

# Speech by High Representative Valentin Inzko to the UN Security Council

Mister President, Your Excellencies, Ladies and Gentlemen,

Thank you for giving me the opportunity today to present my sixth report as High Representative and the 40<sup>th</sup> report altogether.

This is my first report to you in my sole capacity as High Representative, following the decoupling of the EU Special Representative's Office on 1 September with the arrival of Peter Sorensen, the new EU Head of Delegation. We are working closely together on the ground and through a joined-up approach I look forward to demonstrating the unity and resolve of the international community to help take Bosnia and Herzegovina forward in its Euro-Atlantic integration aspirations, while ensuring that the General Framework Agreement for Peace – the Dayton Agreement – is fully respected and implemented, and that previous reforms implementing that agreement are not reversed.

When I spoke to you one year ago, I noted with reserved optimism that in spite of all the difficulties Bosnia and Herzegovina was facing, the previous year had brought a number of positive developments, especially in the context of regional cooperation and reconciliation and visa-free travel to the EU. I would note that Serbian President Boris Tadic and Croatian President Ivo Josipovic continue to follow events in Bosnia closely and the regional situation remains better than at any other point since the war.

Since my last report, however, Bosnia and Herzegovina has continued to see political stagnation and backsliding. When I

last spoke to you in May of this year, I was forced to submit a special report that detailed serious violations of the Dayton Agreement by one of Bosnia and Herzegovina's two entities. Sadly, since that time, and in spite of the good will of the international community, the challenges to the Dayton Agreement have continued.

One of the basic reasons for these challenges lies at the core of Bosnia and Herzegovina's political culture, in which politicians show little willingness to compromise, avoiding dialogue on crucial issues, and regularly misuse the system.

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More than twelve months after the general elections the State-level Council of Ministers has yet to be formed and many state institutions are under serious political, institutional and economic pressure with a clear impact on their efficiency and functionality. A state-level budget for 2011 has yet to be passed, and the state-level institutions are struggling on temporary financing. The prospect of a budget being adopted soon for 2011, or for 2012, appears distant. The European Union and the Euro-Atlantic integration processes effectively remain blocked due to the continued adherence to narrow ethno-nationalist policies. Not surprisingly the economy continues to suffer. In this context, international credit-rating agencies downgraded the country's outlook, but not for economic reasons, specifically citing the negative political situation in Bosnia and Herzegovina. In its annual Progress Report, on Bosnia and Herzegovina, the European Commission also noted the country's political problems.

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During the reporting period, Republika Srpska has continued with legal and political actions and sharp rhetoric that challenge BiH state-level institutions, competencies and laws, and my authority under the Dayton Agreement and relevant

resolutions of the UN Security Council.

Although the RS National Assembly's 13 April adoption of a referendum decision was repealed on 1 June, the controversial conclusions of the same date continue to influence RS policies in regard to both the institutions of BiH and my office and mandate. I should point out that the RS repealed its referendum decision only after the direct, personal intervention of Lady Catherine Ashton, the European Union's High Representative for Foreign Affairs and Security Policy. I would like to take this opportunity to publicly thank her for her efforts, which enabled me to avoid the use of my executive mandate, which at this point in the process I am keen to refrain from using whenever it is possible to resolve difficulties by other means.

In this regard, keeping with the principle of local political ownership, I have maintained during the reporting period the longstanding policy of refraining from the use of my executive mandate unless it is absolutely necessary, despite the ongoing political difficulties. In fact, the only case in the last six months in which I used my executive authorities was in order to lift sanctions imposed by my predecessor in connection with non-cooperation with the International Criminal Tribunal for the Former Yugoslavia. I did this following the capture and transfer to The Hague of Ratko Mladic, the last ICTY fugitive accused of crimes connected to the Bosnian war. This was my only use of executive powers during the last six months. Otherwise, I did not use it at all.

Unfortunately, the arrest of Mladic was not accompanied by a decline in the use of inflammatory nationalistic rhetoric, including further statements by officials from the RS in support of state dissolution and chauvinistic comments directed against other ethnic groups. In this regard, I would like to express my deep concern about recent public statements from the RS that challenge the statehood of BiH by characterizing the country as a "state union" [*drzavna*

*zajednica*], ignoring the fact that BiH was admitted as a member state to the United Nations on 22 May 1992, by a direct and unanimous recommendation of this Security Council. Ultimately, Bosnia and Herzegovina, together with Slovenia and Croatia, was admitted to the United Nations by a unanimous vote. These statements, which undermine the constitutional arrangements provided for under the GFAP need to be taken seriously, especially in light of other actions directly challenging the GFAP as set out in my current and previous reports.

Some Federation officials and politicians have also used unwelcome rhetoric, as detailed in my report. The two leading BiH Croat parties continue to question the legality and legitimacy of the incumbent Federation government. Some Bosniak political leaders escalated their rhetoric in response to statements from the RS leadership and warned of possible conflict, were there an attempt to divide the country. I have long warned about the serious damage this rhetoric is doing and I again use this opportunity to call on Bosnia and Herzegovina's leaders to contribute to fostering reconciliation, dialogue and co-existence rather than spreading chauvinism, fear and mistrust.

Given the aforementioned negative trends and actions, it is not surprising that there has not been significant movement on the EU agenda or on NATO membership. Nor has there been any movement towards fulfilling the five objectives and two conditions necessary for the closure of my office.

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I am also deeply concerned about the situation with the Rule of Law, as Republika Srpska regularly questions the very competences of the state-level judicial institutions, including the jurisdiction and role of the BiH Constitutional Court itself.

The authorities have also continued to undermine and question other key state-level institutions in the country. It is difficult to avoid a perception that the intention is to portray institutions as dysfunctional – and therefore not needed at state-level.

This is the wrong approach. Bosnia and Herzegovina and the Entities will only turn a corner decisively when political leaders understand that the Entities and State will only be strong when both levels of government are strong – both will go from strength to strength only when they work together and the State is given the support it needs to be effective.

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Difficulties have also arisen in the Federation and sixteen years after the Peace Agreement there continues to be a need for my office to step in to address large holes in the country's legal system that create significant legal and political problems for the country. I had to intervene in July in the Central Bosnia Canton to address an attempt to ignore the constitution and form a government that could have raised tensions to an unacceptable level. Due to my intervention, not using Bonn Powers but in the form of a letter, the local parties have been able to resolve the situation in line with the constitution, and pave the way for the formation of governments in other cantons and possibly even on the state level. Given what I continue to see, there is still a clear need for my office to remain in place, to fill such legal gaps and maintain stability. This need will continue until such time as Bosnia and Herzegovina is self-sustainable and firmly and irreversibly on the path towards EU and NATO integration.

Something similar to this approach played out in my own country, in Austria, after its liberation by American, Russian, French and British soldiers in 1945. The allied forces stayed until they were sure there would be no revival of Nazism, and that democracy was firmly rooted in Austria.

My core mandate is to oversee the Dayton Peace Agreement. The Dayton Agreement is, at its heart, a peace treaty, and every day we see signs that should it unravel, serious consequences could emerge for not only BiH, but also the region and the broader international community.

Given the continued negative trends and instability, it is essential for EUFOR with an executive Chapter VII executive mandate to remain in place and to continue to assist the OHR and other international organizations to fulfill their respective mandates.

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While we must now focus on the immediate difficulties, I believe it is also important to have a critical look at what we need to do to secure a functional and viable country in the long term. It is clear that we need to support the ownership principle in Bosnia and Herzegovina. In this regard, allow me to say a few words on how I think the International Community should approach Bosnia and Herzegovina in the future.

We all agree that the future of Bosnia and Herzegovina is within the European Union and Euro-Atlantic institutions. The EU and NATO, therefore, have an important role to play in Bosnia and Herzegovina in assisting the country to fulfill the requirements for its aspirations to membership in both organizations.

It is important that Bosnia and Herzegovina remains on the International Community's agenda until the job is completed. There are some who believe that it is time now to leave Bosnia and Herzegovina on its own, some talk about international fatigue in Bosnia and Herzegovina. I do not share this view, and believe that such moves would open the door to those who would attempt to weaken and eventually divide the state and could lead to renewed disorder. The international community has achieved tremendous results in Bosnia and Herzegovina over

the past 15 years, however, it is clear from the current political situation that we have not yet achieved a lasting and sustainable political settlement that would ensure a durable prospect for peace.

Our continued commitment to and focus on Bosnia and Herzegovina is the way to get to the objective that we all want to reach –a Bosnia and Herzegovina that is stable, safe and solving its problems institutionally as it moves towards full Euro-Atlantic integration. I am truly convinced that this can become a reality if we remain committed to the cause and if we finally see a fundamental change in the way politics is conducted in Bosnia and Herzegovina with dialogue and healthy compromise becoming the rule rather than the exception.

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Ladies and gentlemen, in spite of the challenges Bosnia and Herzegovina faces today, I would like to congratulate the country on its tenure as a member of this body and for the excellent job it has done. Security Council membership has given BiH the opportunity to make new friends globally and gain the respect of many countries and should be counted as a significant foreign policy success. I would say, in my personal opinion, this is the biggest foreign policy success of Bosnia and Herzegovina since Dayton.

I would also like to thank personally Ambassador Ivan Barbalic for his dedicated work, his commitment, his professionalism and his idealism.

As we look to the future, I wish to assure you that I am fully committed to carrying out my mandate to the letter and ensuring the Peace Agreement is fully respected. The way forward is not to go backwards. I am also committed to assisting Peter Sorensen in his duties as European Union Special Representative in every way possible to advance the EU agenda. I look to you and to the Peace Implementation Council

to support me fully to do my job in keeping with the mandate you have given me and building on a successful peace effort in the country in order that we reach the point where peace, stability and the country's Euro-Atlantic future are beyond any shadow of a doubt irreversible.

Let us work together, the entire international community, to scale the last remaining meters of the mountain, to secure the peace and to secure Bosnia and Herzegovina's EU future. Together we can do it. Together we will succeed.

Thank you.