

# High Representative's Address to the United Nations Security Council



*Check against delivery.*

Esteemed members of the Security Council,

Esteemed Chairman of the Presidency of Bosnia and Herzegovina,

This is now the third year that I am addressing the UN Security Council as High Representative for Bosnia and Herzegovina. Since my appointment on 27 May 2021, I have submitted to the UN Secretary General and the Security Council six reports on the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina.

Collectively, my reports plea not only for continued international attention but also for more robust international support to Bosnia and Herzegovina. This support is essential for Bosnia and Herzegovina to be set irreversibly on the course to sustainable peace, stability, and progress and to prevent its fall into a vortex of instability, economic hardship, and social decay. To achieve progress, the country must be able to rely on effective instruments of democratic, non-discriminatory, reliable structures, and rely on its Constitution which is the Annex IV of the Peace Agreement.

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As noted in my two previous addresses, there are many challenges and unfulfilled promises to be reported about Bosnia and Herzegovina. But, today, allow me to begin with good news. On March 21<sup>st</sup>, the European Council decided to open accession negotiations with Bosnia and Herzegovina. I congratulate President Bećirović on behalf of the citizens of BiH on this immensely important step that can be a watershed, a decisive moment for BiH.

The Presidency, the Council of Ministers under the engaged leadership of Chairwoman Borjana Krišto and the Parliament have to be commended for their intense work and the passing of a lot of important decisions. I would like to include here all parties of the state coalition – HDZ BiH, SDP BiH, NS, NiP, SNSD – and the constructive opposition, as we can remark on a lot of constructive contribution.

First and foremost, the decision of the EU Council is a geopolitically justified decision. The people are in fear of any war. They want and deserve a commitment to peace and stability.

It is a step that gives the citizens a perspective that might strengthen a common effort on the way forward. By transcending individual, party, ethnic, or entity interests, the perspective of EU membership offers an opportunity for the communities in Bosnia and Herzegovina to work together.

And there has to be a lot of investment into trust in the political class by the citizens. This could be a good start. I have to say it is not yet finished, just started. The ownership of the process of stability and European integration is with the people, the citizens. Political leaders have received their mandates from the people.

It is an encouragement to the citizens to stay rather than leave in dramatic numbers. The number of those who have left the country in the last ten years is about 600,000 out of 3,2

million. With an annual depopulation rate of approximately 45,000 and a natural decrease through low fertility rate, Bosnia and Herzegovina may soon lose the key driver of change: its young and dynamic citizens. This is the main challenge. I thank the UNFPA for working on a report on the demographic situation.

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To seize the opportunities, Bosnia and Herzegovina must counter threats, restore stability, and broaden and accelerate reforms. The starting point is the Peace Agreement. It must be respected and fully implemented. It is the basis on which to build.

The Peace Agreement safeguards the sovereignty, territorial integrity, and internal structure of Bosnia and Herzegovina. This includes the unwavering commitment to maintaining stability and fostering respectful coexistence of both entities and Brčko District, the condominium between both. The Peace Agreement is the underpinning of the achievements that have laid the ground for Bosnia and Herzegovina's EU accession path. This structure of BiH is guaranteed by the General Framework Agreement for Peace and I personally adhere to it in my mandate.

To effectively hasten the country towards this goal, the Peace Agreement instruments and EU institutions must work hand in hand, complementing and reinforcing each other. In the perspective of European integration and the reduction of the importance of borders, which is part of the sense and the idea of European integration, it will be a good opportunity to develop, step by step, a post-Dayton climate without giving up security, guarantees and confidence. But it needs to be respected.

Opening EU accession negotiations is a watershed moment. But, it is a watershed moment that is at stake.

The threats come from authorities of Republika Srpska but also others, which actively subvert the State of Bosnia and Herzegovina, its competences and institutions, and thus the Dayton Peace Agreement.

The threats to paralyze the work and decision-making of the State authorities aim to undermine the functionality of the State and its ability to carry out its responsibilities.

Equating the inter-entity boundary line – an administrative line – to an international border attempts to promote the idea of secessionism.

Of further grave concern is unprecedented pressure on judicial institutions, reflected among others in promoting the abolishment of the Court and Prosecutor's Office and undermining the Constitutional Court of Bosnia and Herzegovina. Hopefully we will be able to report on a strengthening of the judiciary's independence.

Challenges to the Constitutional Court are particularly serious. They are politically motivated and directly impact on the functioning of the Court. Failing to address them may render the Court dysfunctional.

The Venice Commission has sent an opinion about this. According to it, a viable, lasting solution can only be found with the bona fide engagement of all relevant political stakeholders, in particular the authorities of the two entities. I view the announcement by HDZ BiH leader Dragan Čović made to the press that the FBiH Parliament will appoint a new judge to the Constitutional Court as a good step in this direction. I encourage the Parliament to complete this appointment.

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Ladies and gentlemen, as the final interpreter of the Dayton Peace Agreement, I am of the view that the Republika Srpska

authorities are contributing severely to a grave violation of Dayton. If pursued, their anti-Dayton agenda will lead to the *de facto* secession of Republika Srpska. This is a scenario with grave consequences not only for Bosnia and Herzegovina, but for the whole region. We, the International Community, and the State institutions have to observe and if necessary act together.

Overall, the security situation cannot be regarded as unstable. Rather, it is fragile and can deteriorate rapidly.

I hail the responsible approach by the political, religious, and civic leaders who have refused to respond to provocations.

### **THE WAY FORWARD**

The way forward starts from the understanding that Dayton and the EU reform path reinforce, rather than contradict, one another. They are complementary, not competing. Everybody has to acknowledge and respect the simple axiom that no one demolishes the foundations of a house while attempting to build it.

The way forward also calls for unity and decisiveness in using available instruments.

The OHR, my office, must be kept in its capability to be an effective key instrument of peace implementation for as long as I am unable to recommend to the Peace Implementation Council Steering Board to adopt a positive assessment based on Bosnia and Herzegovina's full compliance with the Dayton Peace Agreement. This is not yet the case, we could be closer.

With the progress in acceding to the EU, the role of the OHR will focus more on safeguarding the basic values, non-discrimination, and overcoming the bad experience of the past.

I may warn of an understanding that this transfer to European integration is a formal equation in a fixed framework. We see

the understanding that this is not automatism; it needs to be encouraged and worked out among the institutions of Bosnia and Herzegovina and the political structures.

EUFOR-ALTHEA must retain its executive mandate and the capacity to deploy troops at short notice. This is my conclusion based on our cooperation, and I am aware the Security Council will consider this matter in another session. I would support as inevitable the continuation of the EUFOR-ALTHEA mandate.

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Empowering the institutions and the citizens to counter challenges themselves is also fundamental to generating positive change.

The first step is strengthening election integrity, which is a long-standing obligation of the authorities of Bosnia and Herzegovina.

As there has been no progress, on March 26<sup>th</sup>, I signed the Decision enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina. Those amendments have been broadly recognized and we see that the preparations for the municipal elections on the 6<sup>th</sup> of October of this year are going well and are intensely under way.

I also introduced the prohibition for people convicted by any international or domestic court of the crime of genocide, crimes against humanity, or war crimes to stand as candidate for elections or hold any elective or appointed office. It is my view – which was also shared by the UN Special Adviser on the Prevention of Genocide as well as victim associations – that the prohibition is indispensable to trust-building both in institutions and among communities.

With your permission, Mr. Chairman, I will diverge from my

report to discuss an event that took place yesterday. Unfortunately, there are reports that some of BiH's top military officials, including the Deputy Defense Minister, the Deputy Commander of the Joint Chiefs of Staff, along with a group of members of the RS structures within the BiH Armed Forces, caused a scandal after reportedly bowing and paying tribute in front of a monument to the convicted, convicted at The Hague, war criminal Ratko Mladić. The aforementioned event took place yesterday in Kalinovik, the birthplace of war criminal Ratko Mladić. As can be seen in the photographs, members of the BiH Armed Forces performed the tribute in uniforms bearing BiH state insignia. We shall have to factcheck these reports. If this is the case, it is a severe violation of the BiH Criminal Code. There is no way in any instance to accept such behavior because they are glorifying war criminals, which is unacceptable.

Trust-building is indispensable to sustainable peace and stability.

This requires two observations.

Denying the Srebrenica genocide and other war crimes, and glorifying war criminals, are not problems only in and of themselves. They have become the instruments of politics, of a narrow party calculation that coming to terms with the past is an act of acceptance of collective guilt.

First, it is a historical fact that a genocide was committed in Srebrenica in July 1995. This was legally established by the International Criminal Tribunal for Former Yugoslavia in 2004 and by the International Court of Justice in 2007. This is not a matter of opinion.

Second, there is no such thing as collective guilt under criminal law. It is wrong to extend individual criminal responsibility to a group of people or a nation.

Remembrance, memorialization, and truth-telling for future

generations are preconditions for peaceful coexistence among different groups in Bosnia and Herzegovina. We have to work to teach the young, students and the children in Bosnia and Herzegovina, that it is about saying “never again”, saying no to hatred and war. Unfortunately, I still cannot report to the UN Security Council that this has been fulfilled in all contexts. There remains a lot more to be done.

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I urge all to capitalize on this moment to further integrate the country into the European family.

We all have the responsibility for a peaceful and prosperous future of the young generation of Bosnia and Herzegovina. We owe them this perspective!

Thank you.