before us as we seek to energise the generations that are coming through to build the Bosnia and Herzegovina we all want for them and the generations that will follow them.

This is of crucial importance to them, but it is also of strategic importance to us because almost twenty-three years after the Peace Agreement was signed, we need Bosnia and Herzegovina to remain as a symbol of enduring peace and stability in its region.

The progress that has been achieved, especially during the first ten years of the peace implementation, was remarkable, but it will count for little if the job in Bosnia and Herzegovina is not completed.

While Bosnia and Herzegovina must now itself deliver the steps that are necessary to move the country forwards, the International Community must continue to play its role and to meet its obligations to ensure respect for the Peace Agreement that ensures the basic stability that is necessary for the country to advance.

However, it must also go beyond this and draw lessons from the first ten years of peace implementation so that it can be more

effective in guiding the country in the right direction as it seeks to advance down the Euro-Atlantic path.

There needs to be a change in the way politics is conducted within the country and it needs to come from the politicians themselves, but we as an international community, individually and collectively, have an interest in encouraging this change.

In the current environment, we need to maintain all of the tools at our disposal to prevent any further deterioration of the situation. I am thinking here about the civilian and military executive mandates.

I also believe that we should be ready to be more prescriptive about the reforms that are needed to take the country forward and more ready to respond against words and actions by leading political figures when they risk further destabilizing the political and security environment.

And finally, I would appeal to the International Community to be united in our approach and coordinated in our efforts. After all, we share the same goal: a united, stable and prosperous Bosnia and Herzegovina.

Thank you.