

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



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Mr President, Distinguished Members of the Council,

Allow me at the beginning to personally wish each of you good health and your respective countries success in overcoming the ongoing pandemic. I am grateful that the Council is still willing and able to devote its time to a discussion on Bosnia and Herzegovina, which still requires our attention and commitment.

As I noted in my report, Bosnia and Herzegovina, like most of our countries, is currently in the midst of the COVID-19 pandemic. While it is still too early to make a thorough assessment, I am pleased to report that so far, the country has apparently managed to avoid the widespread outbreaks and significant loss of life that has befallen some other countries.

While both entities, the Federation and Republika Srpska, took appropriate and early measures, and initially showed preparedness to work together, including with the state level, the country ultimately has not succeeded yet in establishing a functional coordination mechanism to fight the health crisis

and appropriately coordinate measures to deal with its economic consequences. As a result of the lack of coordination, there are currently different levels of measures applied in each entity, and it so far does not appear that there is no countrywide plan to mitigate the economic setbacks.

In this crisis, the international community has done an excellent job of assisting BiH by providing financial and material assistance to the BiH authorities at all levels of government. On the other hand, the authorities in BiH to date have failed to reach a political agreement on the distribution of IMF financial assistance. Yet one of the bigger challenges for the country is how to minimize corruption risks related to the management of international financial and material assistance. While the BiH authorities must investigate and process these allegations, I strongly recommend to colleagues in the international community to set up international community-run mechanisms to track their financial and material assistance to avoid profiteering.

Now, I would like to acknowledge a significant development that occurred since I completed my report.

On 28 April, the Presidency of Bosnia and Herzegovina announced the launching of the process to implement the 14 key priorities in the European Commission's May 2019 *Opinion on BiH's Application for EU Membership*.

In doing so, the Presidency reaffirmed Bosnia and Herzegovina's commitment to EU membership as a strategic foreign policy goal and a priority. The Presidency established an ad hoc Political Working Group. This group the day before yesterday adopted a clear road map for the implementation of the EU-related priorities.

This is the result of the efforts of the EU and its

international partners, and I applaud them and wish every success for this endeavour which is even more significant ahead of the Western Balkans Summit in Zagreb, which also begins today.

Ladies and Gentlemen,

I am concerned, however, that some political parties in Bosnia and Herzegovina will soon return to the pre-pandemic status quo, in which decision-making at the State level was blocked by parties of the governing coalition in Republika Srpska. With the blockade, these parties tried to force a discussion on the removal of the foreign judges of the BiH Constitutional Court. Should the foreign judges leave the BiH Constitutional Court, some political parties that aim to dismantle the existing arrangements in BiH would *de facto* gain political control over the Court. In such case, they could enforce their separatist or third entity agendas with the assistance of the court. They could even constitutionalize such decisions.

For this reason, I fully support the appointment of Professor Angelika Nußberger, an outstanding lawyer, a German national, to the BiH Constitutional Court, and look forward to further continuation of the work of international judges. All this is based, of course, on the BiH Constitution and the Dayton Peace Accords.

I would also like to report that, while the RS Government was appointed quickly as the first govt after the elections in 2018. Regretfully, the new Federation Government has not been appointed more than 18 months since the October 2018 General Elections, as one political party continues to condition the establishment of the government with changes to the BiH Election Law.

Also, the citizens of Mostar have been deprived of their right to vote in local elections for more than 10 years, and it is

the fifth biggest city in BiH. Also, the European Court of Human Rights' ruling in the Sejdic-Finci case remains unimplemented after more than 10 years. Other related human rights judgments also remain unimplemented, one of them being that Serbs must have equal status in Herzegovina-Neretva Canton where they are not recognized as a constituent people. So also the Serbs must get the same status as the other two constituent peoples in Herzegovina-Neretva Canton, where only two constituent peoples are recognized – the Croats and the Bosniaks – but not the Serbs. This decision has also not been implemented for ten years.

Ladies and Gentlemen,

Bosnia and Herzegovina is due to hold municipal elections in October of this year. The Central Election Commission has warned that, due the failure to adopt the State budget for the year 2020, it may be unable to proceed with the necessary preparations that should begin by the time it announces the elections, which it is legally obliged to do by tomorrow, 7 May. However, we are now in the month of May and we still only have a temporary budget. To have additional funds for the elections we need a regular budget and hope that such regular budget will be adopted by the end of May.

The Central Election Commission has also warned that some of the required preparatory activities for elections, and possibly the elections themselves, may not be carried out on schedule due to conditions and restrictions caused by the pandemic. It has proposed legislation that would give it the possibility to delay the elections by longer than the current possibly prescribed by law, approximately by one month.

It appears that the work of the Central Election Commission is even more challenging, as some political parties challenge the election of new CEC members. As a consequence, some political

parties and institutions controlled by these parties refuse to cooperate with the CEC, which is unacceptable. There are pending court cases challenging the election of CEC members, which will clarify their legality. Until a court ruling, those members shall remain in their positions and all institutions and parties should cooperate with the CEC and its members.

Dear colleagues,

This year will mark several important anniversaries. In July, we will commemorate 25 years since the Srebrenica Genocide. Measures related to pandemic may make it necessary to reduce the scale of commemorative events, but the tragedy nonetheless looms large in our collective memory. International courts have ruled that what happened at Srebrenica in July 1995 was genocide, and nothing can change that. This was the ICTY court which was established in 1993 by Security Council. No one can rewrite history. But in Bosnia and Herzegovina, there are still some who deny the genocide, who reject war crimes verdicts and who glorify convicted war criminals that are getting monuments and having student dormitories named after them. This must stop. I urge all peoples to recognize each other's suffering – everyone suffered, absolutely – and come together to mourn. There is probably also a need to legally regulate the issue of genocide and holocaust denial.

October this year will mark 20 years since UN Security Council Resolution 1325, the landmark resolution affirming the role of women in conflict prevention and resolution, peacebuilding, peacekeeping, humanitarian response and in post-conflict reconstruction. In this respect, I commend the State-level Ministry for Human Rights and Refugees' Agency for Gender Equality for maintaining the UNSCR 1325 Action Plan Coordination Body.

Lastly, November will mark 25 years since the General

Framework Agreement for Peace was reached in Dayton, and December will mark 25 years since its signing in Paris. In the spirit of renewing commitments, the authorities of Bosnia and Herzegovina, and the international community, should recommit to preserving the Dayton structure through strengthening the State-level institutions and the competencies they have assumed in accordance with State's prerogatives under the Constitution of Bosnia and Herzegovina. This does not mean centralization but strengthening the functionality of the state.

We should recall that the first lines of the preamble to the Constitution of Bosnia and Herzegovina stress the importance of respect for human dignity, liberty, and equality, as well as peace, justice, tolerance and reconciliation. The sooner that the parties fully commit to these values, the sooner my mission will be complete.

And, above all, BiH must improve the rule of law and the fight against the big pandemic called corruption. This is the cornerstone of democracy and functionality of any country. Young people tell me now that they are leaving Bosnia and Herzegovina not because they have no jobs, but because of the lack of rule of law. I think we have to pay more attention to this issue. I am encouraged to see that BiH officials have recommitted themselves to the implementation of EU priorities to change certain legislation in this area. But this is clearly not enough. The rule of law is not only about adopting legislation; it is about the full implementation of this legislation. It is an ongoing commitment, the state of mind, and a way of life.

Ladies and Gentlemen,

The international community must not lose sight of what is at stake in Bosnia and Herzegovina and work together to preserve its collective investments in time and money over the last 25 years – not for their own sake, but in honour of the lives

that were lost during the conflict and in honour of those who survived and are still hoping for a better future for themselves and future generations. We should be patient with BiH and cautious about changing the international setup in BiH. We should as the international community work together. Unity is our biggest strength. This is the only recipe for success in our efforts to ensure the long-term stability and viability of the BiH state.

In the end, dear colleagues, allow me to recall that in many countries of the world, we are commemorating the end of World War II these days and are grateful to the Allied Forces who defeated Nazism. This happened also in my own country Austria, and our gratitude is expressed in many monuments constructed 75 years ago.

In Austria, the Allied Forces stayed some 10 years and oversaw the return of democracy. They prevented a revival of fascism and supported our impoverished country with the Marshall Plan. On a wider scale, the one-time greatest enemies, France and Germany, are now not only pillars of the European Union, but global pillars of peace and stability. This should never be forgotten.

There can be no better example of reconciliation and forward-looking agendas. Here I have in mind also the situation in Bosnia Herzegovina, where ultimately – peace, stability and prosperity will prevail.

Thank you.