

Press Conference Statement by the High Representative Miroslav Lajčák



Good afternoon and welcome,

I have invited you here today to announce and explain my new approach to strengthening the functionality of Bosnia and Herzegovina and its institutions.

We are all aware that Bosnia and Herzegovina does not function as it should, does not function as a healthy, normal state. The goal of the international community, whose highest representative I am here, is to change this – and change it to the better. That is why we are here, that is why we have invested into this country so much – both politically and financially.

We cannot consider our mission complete until changes are made in the direction of establishing a stable, European, democratic, multiethnic society in Bosnia and Herzegovina.

There are several ways how this objective can be achieved. The most favorable of them is to achieve this goal through European integration. This is a road which has been tested in the recent past, a road that the countries in the close vicinity have successfully passed. A road that has no alternative for a European country such as Bosnia and Herzegovina. A road whose positive results are so visible that they cannot be disputed. A road that I have passed personally,

so I can credibly speak about it.

That is why I have put in so much effort to lift the blockage on the European integration process for this country, a process which resolves current problems and leads to the future at the same time. But, as you know, this is a process for which only domestic politicians take responsibility voluntarily, who are expected to be prepared for minimum agreement and compromise, in order to realize this strategic goal.

Unfortunately, your politicians have rejected to move on this road. Last Thursday, they showed definitely and clearly that they were not ready for that, and they would not or could not go towards Europe. It is clear to everyone that not all sides had the good will to find a solution for police reform in the framework of the European principles. It is also obvious that, regardless of conscious and voluntary commitments they have made, it is not possible to make the necessary agreement for this today or tomorrow.

This is certainly a devastating fact for this country. As representatives of the citizens of this country and all its entities, cantons, municipalities and local communities, they have chosen isolation instead of integration. Consequences of this decision are not yet felt in Bosnia and Herzegovina, but it is only a question of time. In my talks in Brussels, I felt deep concern among my collocutors, who were aware of the fact that the responsible leaders of this country rejected the European perspective for their citizens.

The European choice is a choice that must be made by every country, its political elite, independently, on the basis of a strategic evaluation of its merits. Nobody can be forced to go on the European road – it goes against the European integration philosophy. I am sorry, but this is so. Until the local politicians decide that they want to take you that way, it remains closed for you, although Europe is ready and

waiting.

However, this does not change the responsibility of the international community to work on strengthening Bosnia and Herzegovina as a stable and functional state. This is our responsibility, this is our desire, this is my personal wish, too. But because your politicians rejected going on this modern, European road, inevitably we must now search for other ways to come to a stable, modern and democratic Bosnia and Herzegovina.

Because agreements cannot be made and solutions found, work of the institutions of Bosnia and Herzegovina is blocked. Decisions are not made, laws are not adopted.

In the past 12 months only 3 new reform laws have been adopted in the Parliamentary Assembly, of which only one had to do with EU integration; it is clear that the state system is ailing, and that we have to make it functional.

Functioning of the state and its institutions is not only a European question. It is an existential question for all citizens of this country. Every foreign investor has noticed that complicated and slow bureaucracy is one of the greatest obstacles.

This week, during the conference on economy, we all witnessed how the governments can come to an agreement on issues of common interest. However, with the experience of police reform, I know that implementation of something that was agreed is very difficult here.

This means that, regardless of the fact that your decision has put the European perspective on hold, we cannot stop and wait now. I am determined that we must have a functional and efficient state, which adopts legislation and works on development policy. Finding solutions for some of the functionality problems of this country is within the Dayton Peace Agreement.

Therefore, we must exercise a policy of scrupulously upholding the Dayton Peace Agreement – and, by the same token, exercising zero tolerance where it is being violated.

Today I am going to set out the first of the measures which will bring the State Institutions closer to the functionality designed originally at Dayton and which will enable the Country to move forward even in the current political climate.

First, today I have taken a [Decision imposing changes to the Law on the Council of Ministers of BiH](#) . The main changes are:

- The rule of the quorum: A session can be held whenever a majority of the members of the CoM are present; and
- The decision-making process: decisions on certain matters can be made by the majority of those present and voting while the simple majority needed for final decision of the Council shall only need to include one representative from each constituent people rather than the two currently required.

This will facilitate decision-making: the Government will be able to take decisions even if a minority of Ministers chooses to be absent, and will ensure the Government is able to function even in today's ailing political environment.

Ministers will still be able to vote in favor or against decisions, but they will have to come to the session to do so.

This decision means that the Government will be able to take decisions even if a minister chooses to be absent; this will ensure the Government is able to function even in today's ailing political environment. At the same time, this decision continues to respect the right of each constituent people to protect its vital national interest in justified cases.

Second, today I wrote to the joint Collegium of the BiH Parliamentary Assembly instructing them to amend their [Rules](#)

[of Procedure on the work of both Houses of the Parliamentary Assembly by 1 December](#) .

The amendments I require focus on three areas;

First, on what is commonly known as the “Entity vote”: the Constitution stipulates that a majority vote necessary for decision-making should include at least one third of the votes of representatives from the territory of each Entity. The existing Rules of Procedure interpret that to be one third of the representatives elected from each Entity, instead of one third of the votes of the representatives present from each Entity.

[Second, the amendments should also address the issue of quorum to hold a session of the BiH House of Representatives: the Constitution states simply that a quorum is a majority of all members of the House of Representatives](#) – 22 of the 42 delegates.

According to the current Rules of Procedure, there is an additional requirement for at least 10 delegates from the Federation of BiH and 5 from the Republika Srpska to be present. This interpretation allows a small minority of delegates to prevent the House from holding a session, simply by not showing up to work. That can simply not be tolerated.

And finally, on how the Collegium of the Houses of the Parliamentary Assembly take decisions, the Constitution stipulates that the role of the Chair and Deputy Chairs is to obtain approval, working as a commission, of the decision which could not gain the so-called entity majority.

However, under the current Rules of Procedure, after harmonization the Collegium returns the law to the Parliament for yet another vote!

This is just a bureaucratic delaying mechanism, which has already delayed the Law Prohibiting the Denial of Genocide,

Laws on Agriculture and Wine and Amendments to the Law on Temporary Disposal of State Property.

This practice of delay and obfuscation through absenteeism has to be brought to an end.

So if by December 1 these amendments are not in place, or not in place in a way that addresses the problem, I will have no choice but to use my powers and impose those amendments. Allow me at the same time to stress once again that this decision does not take away the right of the constituent peoples to protect their national interests. However, I can hardly agree with someone protecting those interests by not coming to their well-paid jobs. The citizens did not elect their representatives in the Parliament so that they can obstruct its functioning. Bosnia-Herzegovina cannot afford that luxury.

The third issue for today is related to coordination within the ruling coalition.

Let me once again turn to the example of the economic conference held on Tuesday; a positive outcome is possible when the leaders of BiH institutions and parliamentary party leaders sit down in the right forum to talk about concrete reforms

But what we all saw following the economic conference, and last weekend when Mr. Silajdžić and Mr Dodik met in Banja Luka, is that the public reaction was a cool, if not sceptical – and understandably so.

One document and one meeting cannot generate public confidence after months of negative rhetoric and deliberate destabilisation, particularly when all the coalition parties are not part of the decision-making process.

However, similar actions could change the atmosphere. If such meetings were truly serious, if they are structured to give results, and if they include **all** the representatives that

makeup the governing coalition, which have assumed the responsibility to lead this country during its mandate, then they would show seriousness and responsibility and would not be seen as a last minute attempt to stave off execution.

My third step today therefore is to call on the party leaders is to set up a structured mechanism which will include all the coalition partners and the representatives of the institutions to better co-ordinate their reform efforts, and find a compromise to secure a common view and a shared interest. The details of this mechanism will be explained in my letter to the leaders of the parties that form the ruling coalition at the BiH level.

This coordination council could provide a vehicle for BiH's political leaders to return the public confidence. I think the current situation illustrates the fact that I am no longer asked when will we enter the EU, but when will you remove the people we have elected.

Today's measures do not abolish anybody's rights or responsibilities. The only people who can feel endangered by this are those who believe that they have the right to undermine the functioning of this country.

The two specific measures: the decision, the request as well as the invitation to establish a system of better coordination between the executive and legislative powers are not directed against any of the peoples or the entities. I am not abolishing anyone's competencies!

Everything is fully in accordance with the Constitution of Bosnia-Herzegovina.

This is the beginning of a process in which I will continue working on a more efficient implementation of the Dayton Agreement and on strengthening the functionality of this country.

This June the international community reiterated its absolute commitment to the Dayton Peace Agreement. It clearly said that it would not tolerate any attempts to undermine Dayton and that it would not remain passive. It is my responsibility to implement these positions of the international community in practice.

And that made it clear that those who reject or undermine these efforts work against the Dayton Agreement and against the common will of the international community.

And nobody succeeded in this yet.

To conclude – this is only the beginning of a process, a positive process, which leads towards a more functional state, a process which is of vital interest to the citizens of Bosnia and Herzegovina.

Thank you for your attention.