Remarks by High Representative Valentin Inzko to the UN Security Council

Check against delivery.

Mr. President, Distinguished Members of the Council,

More than 25 years have passed since Bosnia and Herzegovina joined the United Nations in 1992, and more than two decades have passed since the tragic conflict came to an end in 1995.

In many ways the country has made remarkable progress since then. The state institutions provided for in Annex 4 of the Peace Agreement, the Constitution, were established. The three armies that fought each other were unified into one. A modern and efficient tax collection system was established, the country got symbols such as the flag, common passports, and a stable currency. These are just some of the achievements.

Today the country is at a crucial moment in its history, as leaders of all ethnic affiliations aspire to join the European Union and are working towards fulfilling the requirements necessary for BiH to be granted EU candidate status.

However, despite these promising strides, Bosnia and Herzegovina still requires the attention of the international community.

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Looking at the last six months, many of the key political actors in Bosnia and Herzegovina have continued to hold maximalist positions on the concrete challenges facing the country. They have been unwilling in most cases to search for the compromises needed to adopt necessary reforms.

Of course there have been positive counterexamples to this negative trend. Bosnia and Herzegovina took some steps to implement the EU Reform Agenda and continues to work on the European Commission's Questionnaire.

In addition, the country signed a Transport Community Treaty with the EU and five other Western Balkans countries in September, which will eventually open the door to infrastructure developments.

There were also some positive developments in terms of regional relations, such as the official visit of Serbian President Aleksandar Vucic to Sarajevo in September. And there were also important visits of Croatian officials.

But the overall picture is one in which reforms have slowed down considerably.

The Foreign Ministers of the EU described the situation quite accurately last month, when they, "expressed regret that a divisive rhetoric rooted in the past and an early electoral agenda have slowed the pace of reform and affected the political climate."

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On top of the current political stalemate, I want to highlight the risk of a deeper political crisis next year over disagreement on the rules regulating the indirect election of delegates to one of the houses of parliament in the Federation.

If the Federation House of Peoples is not formed after the

next elections, this will most likely prevent the formation of a Federation government and the formation of one chamber of the state-level parliament.

I want to call attention to this issue now, while there is still time for the parties in parliament to address the problem ahead of the October 2018 Elections.

The parties must do whatever is necessary to ensure that elections can take place next year and that the results are implemented without undue delays.

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In addition to the political stalemate I have described, we have also seen continued actions and statements from the representatives of Republika Srpska questioning the future of the country and challenging the authority of state-level institutions, including the decisions of highest courts.

The RS President has called for Serb judges to withdraw from state judicial institutions and made clear that entity institutions will not implement decisions of the Court of BiH related to the state's right to own real estate on the territory of the RS.

This is part of a campaign to assert that Bosnia and Herzegovina only derives its sovereignty from the entities and that it is not a real state.

In practice, it involves challenging the competence of the state to deal with almost any issue and it has led to paralysis on a number of concrete reforms needed for the country to advance on its path of Euro-Atlantic integration.

For example, in October, the RS National Assembly adopted a resolution which asserts the entity's neutrality vis-à-vis integration with NATO and attempts to redefine the position and obligations of the RS under the General Framework

Agreement for Peace, in particular under the Constitution as set forth in Annex 4.

In response, I have been clear that the General Framework Agreement for Peace, including the Constitution, prevails over any act adopted by the RS National Assembly and that foreign policy is an exclusive responsibility of the state institutions. Also, in my view, and this stands for other issues as well, decisions of the BiH Presidency remain valid until they are amended or subsumed by subsequent acts.

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In the past I reported to the Security Council on another potential challenge to the Dayton Peace Agreement and the sovereignty of the country, which was a decision to hold a referendum in the Republika Srpska on the state judicial institutions and the authorities of the High Representative.

In 2015, when this issue arose, I made clear that such a referendum would violate Annex 4 and Annex 10 of the Peace Agreement. At the time, the European Council also said that such a referendum would "challenge the cohesion, sovereignty and territorial integrity of Bosnia and Herzegovina."

Yesterday, the RS National Assembly formally took out of force the 2015 decision, which never should have been taken in the first place, to hold this referendum.

However, the assembly also adopted conclusions, which are an issue for grave concern. They again assert, incorrectly, that the Republika Srpska is a state and that it has the right to hold referenda on matters within the clear competence of the state of Bosnia and Herzegovina.

Here, I would like to emphasize that the RS authorities only have the right to decide, including through referenda, on matters falling within their constitutional responsibilities. This is clearly not the case when it comes to the laws

establishing judicial institutions at State level or decisions taken by the High Representative.

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Ladies and Gentlemen, many of the problems which we see in Bosnia and Herzegovina highlight a more general long-term trend of diminishing regard for the rule of law by those in authority.

This includes the continued failure to implement the rulings of the European Court of Human Rights in the “Sejdic & Finci” and related cases. As a result, under the current system, certain groups have been discriminated against for over two decades in their right to hold political office.

And in the city of Mostar citizens have been unable to elect local representatives during the last two electoral cycles, because the two main political parties in the city have been unwilling to implement the constitutional court’s decision on the electoral system in Mostar.

One final example: some of the cantons in the Federation of Bosnia and Herzegovina have failed to amend their constitutions to include language guaranteeing the status of Serbs and the Serb language, despite a legal requirement to do so since 2002.

All of these issues need to be addressed.

Of course problems with the rule of law go much deeper, in terms of corruption in the political system, in the large public sector and in the provision of basic services to the public.

These deficiencies in the rule of law contribute to the huge exodus of talented young people from the country. And they strengthen the forces of nationalism and division.

The Dayton Peace Agreement defines Bosnia and Herzegovina as a

state governed by the “rule of law” and I believe that we as an international community need to reengage and reinvigorate our efforts to buttress the rule of law, including through stronger anti-corruption efforts.

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Ladies and Gentlemen, in light of the many internal challenges still present in Bosnia and Herzegovina, I believe that the International Community should retain all of the instruments at its disposal to maintain stability. BiH is a complex political and security environment, where negative scenarios can quickly endanger the Dayton Peace Agreement and the progress achieved so far.

For this reason, I am firmly convinced that there is still the necessity to maintain the EU military force on the ground with an executive mandate.

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Before concluding this morning I want to mention one more recent *positive* development, which I think reminds us that our efforts to support Bosnia and Herzegovina and its people are not in vain.

Last year, politicians in Central Bosnian adopted an initiative in the regional parliament to segregate Bosniak and Croat pupils in the local high school in the town of Jajce.

However, they quickly encountered determined resistance from a group of vocal students and other citizens of all nationalities. In large part because of this resistance, the planned division of the school did not move forward in September.

This example reminds me of two things. First, that there is a desire among citizens at the local level for social and institutional integration and for European standards to be

applied in the public sphere.

Second, it demonstrates to me that when we as an international community are united in speaking out in support of local actors working to improve their own country, we do see results.

Looking ahead, the principal challenges for the political leaders and institutions in Bosnia and Herzegovina are clear.

First and foremost, they include completing the actions needed to achieve the next steps in Euro-Atlantic integration. These are the very same measures which will deliver the economic development so badly needed for the citizens of Bosnia and Herzegovina.

Second, they include taking all necessary steps to ensure that the 2018 elections can be held and their results implemented smoothly.

And finally there is the rule of law. Respecting and implementing the decisions of courts and respecting the Dayton Peace Agreement are absolute preconditions for real progress.

We as an international community cannot do any of these things on behalf of the elected leaders of Bosnia and Herzegovina. But we can speak out clearly against attempts to roll back the progress made in integrating Bosnia and Herzegovina and its peoples.

And we can support all those who demonstrate a true commitment to making BiH a stable, functional and prosperous country, irreversibly integrated into European structures.

Thank you.