

# Remarks by High Representative Christian Schmidt to the United Nations Security Council



*Check against delivery.*

Madam President,

Distinguished Members of the Council,

It is an honor to address you here today.

Almost three decades have passed since the signing of the Dayton Peace Agreement. I see encouraging developments in post-conflict Bosnia and Herzegovina, but I also see profound threats to the fundamentals of the Peace Agreement. I am pleased to have the opportunity to report to the UN Security Council about the situation.

Historically, geographically, and culturally, the country is on an irreversible path towards European integration. The functionality of the authorities at all levels in Bosnia and Herzegovina is of utmost importance both for fully implementing the Dayton Agreement and for advancing on the path towards the EU.

A crucial step on this path is the EU candidacy status granted to Bosnia and Herzegovina on December 15, 2022. It created

positive momentum and was welcomed by the population.

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Madam President,

Ladies and Gentlemen,

Positive momentum was also created by a quick formation of the executive and legislative authorities at almost all levels in the country following the general elections of October 2.

The appointment of the executive authorities of the state of Bosnia and Herzegovina and Republika Srpska was swift. Both governments are in place and operational.

However, the entity of the Federation was caught in a stalemate between political blocs for seven months. This posed the threat of destabilization and institutional dysfunctionality which I had largely addressed through my decisions from last October and April.

On April 27, when all constitutional deadlines had expired, I enabled the House of Representatives of the Federation to vote on a government suggested by the majority of the Members of Parliament and formally proposed by Federation President Lidija Bradara. On 28 April, the Federation House of Representatives voted in favor of this government proposal.

The end result is a stable and fully functional Federation.

Furthermore, I am glad to inform the Council that the BiH Constitutional Court concluded in March 2023 that my October decisions were in full accordance with the BiH Constitution and relevant international human rights conventions.

Despite that, the adoption of anti-discriminatory legislation remains one of the most important tasks in order to implement the Sejdić-Finci group of cases and others in the near future.

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Madam President,

Excellencies,

One of the key challenges to the full implementation of the Dayton Agreement comes from Republika Srpska, the other entity. The developments in this entity are not “business as usual.”

The secessionist positioning and rhetoric by the entity leadership have dramatically increased in the reporting period. Republika Srpska President Milorad Dodik openly advocates for the independence of Republika Srpska and even spoke publicly about Republika Srpska joining Serbia. This questions the fundamentals of the Dayton Peace Agreement and pursues a secessionist policy.

I am particularly worried about a joint statement signed by the ruling parties in Republika Srpska on April 24. The statement appears to be an action plan for secession. It mentions that the two Entities – not the State – own state property exclusively and refutes the authority of the Bosnia and Herzegovina Constitutional Court. The signatories oblige RS representatives in the country’s institutions to suspend decision-making at the State level until the Republika Srpska Government and parliament approve their decisions. The statement calls for the Serb judges to withdraw from the Bosnia and Herzegovina Constitutional Court. It also calls for establishing a police unit to conduct so-called “border monitoring” between the Entities. None of these measures can be reconciled with the Dayton Agreement. They clearly endanger the state institutions and the country’s unity.

In a letter to Radovan Višković, Prime Minister of Republika Srpska, on 6 March 2023, President Dodik promoted an erroneous and misleading interpretation of the Dayton Agreement and the constitutional framework. He disregards the explicit

provisions of the Constitution that uphold the principle of continuity between the Republic of Bosnia and Herzegovina and today's Bosnia and Herzegovina – the principle that was reaffirmed on many occasions by the Bosnia and Herzegovina Constitutional Court.

Within Republika Srpska, new legislation and initiatives promoted by the ruling coalition are shrinking the space for civil society and independent media. Bosnia and Herzegovina must not become a country divided between authoritarianism in one entity and democracy in the other.

Also: The question of state property still needs to be resolved in BiH, in a consensual way. BiH is the only post-Yugoslav state which did not succeed in settling the question of Yugoslav heritage so far.

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Madam President

Excellencies

It seems there is an intention to gain domestic support by misinterpreting legal and political facts and by claiming that resolving the issue of state and defense property would challenge the mere existence of Republika Sprska. The entity authorities continue to disregard the final and binding decisions of the Bosnia and Herzegovina Constitutional Court by attempting to regulate the matter in violation of those decisions. This was the case with the law on immovable property adopted by the Republika Srpska National Assembly, which I suspended on February 27. Meanwhile, the BiH Constitutional Court has annulled this legislation. If the state, entities, cantons and municipalities find a solution on state property, everybody will benefit, nobody loses.

On March 22, in a joint statement by the Peace Implementation Council Steering Board, the Ambassadors expressed deep concern

over the recent developments in Republika Srpska. International partners must continue to respond with a united position.

The State Constitution guarantees the existence of both entities and Brcko, but prohibits an entity from seceding or unifying with another state. Any step in this direction would have perilous implications. Those would put at direct risk the 28 years of peace and progress. We cannot step aside and allow divisive political tactics to endanger the State of Bosnia and Herzegovina and the cohesion of its society.

I welcome reassurances by neighboring states, namely Serbia and Croatia, that they fully respect the territorial integrity and sovereignty of Bosnia and Herzegovina.

I am also grateful for EUFOR-ALTHEA's continued presence. It is the military counterpart to the OHR as a Dayton institution, a confidence-building measure and a necessary tool to safeguard peace and stability in Bosnia and Herzegovina. EUFOR-ALTHEA's role remains critical.

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Madam President

Ladies and Gentlemen,

Little progress has been made in implementing the 5+2 Agenda – apart from budget adoption at various levels, which contributes to the fiscal sustainability, and some positive developments in the Brčko District. Bosnia and Herzegovina still faces considerable challenges regarding state and defense property, the rule of law, and various aspects of fiscal sustainability.

There are attempts to follow the proposals of the EU and implement European standards, but these are going very slowly. We expect, and this is an observation, that now, with the

government in force and in full capacity, this will hopefully accelerate. The Office of the High Representative remains committed to working with the authorities towards achieving these goals.

As for the economy, growth continues despite challenges such as increased inflationary pressure. In previous years, uncertain and inadequate financing affected Bosnia and Herzegovina's institutions' ability to carry out their legal obligations. In that regard, the adoption of an increased 2023 budget is a positive development.

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Madam President,

Excellencies

Trust-building is an indispensable element of the efforts to ensure sustainable peace and progress in Bosnia and Herzegovina.

A recent analysis by Balkan Insight shows that the war in Ukraine and the pandemic aggravated the situation of traumatized people in Bosnia and Herzegovina. In this study, a war veteran says that the war in Ukraine triggers flashbacks: "I have stopped watching news from Ukraine. I can't."

Traumas remain wide-spread and often unaddressed in Bosnia and Herzegovina – due a lack of institutional resources. I call upon the members of the international community to support national efforts to heal the wide-spread traumas in the society, as well as both public and private donors to assist those who have suffered and are suffering the most. In this context, I wish to highlight the contribution the UN and its agencies are giving in support of these persons. We should continue along this path.

Denial of the Srebrenica genocide and glorification of war

criminals continue to be a problem. Remembrance, memorialization, and truth-telling for future generations are preconditions for peaceful coexistence among different groups in the country. Without that, this country cannot transition from a post-war society to a modern, unified, democratic nation. With this understanding, I amended the Law on the Srebrenica-Potocari Memorial Center on February 20 for the Center to be able to broaden and intensify its engagement. I am glad that the city of Mostar recently changed the names of streets which had been named after leading members of the Ustasha state in World War II.

Regionally, I see many commitments by mayors, heads of municipalities, and NGOs to deal with these issues. But there remains much more to be done.

When it comes to the prosecution of war crimes, Bosnia and Herzegovina is the most advanced country in the region. But even now, after the ICTY did its work, the prosecution of genocide, war crimes and crimes against humanity needs the full support of the international community, since there are thousands of cases to be processed.

War criminals convicted by an international court must be entered into the national criminal records. I welcome efforts to create a legal basis for this and I am ready to support them. I am in close cooperation with the Registrar of the International Residual Mechanism for Criminal Tribunals in The Hague.

Those people who were convicted and have served their prison sentences should remain publicly silent except when talking about redress and showing respect for the victims.

School curricula that differ along ethnic lines cannot overcome the shadows of the past. The diversity of the constituent peoples must be respected, but there must also be space for citizens who do not belong to such ethnic groups.

Disunity in foreign and defense policy is another shortcoming in Bosnia and Herzegovina. It would be beneficial for Bosnia and Herzegovina if the three Members of the Presidency agreed more often on common foreign policy positions in the interests of the country and all its citizens.

In the face of continued instability, people – especially young people – are leaving the country in record numbers. Political participation among youth is low. When asked about the reasons for migration, many people refer to widespread corruption, nepotism, segregated education, divided society, and the limited job market.

Overall participation of women in BiH in the executive and legislative authorities remains low. Yet there were some appointments of women to high-level political positions after the October 2022 elections. I am speaking here of Her Excellency Ms. Željka Cvijanović, Chairwoman of the Presidency of Bosnia and Herzegovina, Her Excellency Ms. Borjana Krišto, Chairwoman of the Council of Ministers, and Ms. Lidija Bradara, President of the Federation. Women comprise around 20% of the State- and entity-level parliaments. The balance in the executive authorities is even worse, especially at the local level.

Discrimination in Bosnia and Herzegovina is a complex problem encompassing many issues and groups. Ethnic minorities and persons who do not belong to any constituent people, called “the Others,” are banned from certain public offices, which are reserved for constituent peoples. I therefore call upon political leaders in Bosnia and Herzegovina to launch comprehensive constitutional and legal reforms in order to tackle this problem and to implement the relevant decisions of the European Court of Human Rights. By introducing new legislation and constitutional amendments against discrimination we can address the shortfalls of Annex 4 of the Dayton Agreement, which is the State Constitution.



Minorities often face ethnic and religious discrimination. This is especially the case with the returnees. Social exclusion and discrimination against the Roma remain widespread, particularly in housing, employment, education, and access to health services. More efforts are needed to combat discrimination and promote tolerance in the interest of fostering stability in Bosnia and Herzegovina.

All those who suffered as a consequence of the war want to have reassurances that peace will be protected. Political and religious leaders have a particular sensitivity for this need. Here I want to also highlight the contribution of the honorable Reisu-l-ulema, the Head of the Islamic Community. There are often statements that express the fears felt by those who are relying on him. There we have to listen and understand that there are feelings of uncertainty and lack of security. The honorable Reis, the Head of the Islamic Community, has personally experienced attacks and humiliation during the war and is now engaged in interreligious dialogue, which we should support.

We as the International Community have to renew the promise we gave to Bosnia and Herzegovina in 1995: Never again. Those who put peace at stake deserve a clear response. If we say "never again," we must act in line with our promise.

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Madam President,

Ladies and Gentlemen,

In closing, I will underscore one message only: Bosnia and Herzegovina's sovereignty and territorial integrity are not negotiable. Borders within BiH do not and will not exist. Respect for the country's constitutional, legal and institutional framework is the cornerstone of long-lasting peace, stability, and progress. Without this, Bosnia and Herzegovina – to the detriment of all its citizens – cannot

move forward towards the European Union.

It is necessary to move towards EU membership and adopting European standards, so that gradually the Dayton Agreement can become part of this development in the sense of emerging only when it is absolutely necessary.

I value dialogue and openness with the political actors in Bosnia and Herzegovina and regional interlocutors. I am hopeful for Bosnia and Herzegovina's future within the European family.

I feel that, when it comes to young people, many are leaving, but some are staying. Those who are staying do not agree with the present situation. When given an opportunity, they want to work for a better future, more participation. I think this could bring the best momentum for this country.

Madam President, your excellencies, my report shows some problematic developments. But it does not end without a lot of hope.

Thank you.