

High Representative keynote address to Institute of the Danube discussion EU-Integration of Bosnia and Herzegovina – a Mission Impossible?



Thank you for your invitation to address you today – and the provocative title of your conference! I also have to say I'm glad you put it as question and not a statement of fact!

My immediate answer is threefold:

- EU integration of Bosnia and Herzegovina sometimes seems impossibly difficult;
- however, it is a mission that is entirely possible to achieve;
- and in fact, it is the ONLY mission possible – for BiH, and for Europe.

I am very pleased to be in a position today to be able to demonstrate that to you beyond doubt. Last week parliament affirmed its commitment to EU integration and set course on the road to membership by voting for two laws on policing that should enable the SAA to be signed hopefully within a month.

It required tremendous effort, and is a real achievement, especially given that all parties face a municipal election in October, and had started to harden their positions on a range of issues, including on policing. While Serbs remained relatively unified throughout, the Bosniaks did not, and that further complicated matters.

It was a hard fought battle, and required constant international community pressure and persuasion in equal measure to facilitate the eventual agreement – literally: at five minutes to midnight – the parties determined that the country's future was within the European Union, and not languishing in isolation outside of it.

However, we (by which I mean our BiH partners and the IC) cannot rest on our laurels: it would be naïve of us not to acknowledge that this continues to be an uphill struggle.

The question is not if further European Union integration is *desirable* (that we know without a shadow of a doubt is true), it is whether it is *deliverable*. What has blocked delivery up to now is *nationalism*, and delivery on the European agenda will remain vulnerable to nationalism. This is not to say that all politicians – or citizens – in Bosnia are purely *ideologically* nationalistic, that political or inter-communal relations are defined only by nationalism.

For me, though, it is more about a *practical* brand of ethnic identity and nationalism. There is a mutual recognition amongst politicians of how powerful an instrument it is in Bosnian politics. The simple arithmetic is: nationalism means votes. And the fact of the matter is that, up until two weeks ago, EU integration had become collateral damage to that arithmetic.

It had been our hope, of course, that the national question would be sidelined, made conceptually redundant and practically irrelevant by progress on EU integration. But it

hasn't happened that way.

Although majorities of each of BiH's constituent peoples now accept the country as their common homeland, there is as yet no consensus on how this common state should be organised. Despite the recent positive developments, Serbs' loyalty is conditional upon the others' acceptance of the RS as a legitimate and permanent part of the constitutional architecture.

Croats remain fundamentally dissatisfied with a two-entity setup that effectively consigns them to the status of a minority in all but a few Federation cantons.

And Bosniaks for their part continue to want a constitutional order that will do away with the entities and provide for an effective central government.

In theory, these separate stances should be possible to reconcile. In practice, the legacy of war and the dictates of an inherently nationally based and zero-sum politics make this profoundly difficult.

Bosniaks regard the RS as illegitimate and potentially secessionist. They reject an reorganisation of the country giving federal units far-ranging competencies as tantamount to its destruction.

Serbs and Croats, for their part, fear Bosniak domination in any unitary state. This fear is reinforced by old Yugoslav understandings of what it means to be a numerical majority or minority and to have (or not to have) a federal unit of one's own.

Nobody wants to be a minority. Everybody wants to have either a unit or a state of their own. There is very little sense of the State as a genuinely shared space.

The international community's strategy to date has been to

invest greatly in state-building. We had hoped that larger constitutional and national questions would be resolved gradually as part of this process. We had planned to ensure full implementation of Dayton, and then to go beyond it, with EU integration driving reform.

But the 'national issue' pervades everything in Bosnia. It remains the number one priority for all political parties and held up progress on the EU agenda for almost two years.

The national question even affects our exit strategy. Bosniaks and Croats want us to stay; Serbs quite clearly want us to go. The signing of the SAA will clearly move us forward in this regard, but there are still a number of key benchmarks that we need to complete before OHR can transition into EUSR.

Worse, nationalism continues to block progress on the general reform agenda: we have found that any softening of International Community pressure means that Dayton reforms are being rolled back, or are vulnerable to being rolled back. Institutions that we helped establish, or legal regimes that we helped introduce have not yet been able to take root. Unfortunately, many of those institutions still require our nurturing and our protection.

The legacy of war, the hurt, the pain, the suffering of individuals and communities is also instrumentalised by nationalism and is something that we must deal with on a daily basis. The negative rhetoric of politicians seems to have created a permissive environment of mutual provocation.

In recent months there have been attempts by an organization of Bosnian Serbs to erect a massive cross overlooking Sarajevo, from a position from which the city was shelled.

In FBiH we have children being kept away from school by their parents because they allege that new school buildings were former concentration camps. And we are faced with phenomena such as 'two schools under one roof'. In such conditions it is

very difficult to foster reconciliation and mutual trust.

We also face the prospect that this year, for the first time since the war Bosniaks will lose the municipality of Srebrenica. That means we face the prospect of having not a single non-Serb mayor in the RS. There's something fundamentally wrong with such a picture. It will be political confirmation, twelve years on, of ethnic cleansing.

So, despite the very positive developments last week, substantial progress on a number of issues is necessary for OHR to close and to move to a purely EU-led IC structure.

Specifically, the Peace Implementation Council Steering Board at its meeting in February identified five objectives and two conditions that need to be fulfilled before OHR closure can happen. The objectives that will need to be delivered by the BIH authorities prior to transition are:

1. Acceptable and sustainable resolution on the apportionment of State Property
2. Acceptable and sustainable resolution of defence property
3. Completion of the Brčko Final Award
4. Fiscal Sustainability
5. Entrenchment of the Rule of Law

Even though all of these are well established and were all previously recognized by the BIH authorities as obligations, there is no doubt that achieving these objectives will not be easy.

Further, in addition to these objectives, the PIC Steering Board agreed that two conditions need to be fulfilled prior to transition: signing of the SAA and a positive assessment of the political situation in BIH by the PIC Steering Board based

on full compliance with the Dayton Peace Agreement.

As I have been able to report, we anticipate major progress on the first condition: the signing of the SAA. However, on the second, a positive assessment of the situation in BIH, as you have heard me say earlier, the reality is that much remains to be done. To compound this, Bosnian politics remains vulnerable to regional politics.

We have seen this in particular through developments in Kosovo, with the Unilateral Declaration of Independence, and in Serbia, mostly in response to that Declaration. Though there is no legal link between the status of Kosovo and Bosnia and Herzegovina, the political and cultural ties that bind the Bosnian Serbs with the Serbs of Serbia have been well-exploited within Bosnia to bolster the position of the RS, by raising the spectre of *its* internal independence. This, in turn, has played into the nationalism I described above, and has encouraged Croat claims to a third entity. It has also raised Bosniak fears about the territorial integrity of the state, and whether or not the international community would continue to intervene on their behalf.

In short, the situation in Kosovo has been utilized so as to raise tensions amongst and between all three constituent peoples.

What should be clear to us, however, is that the time for heavy IC intervention is over. While last week's vote would not have happened without the IC, it did not rely on use of the Bonn Powers. In fact, it has been OHR's policy from the outset not to use Bonn Powers on European agenda issues. It has always remained our principle that Bosnia and Herzegovina must meet any EU conditionality of its own volition. The EU must know that a country really wants to be a member of its club. It cannot be the case that the EU is on both sides of the negotiating table.

At the same time we must acknowledge that Bosnia is a special case, and this paradox raises real questions for the EU, which is where the political responsibility for Bosnia will end up after OHR. What leverage will we have, or should we have? What should drive our approach to conditionality when we know that concluding an SAA will be done knowing that the issue of unresolved national identity has proven to be a greater *disincentive* than the prospect of European integration is an incentive.

I am confident that we have gained traction for the notion of EU integration again, and our vote last week fulfilling requirements for SAA signature is proof of that. But instead of an exact copy of the approach that worked with other Central and East European states somewhat of a variation is needed in Bosnia.

In terms of making progress on EU accession, I believe that we need to be pragmatic, and proceed step-by-step. We should make clear to BiH leaders what is required at each stage of the process. We must set the bar neither too high nor too low at each stage. We should not invite BiH into the accession process for nothing. But we cannot abandon them either. It is and should continue to be a careful balancing act, especially given the limit of EU influence.

Finally, I believe that the EU needs to be aware of the importance of being consistent across the region. Bosnian leaders use any inconsistency in the treatment of their neighbours to try to wriggle out of meeting their own conditions themselves. Being consistent across the region maximises our leverage.

Many in BiH have noted that BiH is the only country that was confronted with political criteria for the start of a visa liberalisation dialogue.

Bosniaks in particular notice that Karadzic and Mladic's

continuing liberty since their ICTY indictment in 1995 does not present a problem for Serbia's visa liberalisation or SAA progress anymore. Any *appearance* of double-standards greatly undermines the appeal of, and trust in, the EU, particularly as the successor to the OHR. This would weaken our credibility, our conditionality, and the pull of the EU.

BiH cannot remain a secondary concern of the EU. With all of the EU's ESDP and CFSP instruments deployed, and with a unique post-war heritage, BiH is as much a test for the EU as EU accession is a test for BiH. We cannot want accession more than the Bosnians do. But we need BiH to be a success, our success, to remain stable, and on track with reform. That will take effort, and attention.

Whenever we arrive at the point where OHR can be closed and the EU can take primary responsibility for BiH, the EU must be ready. This requires a serious assessment of the realities of BiH and a hard look at the arsenal of the EU. What are the instruments at our disposal? What is the proper mix for the EU to be successful in BiH? How do we keep the US and other relevant non-EU actors on board?

I believe a discussion on these issues must begin soon, even if we have no date yet for transition to occur.

It is precisely because we now know for sure that the framework of EU integration is both desirable and deliverable, that we must make it work harder for us: it remains our only lever. We must seek new ways to make that lever work and so I look to you for policy ideas, and new thinking. Further, I would appeal to you to keep Bosnia and Herzegovina on the radar screen: we cannot yet tick the box and declare victory in the Balkans. It is not yet done.

But it is definitely not mission impossible. We are on a mission to deliver. The question that we confront now is how to deliver in the shortest time possible. The citizens of

Bosnia and Herzegovina have been waiting a long time, they deserve no less but than to secure their country's future as soon as possible.

Thank you for your attention.