

Remarks by the HR/EUSR at the Press Conference on PIC conclusions: “My Challenge to BiH’s Leaders”



Good afternoon and welcome.

I assume you are all familiar with the conclusions by the Steering Board of the Peace Implementation Council that met end of February in Brussels.

I have asked you here today to inform you that in line with these conclusions on Friday I wrote to the BiH Presidency, Council of Ministers, Parliamentary Assembly, entity Prime Ministers and the leaders of the ruling parties to underline that the objectives and conditions that were unanimously adopted by the Peace Implementation Council must now be turned into concrete actions.

Only a decisive action going in this direction opens up the road towards the signing of the Stabilization and Association Agreement with the European Union, sets Bosnia and Herzegovina firmly and irreversibly on the road of Euro-Atlantic integration processes, and enables the beginning of the OHR transition into the Office of the EU special representative.

I have also emphasized in my letters to them that this is the opportunity that BiH must not afford to miss.

I am reminding you of the fact that the Council has established objectives and conditions that, among other things, were earlier undertaken by the BiH institutions as their obligations.

The five objectives are:

1. Registration of State Property on behalf of the BiH Institutions through an agreement between appropriate levels of government i.e. through legislation.
2. Transfer Agreement on Defence Property, both movables and real estate signed by all and legally registered.
3. Passage of appropriate legal acts regulating the status of Brčko District thus ensuring that Brčko has adequate legal protections in its relationship with the state and entities.
4. Adoption of a permanent methodology for revenue allocation and legal establishment of a National Fiscal Council.
5. Adoption of the National Strategy dealing with War Crimes Cases. Passage of the Law on Stay and Movement of Aliens and Asylum. Adoption of the National Justice Sector Reform Strategy.

In addition we have two "conditions" that must be met prior to OHR closure and its transition.

- signing of the Stabilization and Association Agreement; and
- a positive assessment of the situation in BiH by the Peace Implementation Council.

If the responsible leaders of this country want to achieve their goals they will have to work hard; at the moment all I'm seeing is political hot air aimed at doing everything but finding agreement.

The International Community is looking for clear evidence that BiH's political leaders are ready and capable of leading this country in a positive direction, towards the European Union.

Politics is the art of the possible and it is high time we got back to a serious discussion on what needs to be done:

The first priority is adopting police reform legislation in order to sign the Stabilization and Association Agreement.

Rather than seeing concrete discussions on how to get the Stabilization and Association Agreement signed – and let me say that the attitudes in Brussels are positively inclined towards BiH at the moment, it would be foolish to miss this opportunity – some political leaders continue to play their zero sum game.

I have to admit that I am displeased with the atmosphere that is being created here with regard to the forthcoming discussion in the Assembly. Once again we have had public statements rejecting in advance any democratic discussion, once again we have seen blackmail at work. All that unnecessarily makes the parliamentary process that we are starting this week harder.

The coming days will show us which of the political leaders are committed to European integration, not only in words but also in action. We will be watching closely the behaviour of the political parties and their leaders in this process, which is of key importance for signing the SAA and the European future of Bosnia and Herzegovina. And let me remind you once again: it is not the EU that requests BiH to join the Union, but the citizens of BiH who rightfully expect their elected leaders to make that possible for them.

In Brussels the International Community was united in its view that the end of the OHR is not a time-based process, but one based on results that the BiH authorities must deliver.

Let me reiterate, there are clear goals and conditions.

These objectives have been accepted as obligations by the BiH authorities in various policy documents.

If there is a political will among the BiH actors they can be met quickly. Until then, the OHR will remain in place.

It is clear to us that the goal is end-based and not date-based.

That is why I expect all those who bear political responsibility to focus on meeting them.

For this, deliberate provocations, such as resolutions calculated to create instability, must stop.

Threats of secession are empty rhetoric designed to unbalance the country's progress.

Let me clarify:

First: all three constituent peoples are constituent in all parts of the country. Neither of the entities is the exclusive property of one of the peoples.

Second: the International Community will never allow or recognise any such unilateral move which violates the territorial integrity and sovereignty of the country or questions its constitutional structure.

Third: the only way to get internal change is through agreement among the representatives in BiH's institutions under the procedure defined by the constitution.

This means that there are legitimate partners in the country that have to agree on any constitutional changes, as well as one important player outside the country – the international community.

The International Community is united and clear. BiH can

choose to stagnate and slide backwards or it can choose to move forward on the path of integration and cooperation.

Continuous calls for me to impose decisions are not a solution. They are signs of political immaturity. I am very much aware of my mandate, my powers and my responsibility and no one needs to remind me of that.

There is no third choice. No magic solution. There can be no secession or abolition, one cannot constantly threaten with a referendum as an ultimatum. Such, as well as any other action that is imposed by only one partner against three or four others is anti-constitutional, politically unacceptable and technically unfeasible, and primarily immoral.

So it is time for the political leadership to stop looking for excuses, stop blaming public opinion – the opinion they themselves have created – or the international community – and start doing their job.

The international community expects to see a positive change: we will be watching closely to see if politicians in BiH are as capable as they say but at the same time we are ready to offer help and support in that joint endeavour, whose goal is to build Bosnia and Herzegovina which is stable, efficient and definitely and irreversibly on the road to the EU membership.

Thank you – I will now take your questions.

RTQs:

TV OBN, Almir Šarenkapa:

What makes you think that the BH political leaders will listen to you now, considering this is not the first statement that you have made along these lines and that so far they have disregarded all of your warnings, recommendations and similar? Therefore, when will you start taking action, because the

political leaders continue to do things their own way and there is still talk of a referendum, of secession, of abolition and so on?

High Representative / EU Special Representative, Miroslav Lajčák:

Talk of referendum and secession must stop because, as I have already said, they are unconstitutional, politically impossible, technically unfeasible and above all else, they are dishonorable and immoral. No serious decision in this country may be made by one of the partners and imposed against the will of the other partners. As I said before, here we have four partners, three constitutive peoples and also the International Community, which plays a significant role in this country as you well know.

Secondly, this week we will enter a serious process of discussion on the subject of police reform, and this is why I am addressing you today, this is why I am addressing the public, to tell you that this is the moment of truth, we will now see whether the political leaders are capable of fulfilling all of the promises they have made to you, to the public – that they wish to lead this country towards European integration. Let me repeat what I said before, Brussels is closely watching what is happening here, and not only Brussels but the entire International Community as well, and they will base their future policy towards Bosnia and Herzegovina on the results of this process.

Nezavisne Novine, Mirza Ćubura:

I would just like to expand on the question asked by my colleague Mr. Šarenkapa. I would like to know why, if talk about the secession of Republika Srpska from BiH is unconstitutional and therefore anti-Dayton, you have not taken any actions or imposed any sanctions against the people that are calling for a referendum on secession?

High Representative / EU Special Representative, Miroslav Lajčák:

Because sanctions are the instrument of last resort. However, they still are one of the options.

Agence France-Presse, Amra Hadžiosmanović:

What if the Law on Police Reform is rejected this week? You said that Brussels is watching carefully and is set to take a new stance towards Bosnia and Herzegovina. What stance could they take?

High Representative / EU Special Representative, Miroslav Lajčák:

As I said, the attitudes in Brussels towards the European aspirations of BiH are currently favorable and positively inclined, however this is not a given nor is it definite. If this opportunity is missed, for one, we will pass up the opportunity to sign the Stabilization and Association Agreement within a realistic timeframe – which is April or May – and secondly, we would be provoking the European Union and basically asking for them to become less positively inclined towards BiH.

FTV, Blažica Krišto:

Mr. Lajčák, I have two questions. We know what the positions of some of the politicians are regarding the police reform legislation that is, well that now should be, currently in parliamentary procedure. Some of them say that they will not accept any amendments, while others have already prepared a large number of amendments. Have you had the opportunity to look at any of the proposed amendments and what is your comment on them?

High Representative / EU Special Representative, Miroslav Lajčák:

I have viewed around 50 amendments and I think that a large number of them are acceptable in the sense that they are in accordance with what we have been discussing from the beginning – we need to adhere to the framework defined by the Mostar Declaration and the Action Plan, but we should also be as ambitious as possible within that framework. I have seen a number of amendments that fulfill this criteria. However, there are also amendments that are clearly not in accordance with the framework and I think those amendments have no chance of being accepted, as it has been agreed and accepted by the European Union that the police reform legislation must be based on and in accordance with the Mostar Declaration and the Action Plan for Implementation of the Mostar Declaration.

FTV, Blažica Krišto:

You are aware that what may easily happen is that the SNSD (Alliance of Independent Social Democrats) will block the passing of the Law just because Dodik has taken the position that they will not accept any amendments to the legislation.

High Representative / EU Special Representative, Miroslav Lajčák:

I think that all discussion needs to be led in the Parliament and not by sending messages through the media and rejecting any democratic discussion in advance. That is just plain disregard of the democratic institutions of this country and a show of disrespect towards one's coalition partners.

FTV, Blažica Krišto:

My second question concerns the recent threats addressed to the nongovernmental organization that is one of the organizers of the lectures that you also are taking part in on the subject of Bosnia and Herzegovina's future in the European Union. What is your comment on this? Will the OHR get involved in that case in any way?

High Representative / EU Special Representative, Miroslav Lajčák:

Yes, unfortunately during our campaign promoting European integration, which is a highly positive campaign that should unite the people of this country, we found ourselves faced with a situation in which the organizers of the campaign in Pale received threats in relation to the debate we are planning to hold there tomorrow. Of course, I sternly condemn such threats. However, we will not get involved in the case as the police are doing their job. I can only say that we are, of course, resuming our plans and we hope to have a good and constructive debate on the European perspective of BiH tomorrow in Pale.

BHT1, Anisa Vladavić:

I have a question concerning the law on seizure of illegally obtained property. On several occasions the PIC warned the BH politicians that they have finally to pass that law. However, such a law, of course, never even made it into parliamentary procedure. Therefore, what interests me is whether you will get involved in any way or take any measures in order for that Law to be finally passed?

High Representative / EU Special Representative, Miroslav Lajčák:

I see a discussion is being led concerning legally or illegally obtained property and it is good that such a process and discussion exist. It is certain that I have no intention of interfering in something that has been initiated by the local politicians. However, I do agree that it is a significant issue.

Journalist #6:

Mr. Lajčák, is there at least one politician in Bosnia and Herzegovina that in your opinion does his job well, cooperates

and is committed to leading BiH into the European Union?

High Representative / EU Special Representative, Miroslav Lajčák:

There is more than one. However, the problem is that they work well in the interests of their specific electorate and have a tendency to forget that there are three constituent peoples, three electorates, as well as others. Therefore, I would recommend that above all else, the politicians should be governed by the interests of Bosnia and Herzegovina. That is the problem. The problem is not that the politicians lack dedication or do little work, but so long as the politicians think they can impose their opinion – either directly or by blackmail or by using the OHR – on their political partners, instead of sitting down and talking with them, we will keep running around in circles, missing one opportunity after another.

Večernje Novosti, Dušan Stojaković:

How firm is the position of the International Community regarding issues such as adherence to Resolution 1244 with which Serbia is faced or the Protected Ecological and Fishing Zone (ZERP) that all maritime countries have, but which Croatia is being denied the right to?

High Representative / EU Special Representative, Miroslav Lajčák:

Those are interesting questions, however they are not questions for the High Representative in Bosnia and Herzegovina.

Nezavisne Novine, Mirza Ćubura:

One more question. You mentioned that resolutions regarding declarations of independence and similar, are unconstitutional. In that case will you repeal the Resolution

passed by the National Assembly of Republika Srpska, which sets out things no one in Bosnia and Herzegovina actually asked for?

High Representative / EU Special Representative, Miroslav Lajčák:

My position is well known. I could do that, however that is not the solution. You cannot change how people feel just by exercising the Bonn Powers. I respect the National Assembly of Republika Srpska as a legitimate organ and what I need is for us to talk, come to an agreement and create an atmosphere in which no entity or cantonal parliament may pass a decision that would be cause for concern or alarm in the rest of the country or the International Community. As I said, it is easiest to exercise the Bonn Powers. However, I am the one who is entitled to use them, I am the one who bears that responsibility and I always think two or three steps ahead and assess whether using them would really help or not.