

Weekly column by Christian Schwarz-Schilling, High Representative for BiH: “Turning the Page”

This has been a good week for the institutions of Bosnia and Herzegovina that have been entrusted by the United Nations with responsibility for implementing the solution reached by the UN Security Council with regard to police officers denied certification.

My position in regard to police officials denied certification by the UN International Police Task Force has always been clear. The United Nations needed to listen to their demands and I made this matter one of my priorities as High Representative and EU Special Representative. I raised this issue in key international forums, including to the UN Security Council, and despatched key staff to the United Nations three times during the past ten months to help search for a solution.

To be sure, this week's solution was not what I had lobbied for. I had called for a solution based on the opinion of the Venice Commission, that is a UN-led review process. The Office of the High Representative and EU Special Representative (OHR/EUSR) worked hard to persuade the United Nations that this was the way to go, in close coordination with the Government of Bosnia and Herzegovina and, in particular, then Minister for Refugees, Mirsad Kebo.

As we all know, the United Nations did not accept this approach. But now my assessment is clear: What the UN Security Council has offered represents the best possible solution and it goes beyond what many of us in Sarajevo had expected.

The solution offered depends on strict conditions being applied, as made clear in the letter by the President of the UN Security Council. Specifically, the letter refers to the current recruitment grounds and procedures as contained in the current Law on Police Officials of Bosnia and Herzegovina. As the OHR understands this matter, these recruitment grounds and procedures must be applied. Existing legislation must be amended – as in the case of the State Law on Police Officials – to allow persons who were denied certification to be eligible to apply for vacant positions. Where there is no such legislation in place – as in Republika Srpska, Brcko and four Cantons – appropriate laws must be adopted.

One issue that remained a matter of discussion until very late was whether the usual age limit for recruitment into the police – 35 years – should be applied for this particular group. Both OHR/EUSR and the Council of Europe argued strongly that in this case the age limit should be dropped, and the UN Security Council eventually accepted this view.

Once the UN Security Council conditions have been met, individuals denied certification by the IPTF will be eligible to apply for vacant positions in law-enforcement agencies. The recruitment process must be conducted by the relevant police body as required by applicable legislation. By contrast, the UN Security Council has made it clear that there must be no review process.

Some individuals will inevitably feel disappointed with the limitations of this solution. But it is important to understand that this is a victory for and a vote of confidence in Bosnia and Herzegovina. It would not have been possible to come to this solution had it not been for a great deal of hard work – by Bosnia and Herzegovina's institutions, the OHR/EUSR, the Council of Europe, the EU Police Mission, and, of course, by the associations of decertified police themselves. The United Kingdom has also played an extremely positive role in bringing this solution about as President of the UN Security Council last month. Critically, the United Nations has recognised that Bosnia and Herzegovina's authorities have made sufficient progress to take over the task of ensuring that police in this country meet the highest professional standards.

Bosnia and Herzegovina's institutions must now create the conditions to implement the UN Security Council's offer and the Council of Ministers should clarify the details of the solution as soon as possible. After years of discussion and negotiation, no time should be wasted.

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