

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

*Check against delivery.*

Mister President, Distinguished Members of the Security Council, Ladies and Gentlemen,

We have had in Bosnia and Herzegovina one positive development and one rather negative development.

To begin with, the open and helping hand extended to Bosnia and Herzegovina by the European Union has led to further progress, with the adaptation of the Stabilisation and Association Agreement and a domestic EU Coordination Mechanism finally agreed. State and entity level authorities also continued to make certain progress on economic reforms.

Following these steps, on 20 September the EU General Affairs Council invited the European Commission to submit an opinion on BiH's application for EU membership: a truly momentous development. Bosnia and Herzegovina is not a member of the EU, not even a candidate yet, but it has taken a decision about its future and its direction. This is wholeheartedly supported by a large majority of the population.

Another positive development took place in June with the publishing of the first postwar census, an essential tool for socio-economic planning.

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While arguments over the census soured the political environment, tensions increased significantly, first with the decision by the RS National Assembly in July to hold an entity referendum in defiance of an earlier decision of the BiH state Constitutional Court, and then with the actual holding of the referendum in September in direct contravention of a second decision, suspending the referendum until the Court could decide on disputes concerning its constitutionality.

The Constitution of Bosnia and Herzegovina, which is also Annex 4 of the Peace Agreement, states explicitly that decisions of the Constitutional Court, as in all other countries, are "final and binding", and that the entities are bound to comply with the decisions of the state authorities.

For this reason, I consider the referendum of September 25<sup>th</sup> to be a grave violation of the Peace Agreement and the rule of law. It was held against decisions of the court, including a direct order suspending the referendum.

The positive diplomatic role played by neighboring Serbia and Croatia during the crisis is worth noting. Serbian Prime Minister Aleksander Vucic declined to support the referendum, while Prime Minister designate of Croatia Andrej Plenkovic condemned it outright.

With this unprecedented step, the authorities of Republika Srpska established that they do not consider themselves bound by Constitutional Court decisions with which they do not agree, effectively opting out of the judicial system of the country.

For example, the RS President told media that he would also order RS institutions not to follow a final decision by the Court of Bosnia and Herzegovina in a case related to the ownership of military property. Similarly, the RS President publicly rejected a summons to give a statement to the state prosecutor regarding the referendum.

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In addition to being a fundamental challenge to the state's sovereignty, the constitutional order and the rule of law, the September referendum should be seen in the context of the long-standing policy of the ruling party in the Republika Srpska, and its President in particular, to deny the authority of the common state institutions and to advocate openly for the dissolution of Bosnia and Herzegovina.

In their public statements during the reporting period, the RS President and other officials from his party clearly

linked this referendum with possible future secession, describing it as the first in a series, to possibly include referenda against the state institutions, on the status of the RS, and on independence. Would we tolerate similar moves for secession in our own countries?

However, we witnessed over recent weeks another staggering development in the RS. This was the move by the RS National Assembly and its speaker to decorate a number of convicted war criminals, including Radovan Karadzic, who was sentenced in first instance to 40 years' imprisonment for genocide, crimes against humanity and violations of the laws or customs of war by a UN tribunal. This step exacerbated tensions, deeply offending the survivors of ethnic cleansing and many others.

This act of officially decorating and glorifying war criminals who have been sentenced by the UN ICTY is unprecedented in modern and civilized history.

For me, those who have initiated the decoration of these internationally convicted war criminals and who are thus glorifying genocide, are barbarians and are outside the orbit of civilized society. They don't belong to it any longer. They are on the wrong side of history.

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On 2 October, citizens of Bosnia and Herzegovina voted in the country's sixth local elections since the war. Unfortunately, parties which focused on polarizing rhetoric and ethnic division generally saw the greatest gains at the ballot box.

While the conduct of elections was largely peaceful, electoral irregularities and unrest in the southern town of Stolac resulted in a suspension of the vote, which will need to be repeated as soon as possible.

In Srebrenica, a place of genocide in 1995 as confirmed by two UN tribunals, legal challenges still dominate the media. It is of utmost importance that the mayor of Srebrenica be a mayor working in the interests of all citizens of the town.

In Mostar, citizens were again unable to participate in elections due to the failure of local political parties to agree on needed changes to the Election Law. The fact that citizens in Mostar have not elected local representatives since 2008 is a stain on democracy, and another demonstration of how the rule of law continues to deteriorate.

Compounding these political difficulties, some prominent Croat leaders more persistently advocated for internal territorial changes during the reporting period, calling for federalization or the creation of a third entity, which did little to help the overall political environment.

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As I mentioned earlier, we as the international community need to take an honest look at two trends developing in parallel in Bosnia and Herzegovina.

The first is one of positive steps taken by governments in Bosnia and Herzegovina towards reform aimed at EU integration – which I wholeheartedly support – culminating in the truly significant fact that Bosnia and Herzegovina has now taken a decisive step toward candidacy status with the European Union. This is really a historic act, and it is done only once in a lifetime.

This positive trend cannot be denied and I believe it is the duty of all of us gathered here today to fully embrace it.

The second trend, as I said, is the tendency by political actors to return to the divisive and destructive agendas of the past and, in the case of the RS referendum, to assert that neither the Dayton Peace Agreement nor the Constitution of Bosnia and Herzegovina can limit their actions.

With this referendum, I believe we as the international community, need to ask ourselves how long these two dynamics can be sustained before the second overwhelms the first.

Or to put it another way, can we accept that some of the country's leaders work for European Union integration and the internal disintegration of the country at the same time? Can we accept that some speak about the

European values, but at the same time are glorifying war criminals, and thus genocide?

Moving forward, I believe the answer for us as an international community is to send a strong message to those authorities and leaders in BiH who openly reject the rule of law and seek to reopen the wounds of the past that they will not lead their constituencies to prosperity or integration with Euroatlantic structures. Instead they will lead themselves into isolation.

The leaders of Bosnia and Herzegovina – with the help and guidance of the International Community – must recommit to make BiH a peaceful, stable, functional, multi-ethnic country, fully and irreversibly integrated into European structures.

Thank you.