

# Everyone Entitled to Their Own Opinion – Not Their Own Facts

Coalition agreements among the political parties must start tackling the problems that BiH citizens face. The International Community has welcomed a return to dialogue, and taken the view that after a protracted period of political gridlock and government paralysis in the face of the worsening social and economic crisis, political healing in BiH is desperately needed.

In this context, we regret the unhelpful statements that were made in Mostar on 8 November. Everyone is entitled to their own opinion – but not to their own facts. Unfortunately, the statements that came out of the meeting between the SNSD and HDZ Presidents were heavy on opinion, but very short on facts.

*The OHR – not the BiH political parties – is responsible for the problems facing Bosnia and Herzegovina.* This is illogical. For almost two years, and in line with the international community's overall strategy of emphasizing local ownership, the High Representative has deliberately refrained from imposing solutions. By standing aside, he has placed the responsibility for tackling the country's challenges clearly and publicly with the BiH political parties. Although we share the public's disappointment with the minimal results achieved by local politicians in the recent past, we remain hopeful that leaders will step up to their responsibilities and guide the country in the right direction. The High Representative, of course, retains the capacity, authority, and will to intervene if necessary, if local leaders and institutions fail to comply with their obligations under the Dayton Peace Agreement.

*The High Representative is influencing the work of the courts.* He isn't. The OHR does not interfere in the deliberations of local courts. Period. On the contrary, in conjunction with other international actors, the OHR has over many years helped shape the country's judicial institutions in order to make them more impervious to external influences. The OHR and the international community strongly oppose efforts to subject the judicial system in this country to political influences. This is why it is crucial that judicial and prosecutorial officials, as well as supervisory bodies such as the HJPC, remain maximally independent.

*The High Representative created the problem in Mostar.* The current problems in Mostar were created by the political parties' failure – over a period of years – to reach agreement with one another and implement a binding BiH Constitutional Court ruling. It is deeply regretful that the citizens of Mostar are paying the price for the failure of the politicians to find compromise. The OHR, with the full backing of the PIC Steering Board, has reluctantly had to step in in order to try to facilitate agreement among the parties.

*The High Representative caused the crisis in the FBiH.* The opposite is true; the HR – with the backing of the PIC SB – stepped in in early 2011 to restore order to a chaotic situation caused by local political leaders. By way of reminder, the political crisis was provoked by the failure of three Cantons refusing to fulfill their constitutional obligation to elect delegates to the House of Peoples within clearly defined deadlines. This constitutional violation paralyzed the key institutions of governance in the Federation, and also affected the functioning of the State-level House of Peoples. At one point, the HR had to step in in order to ensure that temporary financing was secured so that vulnerable populations in the Federation would not pay the price in the depths of winter for the political crisis. With the full support of the PIC SB and of local parties, the OHR

mediated negotiations in an attempt to end the political impasse. Substantial progress was made in these negotiations, and OHR ultimately presented a compromise proposal to the parties that had the full backing of the international community. The two HDZs rejected the compromise and pledged to go into opposition.

By March 2011 a number of conflicting legal challenges on issues related to the FBiH Constitution were pending in parallel before different institutions and in different jurisdictions. The OHR's mandate is to ensure the functionality of the institutions in BiH and the High Representative, after months of effort, and with the full support of the International Community, acted to prevent the FBiH sinking into a legal limbo that would have made effective government impossible. The High Representative's Decision ensured that the Constitutional Court of BiH had the opportunity to rule on the constitutional issues that had been raised. However, the HDZ officials who had originally taken their case to the Constitutional Court subsequently withdrew their complaints.

*The OHR is preventing a new coalition from taking up authority in the FBiH;* OHR has maintained that who is in Government is a matter for the electorate and subsequent coalition agreement. The OHR has welcomed the indication of a return to political dialogue; if these parties now want to restructure the FBiH they should do so, and could include the FBiH president in this new dialogue, but must act within the law and the Constitution.

*The Sejdic-Finci ruling is about ensuring that one people does not elect the representatives of another.* The Sejdic-Finci ruling is about making sure that every citizen in BiH enjoys the same rights, no matter how they declare themselves.

*The OHR should close.* We agree that the OHR should close – but when the conditions have been fulfilled, the local

institutions are functioning effectively, and the country is clearly on the path toward Europe. To reach this goal more quickly, politicians in Bosnia and Herzegovina need to reach the tough compromises needed to move the country forward. Regular challenges to the sovereignty of the state and repeated calls for a referendum that would violate the Dayton Constitution will not hasten OHR's departure.

As Abraham Lincoln said: You can fool all of the people some of the time; you can fool some of the people all of the time – but you can't fool all of the people all of the time. Politicians need to explain to citizens how they plan to fulfill the election promises they made about fighting crime and creating jobs and improving the quality of life in this country.