

Remarks by the High Representative for BiH, Paddy Ashdown, to the UN Security Council

Seven months ago, when I last spoke to the Council, I said that the following period would be decisive.

Would the political leadership of BiH seize the opportunity to show that the country has become a viable State, irreversibly on course to European and Euro-Atlantic integration?

And as predicted, decisive it was.

You have before you our detailed report on developments in BiH over the first half of this year. But things have moved on considerably since then.

There is a huge difference between where BiH stood in June, and where it now stands just a week away from the 10th Anniversary of the signing of the Dayton Peace Accords.

BiH has done what many said was impossible even a year ago, let alone at the start of my mandate in May 2002.

For the country now stands at the gates of Europe .

EU Foreign Ministers announced on 8 November that they welcomed the recommendation from the European Commission to start drawing up a negotiating mandate for BiH's Stabilisation and Association Agreement. If all goes to plan, SAA process negotiations will be approved at the 21 November General Affairs and External Relations Council in Brussels – a fitting anniversary present.

When that happens, BiH will join the rest of the region on the journey towards EU Accession.

This is truly a remarkable achievement for a country as war torn as Bosnia and Herzegovina was just 10 years ago.

Mr. Chairman, this is my last report to the UN Security Council as High Representative for Bosnia and Herzegovina . In addition to updating the Council on the highlights of the reporting period, I would like to share with you my impressions about how far BiH has come since 1995.

I would also like to take this opportunity to thank the Secretary General and the Security Council for the support I have received during the three and a half years of my mandate.

Ten years after Bosnia and Herzegovina 's brutal war, the country has acquired the framework of a modern European State . The scale of this achievement can be judged if we cast our minds back BiH in 1995, with a people traumatized by mass murder and ethnic cleansing and contending with the material deprivation wrought by a collapsed infrastructure and a moribund economy.

Progress has been real and substantial. Moreover, it has been utterly dependent on the fortitude, hard work and good sense of the peoples of BiH – they are the true heroes of this transformation.

At the start of 2005, BiH stood at a crossroads. For much of the year it was far from clear which direction it would take.

In June, progress appeared to have stalled. Obstructionism – particularly, but not exclusively from the RS government – was rife. Most key State-level reforms were blocked.

The ICTY Chief Prosecutor, Carla del Ponte, had highlighted the need to tackle systemic weaknesses in BiH's security

institutions. Although defence reform proceeded, despite repeated efforts by the IC and the Council of Ministers to find a way round the impasse, the RS refused to agree to police restructuring

Most importantly, the failure to agree to police reform and the HDZ's blockage of the passage of Public Broadcasting legislation meant that the remaining requirements for BiH to begin SAA negotiations with the EU remained unfulfilled.

So when Serbia and Montenegro met the conditions of the EU's Feasibility Study on 5 October, BiH became the only country in the Balkans that had no contractual relationship with the EU.

Mr. Chairman, the last time I addressed the Council I said that seasoned observers had a right to be skeptical about the prospects for a change of heart on the part of the RS leadership.

Skepticism was appropriate in June.

But we have now moved into more promising territory.

Thanks to a combination of some enlightened local leadership and consistent IC pressure, the major obstacles to Euro-Atlantic integration have been overcome.

Defence reform has succeeded beyond all expectations. A consensus has been built – and maintained – that has enabled the transfer of all defence responsibilities and personnel to the state, the abolition of conscription, and the establishment of a small reserve force to back up the downsized professional army. The three former armies are being melded into a single, NATO-compatible military force of 12,000 under one (Bosnian Serb) defence minister.

But whereas the armed forces are essentially one remove from popular perceptions of day-to-day security, the police are viewed by many as protectors of the local community. Whether

you trust the police or not will determine where and in which community you live – this is an issue that has a direct bearing on refugee return and on reconciliation.

Police Reform was always going to be extremely sensitive.

The EU, backed by the IC – and especially the United States, made it very clear that the remaining conditions for BiH to begin SAA talks were non-negotiable and not about to change. The breakthrough on police reform that came in October occurred because BiH's leaders grasped the meaning of this and were not prepared to risk isolation and exclusion from the European process.

When they realized that we were serious, *they* got serious.

The Entity and State parliaments have, as a result, endorsed a political agreement on police restructuring in line with the EC's principles.

Once implemented, it will provide the basis for a modern and effective State-level police force, free from political interference and working without the constraints of ethnic boundaries.

I won't pretend it has been easy to get where we are today. The aspiration of EU membership has been a powerful draw. But it has taken consistent and united IC pressure over the last 10 years to bring BiH to the gates of the EU and NATO.

Nowhere more so than in the area of the ICTY.

When I spoke to you in March, I welcomed the progress that had been made on ICTY co-operation. Today, only five of those indicted for crimes committed in Bosnia and Herzegovina are still at large. The RS authorities have transferred or assisted Belgrade in the transfer of 12 indictees this year.

This is huge step forward.

However, another anniversary of the massacre at Srebrenica has now passed without the transfer of the most wanted on that list five, Radovan Karadzic and Ratko Mladic.

We need to signal, at this tenth Anniversary of Dayton, our determination to ensure that this chapter of BiH's history is closed. Without the transfer of Karadzic and Mladic, justice will not have been done, and the Balkans will not be able to enter fully this new, European phase of its history.

Because BiH's future can only be built on truth and accountability.

A small step towards this has been taken in Mostar.

This time last year I reported on the re-opening of the Mostar bridge, a powerful symbol of reconciliation. At the end of this month, the OHR unit dedicated to supporting the re-integration of Mostar will be closed, having successfully completed its work. Most of Mostar's municipal institutions have been unified or are in the process of being unified. A majority of local civil service positions have now been filled, under the new EU-standard Civil Service Law. Nevertheless, a small but worrying number of the most sensitive issues, such as street names and the ownership of the local Croat television station, have still to be resolved. They should be soon.

So, there is still more work to be done, and hardliners continue to try to disrupt the process by placing the interests of ethnic division above the interests of Mostar and its long suffering citizens.

Despite these last yet-to-be-completed tasks the Mostar process has proved that there is far more that unites the people of Bosnia and Herzegovina than divides them.

So, the opening of SAA negotiations this year will mark a decisive break with the past. The key is whether the

opportunities created by the launch of the SAA process will be seized.

Sustainability and Functionality are now the watchwords.

The last 12 months have demonstrated that there *is* the political will to meet the requirements of Euro-Atlantic integration. But in many cases the really hard part of the reform process – implementation – is only now beginning.

BiH is now moving decisively from peace implementation to the marathon task of establishing good governance and the achievement of European standards on the way to European membership

That is something that the IC cannot do for BiH.

It is not our job.

Our task has been to enable – to create viable institutions and place them in a coherent legislative and practical framework.

It is up to the citizens of BiH to make these institutions work and to expand and strengthen this framework.

In this context, there has been much talk of the relevance of the Dayton Constitution.

There is a growing consensus that the Dayton construct in its present form, while remaining essential as a foundation for peace, has nevertheless reached the end of its utility as a framework for the next phase of the reform process. BiH needs now to consider the post Dayton era and to find a new template, within the European Stability and Association Process, to move forward.

I subscribe to this view. Dayton achieved what it was designed to achieve. It ended the war and it established a framework in which postwar recovery could begin.

That it now needs adapting reflects the extent of BiH's progress towards a normal and prosperous European future.

Here it's not just a question of Euro-Atlantic integration. The people of Bosnia and Herzegovina are entitled to demand a government that is accountable and efficient. No state can win the loyalty of its citizens when it spends 70 percent of their taxes on government and only 30 percent on services.

Constitutional change is now possible – and so is a fundamental change in the role of the International Community.

The signing of the SAA should herald the end of heavyweight international intervention in BiH. We must take a step back. Our posture should turn from one of pushing reform to one of supporting it.

The Peace Implementation Council has made it clear that once SAA negotiations are underway it is ready to begin phasing out the use of the Bonn Powers and replacing the OHR with an EUSR-led structure. This transition could begin before the end of this year, even by the time BiH goes to the polls in October 2006.

I fully support this. The Bonn Powers have worked in leveraging this country forward to this point. But they also created a dangerous dependency both in the BiH political establishment and in the international community. We must wean Bosnia – and ourselves – off them.

This does not mean that the IC or the PIC should disengage.

BiH still needs concerted support, including of the non-EU countries that have helped steer it over the last 10 years.

It still needs EUFOR, which has, since its deployment at the beginning of 2005, established itself as an efficient and credible force.

And there remain major outstanding challenges which require

continued engagement, commitment and allocation of resources by the International Community.

A good example of this is to be found in the judicial and penal system. The rehabilitation of the police forces and judiciary is now beginning to pay dividends. Just two weeks ago, the BiH security institutions successfully mounted an operation against potential suicide bombers transiting through Bosnia. This demonstrates that BiH is taking its international responsibilities very seriously, but also that we all need to keep vigilant.

And with increasing numbers of criminals are being brought to justice, and some war-crimes cases are now being transferred from The Hague, BiH is faced with the problem that there is simply no prison in which to incarcerate those convicted; there will be a donors conference in February to rectify this.

There is also the outstanding issue of police decertification. I understand that the Council may give consideration to setting up a review of the police certification process conducted by the UN's International Police Task Force. I encourage you, as I have done these last two years, to do this and to do it without delay.

The certification of police officers by the IPTF was an ambitious and largely successful attempt to rehabilitate the ranks of police officers in BiH, many of whom had been compromised by involvement in criminal activities during and after the war. When the process was concluded, at the end of 2004, no provision was made for reviewing problematic decisions where credible evidence exists that the right procedures were not followed. A review mechanism would consolidate the certification process by overturning or confirming decisions that currently raise questions about the process as a whole.

Mr. Chairman, I hope you will forgive me for offering a few

final reflections as I prepare to depart my role as High Representative.

13 years ago, I stood on the tarmac of the UN-held Sarajevo airfield, watching a tremendous artillery duel take place over our heads, smashing through the beauty of the Sarajevo valley. My relationship with Bosnia started that hot August day.

It has taken me on such a long journey, one that eventually led me to my last 3 $\frac{1}{2}$ years as High Representative. I feel deeply honoured to have had the privilege to work with the people of BiH in rebuilding their country, and putting Bosnia firmly on the path to Euro-Atlantic integration.

BiH will continue to demand a unique approach from the International Community, an approach that combines the prospect of EU accession with an energetic, proactive and comprehensive engagement. We will need to offer bespoke solutions for the very complex challenges that this country continues to pose. And we need pull all those elements together as a determined team.

But in the end, how these challenges are resolved is not up to the International Community.

It is up to the people of BiH.

I shall watch developments with interest.

And with love, for a country I have grown deeply attached to, which will one day, I am sure, be a member of the family of European Union nations.