

# Remarks by High Representative Valentin Inzko to the United Nations Security Council



*Check against delivery*

Madam President, Distinguished Members of the Council,

It is my honor to address this distinguished body today. In an ever-changing and frequently turbulent global environment, with so many important agenda items facing the Council, it is of utmost importance that Bosnia and Herzegovina not be forgotten. Thank you sincerely for your continued attention and interest!

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In May, I reported to this Council on the many months of efforts to build political coalitions and form the authorities at the State and Federation levels, following the October 2018 General Elections.

At that time, despite clear differences between the majority political parties, I would not have believed that I would be standing before you again six months later to report that this process has failed. While the parties in Republika Srpska formed the authorities soon after the elections last year and function properly, the State remains without a newly-appointed

Council of Ministers, and the Federation remains without a newly-appointed Government.

Furthermore, the Council of Ministers from the previous mandate continues to function, but it remains hamstrung by the politically calculated, unnecessary, blockade of the BiH Parliamentary Assembly.

This means that no new legislation can be adopted, including the State Budget. The State is therefore forced to operate on quarterly temporary financing, which severely limits the scope of its activities and its ability to effectively deal with emerging issues, such as the migrant crisis.

Here, I would also recall the longstanding policy of Republika Srpska of starving out the state-level institutions of BiH by putting an unreasonable cap on the state-level budget since 2012, while at the same increasing its own budget. I would also like to draw your attention to a clear lack of substantive fiscal coordination in BiH and the related blockade of the fiscal coordination body, called the Fiscal Council.

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In May, the European Commission delivered its Opinion on Bosnia and Herzegovina's application to become a European Union Member State. The Commission set out 14 key areas in which Bosnia and Herzegovina must improve as part of the process to open talks on accession.

As the goal of EU membership is one of the very few areas where there seems to be consensus across the political spectrum, this should have been a milestone on Bosnia and Herzegovina's European path, with the political leaders rallying to meet the challenge. However, the failure to form the authorities and the ongoing blockage of the State Parliament hinder any possibility for Bosnia and Herzegovina to enact the necessary reforms to improve in the key areas as

set out in the Opinion.

In the EU-related context, I warmly welcome the recently appointed EU Special Representative in BiH, Johann Sattler, and wish him the best of luck.

As you will also recall, following my previous address to the UN Security Council, numerous members rightfully called on the authorities of Bosnia and Herzegovina to implement the 5+2 Agenda, which are the five objectives and two conditions to be fulfilled prior to the closure of the Office of the High Representative and the end of my mandate.

Nonetheless, the lack of authorities and a functional State Parliament means that not only has there been no progress towards implementing the 5+2 Agenda, but the same forces that work to block the Parliament have also actively engaged to roll back previous progress and key reforms in this regard. We are moving away from the implementation of the 5+2 agenda, not towards it.

Moreover, the Republika Srpska authorities have announced a session of their National Assembly later this month, in which they will discuss decisions of the High Representative. Senior RS officials have previously questioned the authority of the High Representative and the validity of decisions that established or helped to establish State-level institutions, and have suggested that Republika Srpska might withdraw from those institutions, regardless of their ratification by State and Entity Parliaments.

The withdrawal even from a single institution would have grave effects on the State's sovereignty. I will monitor these developments and report to the Peace Implementation Council Steering Board and, if necessary, the Security Council.

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What is also worrying is that these destructive moves occur

against a backdrop of continued divisive, destabilizing rhetoric from many of the same political leaders who claim to be committed to Bosnia and Herzegovina's European path.

Some political leaders from Republika Srpska have continued to make statements expressing separatist tendencies or predicting the dissolution of Bosnia and Herzegovina, while some Croat representatives seek a territorial rearrangement of the country. At the same time, the biggest Bosniak party again, as in 2015, adopted the party platform advocating the Republic of Bosnia and Herzegovina – if agreed in the Parliament – which was also not helpful under the circumstances.

In this political environment, we must also be concerned with the potential militarization of police forces in the Republika Srpska. This sends an alarming signal to the public. The international community needs to closely monitor this issue against separatist rhetoric and actions in BiH. We do not need a police arms race. Rather, we need less police, not more.

But what is most reprehensible is revisionism or outright denial when it comes to the issue of genocide, which, in the case of Srebrenica, is a legal fact as confirmed in judgments of both international and domestic judicial bodies – including the ICTY, which was established by this very body in 1993.

I want to use this opportunity to again say: As established by the ICTY, genocide was perpetrated in Srebrenica in 1995! Nothing and no one can change this fact.

I would also like to thank all those individuals and organizations who keep the truth about Srebrenica alive and continue to search for justice, particularly the Mothers of Srebrenica. The Mothers deserve our deep appreciation and respect.

To honor the victims of genocide, the Parliamentary Assembly of Bosnia and Herzegovina must introduce legislation that addresses genocide denial and the glorification and

memorialization of war criminals. That will be a focus of mine in the coming period as we approach 2020, marking 25 years since the July 1995 Srebrenica Genocide.

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Ladies and Gentlemen,

December 22 of this year marks the 10<sup>th</sup> anniversary of the European Court of Human Rights' judgment in the case of "Sejdic and Finci vs. Bosnia and Herzegovina." Dervo Sejdic, a Roma, and Jakob Finci, a Jew, both citizens of Bosnia and Herzegovina, contested the provisions of the BiH Constitution providing that posts in the BiH Presidency and in the BiH House of Peoples are reserved exclusively for Bosniaks, Serbs and Croats and thus discriminated against them by leaving them ineligible to stand for election for either body.

Moreover, recent proposals for electoral reforms particularly on the part of Croat political parties seek to attain so-called "legitimate representation," by which ethnic representatives in the BiH Presidency and the State and Federation Houses of Peoples could only be elected through constituencies of the same ethnicity. These proposals move even further away from implementing the "Sejdic-Finci" judgment.

Similarly, 26 November of this year marks the 9<sup>th</sup> anniversary of the BiH Constitutional Court's ruling of 2010 that certain provisions in the BiH Election Law pertaining to the City of Mostar were not in harmony with the BiH Constitution. Unfortunately, as a result of the BiH Parliament's failure to adopt necessary changes to the Law, the ruling remains unimplemented and Mostar has not held local elections since 2008, which remains a black eye on BiH's democratic record.

Most recently, the European Court of Human Rights has ruled that the failure of the authorities to act has prevented a

citizen from voting in or standing for local elections, amounting to discrimination on the basis of her place of residence. Moreover, the Court found that the authorities' failure has created a legal void in which Mostar has, since 2012, been governed by a mayor who does not have the requisite democratic legitimacy.

I call on the BiH Parliamentary Assembly and political leaders to implement this judgment, and other judgments, as a matter of priority and independently of other issues by finding a political agreement to amend the BiH Election Law. BiH must be a state based on the rule of law, as prioritized in the Dayton Peace Agreement.

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Ladies and Gentlemen,

The rule of law and the fight against corruption should be a priority for Bosnia and Herzegovina. Public opinion polls show that 3/4 of the citizens of Bosnia and Herzegovina are extremely or mostly dissatisfied with the rule of law situation and the work of judicial institutions. Accordingly, I will make the rule of law and the functionality of judicial institutions my priority, together with the international community in Bosnia and Herzegovina, in the coming period.

The unbridled disrespect for the rule of law does not occur in a vacuum. Dissatisfaction with the legal system is one of the leading reasons for the brain drain that Bosnia and Herzegovina is experiencing. Another case in point being the tragic and still-unsolved murder of the young David Dragicevic in Banja Luka, almost two years ago.

Data from the World Bank Group's Fall 2019 "Migration and Brain Drain" Economic Update for Europe and Central Asia suggests that almost half of Bosnia and Herzegovina's population has permanently emigrated from the country. According to the World Bank the main domestic risk is the

challenging political environment, which makes structural reforms difficult.

In simple terms, people want not only jobs; they also want political stability and justice.

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Respected Members of the Security Council,

Next year, we will mark 25 years of the Dayton Peace Agreement. Unfortunately, these 25 years have not met the expectations of many citizens of Bosnia and Herzegovina or the international community.

Bosnia and Herzegovina has proven to have serious problems related to its functionality, the rule of law and the fight against corruption, the freedom of media and in many other areas, which reflect the pervasiveness of separatism and divisive policies in the country, and the general lack of focus of the country's political elite on issues of real importance to citizens.

This includes gender equality, having in mind that salaries for women are on average just 50 percent of salaries for men, and women are also severely underrepresented in the political sphere, despite a legal obligation for 40 percent representation in the institutions. We should remember that women in conflict worldwide suffer greatly, and it is time the International Community and above all the BiH politicians prioritize gender issues. I will look into this matter and encourage a more thorough discussion.

The fundamental issue that we must all consider is not only how do we help Bosnia and Herzegovina continue to face its challenges going forward, but more importantly, how do we prevent Bosnia and Herzegovina from going backward? The current trends and various public pronouncements certainly indicate an ongoing effort to roll back the reforms that have

carried the country this far.

In this regard, it is now more important than ever to preserve the Dayton structure and the tools at the disposal of the international community, including the authorities, granted to the High Representative under the General Framework Agreement and United Nations Security Council resolutions, and including EUFOR as well. It is of utmost importance that the international community work in unity to preserve its investments over the past two decades and, above all, deliver on the promise of a better future for the citizens of Bosnia and Herzegovina.

As I have previously suggested, we must recognize backsliding when it occurs, and in such instances, acknowledge that our mission is not yet complete.

Thank you.