

Remarks by High Representative Valentin Inzko to the UN Security Council



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Mr. President, Distinguished Members of the Council,

Before I start, I would like to acknowledge that a number of central European states are currently celebrating the hundredth anniversary of their modern existence, including Poland, the Czech and Slovak Republics and others.

My own country, Austria, will commemorate this date next Monday in a solemn ceremony in the state opera house. Only two days ago, Presidents Macron and Steinmeier commemorated the end of World War I, which started with shots in Sarajevo in June, 1914.

France and Germany, who once seemed eternal adversaries, are now among the main pillars of the European Union. This is a lesson for the people of the Western Balkans that it can be done, that lasting peace is achievable and reconciliation possible.

The countries of the Western Balkans should emulate the German/French ideas of common history books, youth exchange programs, common government meetings between neighboring countries and a common television program, like the French/German *Arte*. This could be called "Arte Balkans."

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Ladies and Gentlemen,

The defining political event of the last six months in Bosnia and Herzegovina was the October 7th General Elections.

While international observers characterized the poll as "genuinely competitive," the preceding months saw a worrying escalation in divisive public rhetoric, including hate speech and voter intimidation.

Moreover, the immediate post-election period has been fraught with complaints of election irregularities. Public trust in the integrity of the electoral system seems to be at an all-time low, and restoring this trust through meaningful improvements must be addressed by the new authorities as an urgent priority.

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Looking ahead, the announcement of final, certified election results is expected today, after which the period of forming parliaments and governments will begin.

Overall, the main ethnically-defined parties seem to have won the most support in the parliaments, although in the Federation, certain multi-ethnic parties appear to have improved their results remarkably since the last election. As no party has a clear majority, it is too soon to speculate on which coalitions will ultimately be formed at various levels of authority.

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While the process of constituting parliaments and governments is just beginning, the future members of the BiH Presidency are already known: Sefik Dzaferovic (SDA), Zeljko Komsic (DF) and Milorad Dodik (SNSD).

Mr. Komsic's defeat of the outgoing Croat Presidency Member Dragan Covic has led a number of officials from the HDZ BiH and from neighboring Croatia to declare the election illegitimate and even illegal or anti-Dayton, despite the fact that it was carried out according to the same rules used in every past election.

While some may have the political goal of wishing to change the current system, this cannot be used to deny the legality of a process conducted in line with the law and the Peace Agreement; nor can it be misused to justify future boycotts or blockages.

The election of Mr. Dodik as the Serb Member of the BiH Presidency has also raised questions, given his past numerous statements against the state of BiH. Additionally, since the elections, he has made some provocative public statements about the BiH flag and the taking of the oath.

Nevertheless, I strongly believe it is not helpful or appropriate to judge the new Presidency before they have even taken office. They will have significant challenges ahead and I for one will give them the benefit of the doubt in their ability and willingness to – as the oath of office requires – “...respect the Constitution of Bosnia and Herzegovina, implement the General Framework Agreement for Peace and its Annexes in their entirety, protect and promote human rights and fundamental freedoms, and protect the interest and equality of all peoples and citizens.”

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Ladies and Gentlemen,

Despite the difficult environment, integration with the European Union has remained a bright spot in the political landscape over the last six months. This is one area where leaders with often competing visions of the country can find common ground.

In this regard, it is noteworthy that following the submission of an initial 3,300 answers to the European Commission Questionnaire during the previous reporting period, the BiH authorities are now working on answers to some 650 follow-up questions received in June.

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Despite this good news, other developments over the last several months have highlighted serious deficiencies in the rule of law.

As I have briefed in the past, a lack of respect for the final decisions of the judiciary remains a problem. This was seen in the continued failure to implement the BiH Constitutional Court's decision in the Ljubic case, while local elections in the City of Mostar have not been held since 2008 due to another unaddressed BiH Constitutional Court decision.

In this regard, I must call attention to the authorities' ongoing failure since 2009 to implement the European Court of Human Rights' rulings in the "Sejdic & Finci" and related cases, leaving in place severe discrimination against some citizens in exercising their right to stand for public office in the BiH Presidency and House of Peoples.

Similarly, a number of cantons in the Federation still have not met their legal obligation to harmonize their constitutions with the entity constitution and to ensure the full equality of Serbs as a constituent people. This is unacceptable.

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In addition to the issue of unimplemented court decisions, BiH is also facing a problem with deep-rooted public disappointment in the criminal justice system's seeming incapacity to tackle corruption and deal with organized crime.

For example, in Banja Luka, daily public protests have continued over seven months, including a demonstration with tens of thousands of citizens in the days before the elections, over what activists allege is a cover-up by the authorities in the suspicious death in March of David Dragicevic. The case of this young student has to be solved urgently and I will report to you again on this case.

This and a similar case in Sarajevo have raised public outrage, and they are unfortunately not the only such cases. They are symptomatic of the state of the rule of law and of the profound disappointment of citizens in the rule of law.

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Ladies and Gentlemen,

Besides the elections, another defining political issue of the last six months has been the dramatic rise in migrant arrivals in BiH and the authorities' response. In recent years we have not had such dramatic numbers.

Given BiH's complex constitutional structure and internal political tensions, we need to be aware that this issue could worsen in a number of ways: as a humanitarian crisis; from a security point of view; and in terms of the political stability of the country.

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Regrettably, the reporting period has continued to see a tendency on all sides for some politicians to deny or relativize war crimes and even to glorify war criminals.

In this respect, having in mind the fact that two international tribunals have confirmed that genocide was committed in Srebrenica, I consider the repeal by the RS government of its earlier 2004 report, which had officially acknowledged the involvement of RS military and police forces

in the July 1995 events, a significant step backwards for reconciliation.

The ICTY, which was formed by this body 25 years ago, in 1993, has declared that genocide took place and this decision of the ICTY is now being questioned.

This also stands in contrast with neighboring Serbia, whose parliament adopted an historical declaration condemning the crimes committed in Srebrenica in 2010 – a declaration which has remained in force unchanged.

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Ladies and Gentlemen,

In conclusion, I would like to make a few recommendations to be taken up by the incoming BiH authorities, but also to be supported and encouraged by the wider international community.

- First, measures need to be undertaken immediately to strengthen the Rule of Law;
- Second, official institutions need to be supported and strengthened in their functionality and independence, and also their stability;
- Third, economic development needs be kick-started;
- And finally, these reforms need to be addressed with a sense of urgency due to the huge departure of young people from BiH – about 20-30 thousand per year.

Despite the absence of these issues from the campaign platforms of many of the leading parties, once they enter power, they will not be able to ignore them.

Those who declare EU membership as their goal will need to find compromises, support the functionality of the institutions and accelerate the pace of reform.

We as an international community can best support the citizens of Bosnia and Herzegovina by promoting a vision of the country

that recognizes that its integration with Euro-Atlantic structures will also require leaders to work on integrating its people.

After the elections, the BiH political leaders will have an opportunity for a fresh start – a fresh start for the country, its entities, its cantons, but above all for its wonderful citizens. They should use it to improve the lives of their citizens.

Thank you.