

Speech by the High Representative and EU Special Representative Christian Schwarz-Schilling at BiH Parliament



Mr Speaker, Parliamentarians,

Drago me je da sam danas ovdje sa vama – ali zao me je sto je ovo moj zadnji govor vama.

When I addressed this chamber last year, I set out an agenda that focused on the challenges of transition that lay ahead of you:

- The need for ownership to be shown by the government of this country;
- The need for political leaders to take on full responsibility for reforms to take this country forward; and
- The need for politicians to deliver better standards of living for the citizens of this country whom they serve.

These were tough challenges, but ones that – if taken on – would lead this country closer to full membership of the European Union and NATO.

I also warned of a darker side of political life that I had witnessed – about a lack of responsibility and a lack of political courage displayed by certain politicians.

Unfortunately, it is that darker side of this country's political life that has developed most since I last spoke to you.

I have so many positive memories of this country and the people here during the last year and the many years before that during which I have been engaged here. But I have to point out today the many troubling factors that point to a serious political crisis in this country:

- A lack of progress on reforms;
- Increasing mistrust among politicians;
- Extreme political positions taken by one or two important political figures that keep all sides from reaching compromise and making progress; and
- Irresponsible rhetoric on the part of party leaders who play dangerous games with highly sensitive issues.

Let's be clear: it is not just rhetoric. I have heard politicians making arguments and formulating policies that only exploit fears amongst the public, instead of building trust between all sides and making concrete progress on real-life issues.

There are serious consequences to this political crisis that I would like to set out to you:

- The path to Europe is currently blocked. This means the citizens of this country must wait longer to join the European Union and to see their standards of living improve;
- The public are losing trust in their politicians daily and feel only frustration and betrayal; and
- The younger generation feels less and less optimistic about its future.

The consequences of this will have a real impact on the future of this country and should not be overlooked.

Because of the situation in Bosnia and Herzegovina and the region, the Peace Implementation Council decided not to close

the Office of the High Representative this year as it had aimed to do.

This is a setback. Some may see this as a success – it is not and should not be seen as such. Let me be absolutely clear:

The OHR is not staying to do the jobs for the politicians of this country.

The OHR is not staying to impose any new solutions, especially not constitutional ones.

But the OHR is staying to ensure that peace and stability continue, even during this difficult time of political instability.

I am sorry that I do not stand here today as the last High Representative to Bosnia and Herzegovina. But do not think for one second that this takes away any of your responsibilities for the political situation in this country.

Do not forget that three months ago, the EU initialled a Stabilisation and Association Agreement with Montenegro. And today, the EU resumes talks on a Stabilisation and Association Agreement with Serbia. Croatia is almost ready to join the European Union and NATO; Macedonia and Albania are progressing fast.

Bosnia and Herzegovina has been within an arm's reach of initialling a Stabilisation and Association Agreement with the European Union for months, yet it has not been able to take the final step in agreeing police reform.

The ball is in your court. Do not allow your country to get left behind. Do not make your citizens wait longer for the prosperity they deserve and demand from you. And do not hide behind so-called public opinion.

Since I last spoke to you, there has been little progress on any of the key reforms. Of course there were elections last

year, and every country sees its politicians focus on their campaigns in the months leading up to elections.

But is that a sufficient excuse to put major reforms necessary for European integration on hold?

Is it acceptable to use radical rhetoric about referenda and about abolition of entities in order to gain more votes?

Is it acceptable to stir up concerns about other events in the region to spread fear amongst the citizens of this country?

I say this is not acceptable: these are not purely party political matters. Even in pre-election periods, political parties in both government and opposition in countries across Europe cooperate when it comes to serious matters of EU integration and the country's well-being.

There can be no excuses for politicians still failing to establish the cantonal government in Canton 7, or for others not to cooperate responsibly as Ministers, thus hindering a normal functioning of the Council of Ministers.

I laid out to you last year certain key laws that needed to be enacted in order to improve the lives of citizens of this country. None have been enacted so far:

For example, the Higher Education Law – this is needed to ensure better standards for students and real possibilities of studying in Europe.

But you will have a chance today right after this speech to demonstrate that there is political will in this house to work together to make a difference. Both the Higher Education Law and the Law on the Agency for Primary and Secondary Education are on today's agenda of the House of Representatives. I urge you not to disappoint the students and teachers of this country any longer.

I also mentioned the Pharmaceuticals Law last year. This law

has been held hostage to selfish party interests and particular monopolies at the expense of the economic growth and ultimate well-being of the citizens of this country

Finally, laws required to update the Criminal Procedure Code are long overdue and necessary to ensure the independence of the judiciary cannot be undermined by politicians who still do not respect the essential role of an independent judiciary in a fully functioning democracy.

No progress has been made with regard to the reforms aimed at completing the single economic space of Bosnia and Herzegovina. Although crucial for much-needed economic development, the issues like the Law on Obligations, the Salary Law, the establishment of a National Fiscal Council and the creation of a Central Banking Supervision system are being kept on hold whilst there is a political stasis.

I and other representatives of the international community have stressed repeatedly over the past year the need for progress on police reform, full cooperation with the ICTY and the implementation of Public Broadcasting reforms in order to unlock the path to Europe.

These conditions have not gone away because the politicians of this country have chosen not to deliver the necessary reforms.

I spoke to you last year about my policy of ownership, handing over the reins for governing to the elected leaders of this country. I made clear that I would only intervene with the Bonn Powers as a last resort and that I would not do the jobs that the institutions and elected leaders of this country should do. But I would always be on hand to advise, advocate and assist wherever needed.

I believed in the capacity of this country to develop and make progress by its own ability, and I still do. I have always tried to allow domestic political processes to resolve issues, however long and frustrating those processes have seemed.

Unfortunately, experience has shown in a few cases that I had to intervene at some level in order to ensure continued functionality. This was the case, for example, in the question of revenue allocation by the Indirect Taxation Authority and in Mostar.

I also had to intervene in the issue of State Property Reform, by extending the ban on the sale of state property – but this issue remains in the hands of the State and Entity Prime Ministers to solve. I call on them to reach an inter-governmental agreement based on a sustainable solution urgently.

Despite a lack of progress on a number of fronts, the strategy of ownership will not change. It must be a gradual process, and there is no alternative. The lessons are painful, but are an invaluable learning experience in democratisation and nation-building.

I have done my best to implement the ownership policy during my mandate and keep my side of the bargain. I strongly urge the governing parties of this country to keep their side of the bargain and take forward the reform agenda; and to work together as one government with a common programme.

It is not a responsible way to behave for one or two parties to put motions into parliamentary procedure without discussing them in advance with their coalition partners and knowing that they are likely to be rejected. This is a waste of time, time that should be spent improving living conditions for the citizens of this country.

This country needs practical solutions and concrete action.

Reason, not emotions nor rhetoric, should prevail. The Dutch jurist and philosopher Hugo Grotius famously said that: "A man cannot govern a nation if he cannot govern a city; he cannot govern a city if he cannot govern a family; he cannot govern a family unless he can govern himself; and he cannot govern

himself unless his passions are subject to reason.”

I have heard an increasing number of statements from key political leaders peddling conspiracy theories about Islamic terror or the abolition of entities. I witnessed a boycott of the Parliament last May, and during the last week, an obstruction of the CLAC. Such behaviour not only holds the country back, it is playing with fire and could jeopardize the stability that has been built up over the last 12 years if it continues.

This year has seen a deterioration in political atmosphere relating directly to reactions to the judgment of the International Court of Justice in the case of Bosnia and Herzegovina against Serbia and Montenegro.

The International Court of Justice held, among others, that genocide occurred in Srebrenica, and that Serbia had violated its obligation, under international law, to prevent genocide and had failed to cooperate fully with the International Criminal Tribunal for the former Yugoslavia.

All remaining fugitives, particularly Mladic and Karadzic, must be transferred to the Hague to face justice. This is not repeating an oft-said phrase, this is laying out an unavoidable obligation. It is time for Serbia to take more proactive measures.

I acknowledge the progress made in capturing Zdravko Tolimir two weeks ago. The most important point is that he is in The Hague. But we must also realize that this is proof that fugitives are to be found in the region, that more could be done to find those still at large, and that political will and concrete actions across the region are key to finding the remaining fugitives.

Justice is necessary in order to uphold the rule of law and recognise the loss endured by the families and friends of victims.

Justice is necessary to hold those responsible to account.

Without this, there is a risk that an entire people will be stigmatised with collective guilt. This is not in the favour of anyone who wants Bosnia and Herzegovina to move forward. This only prevents trust from developing amongst the citizens of this country who want to live and work together to build a better future.

With respect to the Srebrenica area, there are real issues that require real action. I have appointed an envoy, former US Ambassador Clifford Bond, to play a coordinating role with local actors on the ground, political leaders and the international community. I commend Ambassador Bond for the excellent work he has done so far. The local authorities are already working together more closely in order to deliver concrete improvements to the lives of citizens living in the area. I applaud the coordinators, Davidovic, Dragicevic and Music for working to make a real difference on the ground.

But I deplore the political manipulation of the issue by politicians motivated by their own ambitions.

They have distracted from the real issues but delivered nothing.

They are trying to disrupt the constitutional and territorial order of the country.

Let me be very clear: A unilateral change of the Dayton Peace Agreement is legally unachievable and calls for such changes can only pose grave risks to peace and stability. Be assured, the international community will not allow the peace and stability of this country to be put in danger.

The constitution can only be amended by a decision of the Parliamentary Assembly that includes a two-third majority of those present and voting in the House of Representatives. It will not be changed by any other way.

And let me make one other point: there is no legal obligation from the ICJ verdict calling for the abolition of an entity.

All public figures have a duty to behave responsibly in both word and deed to build a climate of peace and security and to respect that the State of Bosnia and Herzegovina and both its entities are multinational communities of three constituent peoples.

These are basic principles that should not and will not change. What can and should change, however, is how the structures of this country function. And this brings us to probably the biggest political challenge that this country faces and yet probably the most important: reforming the constitution.

I understand that this country has a particularly complex constitutional arrangement. The current constitutional set-up of Bosnia and Herzegovina was established and agreed upon through the Dayton Peace Agreement. Dayton helped to finish the war and allowed the country to establish peace and security and move forward over the past 12 years.

But it created a complicated and inefficient state structure that does not yet fit modern constitutional standards. Dayton functions alongside the strong mandate of the High Representative who can intervene to unblock political stalemates.

Now that the peace implementation process and the institution of the High Representative are coming to an end – and the European integration process is now the key task – it is time to reform the constitution and develop a stable, self-sustainable and efficient state structure for Bosnia and Herzegovina.

This is something that you, the politicians of this country, will have to tackle over the next period. The international community stands ready to assist, but we will not do it for

you. It is perhaps the greatest challenge ahead of you and will require the hardest of compromises and the greatest amount of constructive engagement that this country has seen – despite the current situation, I believe you are capable of this.

A constructive first phase of talks amongst party leaders started in 2005 and resulted in the package of constitutional amendments that failed in this Parliament last April by just two votes. It demonstrated how critical the role and responsibility of this Parliament is in determining the direction this country takes.

Unfortunately, it also demonstrated how easily such processes can be manipulated by irresponsible politicians looking to win votes by taking radical positions. It is time to start constructive dialogue again on reforming the constitution.

I have long talked about how other countries in Europe have had constitutional reform commissions and conventions that provide a broad process with technical input from national and international experts. How there is a need in this country for some sort of institutionalised process, set within Bosnian institutions – primarily the Parliament – led by Bosnian politicians with input from across Bosnian society, supported by facilitation and assistance from the international community.

I believe that the time has come to set up such a process. It is time to give this country a proper mechanism in which to discuss the important reform of the constitution, rather than leaving it to media headlines and sound bites.

In international partnership with the United States, the European Commission and European Union Presidency, I have been meeting party leaders individually over the past week to hear their views and ask for a commitment to establish such a broad process. I am glad to say that all party leaders showed a

constructive willingness for dialogue on constitutional reform within an institutionalised process. I shall work to secure that commitment before I leave, so that my successor can work with you and the political leaders of this country to build on this.

This process must be set on track now, so that results can be delivered within this legislative period.

But concrete progress towards Europe can come almost immediately. As I have pointed out continuously over the last few months, Bosnia and Herzegovina is on the cusp of taking a formal step towards EU integration by initialling a Stabilisation and Association Agreement. The Agreement is completed technically. The outstanding political conditions have to be fulfilled.

An agreement on police reform is needed to deliver this significant next step towards Europe. Party leaders came close to a compromise on two occasions. There is already agreement on 95 per cent of the reform to build a modern, professional police force that is established by the state of Bosnia and Herzegovina once vested with all budgetary and legal competencies for all police matters and free of political interference.

What is needed is sufficient political will; the vision on the part of party leaders to make the changes necessary to bring the citizens of Bosnia and Herzegovina closer to Europe; and a willingness to make compromises for the sake of the country as a whole.

Agreement can and must be reached.

This is my final speech to Parliament and I have tried to be honest and open with you in my message because I believe in your capabilities to deliver what the citizens of this country need.

Despite the extreme difficulties over the past year, I have seen enough to know that this country can move forward, can compete on an international stage both politically and economically, and can join Euro-Atlantic institutions as a valued member with much to contribute.

Despite the frustrations and political games over the past year, there have still been achievements to celebrate:

- The economy has continued to grow and tax reforms are starting to work;
- The elections were entirely run by this country's institutions and met international democratic standards;
- Bosnia and Herzegovina joined NATO's Partnership-for-Peace programme last December – a positive recognition of past achievements in the field of defence reform and a major milestone towards full NATO membership;
- My staff worked closely with Bosnia and Herzegovina's institutions and with the UN Security Council on the long-standing issue of police officers denied certification by the UN International Police Task Force. A solution has been reached thanks to our common efforts. The Office of the High Representative as always stands ready to assist the Bosnian authorities with the implementation of this solution in accordance with the conditions set out by the UN Security Council.
- In signing the Central European Free Trade Agreement (CEFTA), this country has shown the central role it can play in the region, and the contribution it can make to promote economic development;
- Furthermore, the recent decision to base the seat of the Regional Cooperation Council in Sarajevo reaffirms that Bosnia and Herzegovina can and should be at the heart of regional integration.
- Last, but by no means least for the citizens of this country, the Visa Facilitation Agreement with the European Union is ready to be initialled. This is

something that I and those responsible in the Bosnian government have worked long and hard for. It is a visible step towards Europe for the citizens of Bosnia and Herzegovina.

It has been an honour to serve here as High Representative and European Union Special Representative. It has been a privilege to work with you on your journey towards membership of the EU and NATO. And it has been a pleasure to work with the citizens of this country who never fail to inspire me for both their resilience in difficult times and their potential for great achievements in all fields with only the minimum of assistance.

I have seen the rich heritage and diverse culture that this country has to offer. I have a clear vision that there will come a time when the rest of Europe will also admire and be able to benefit from that cultural richness, in literature, music, films, sport, and business that this country will be able to offer as a full member of the European family.

I have been engaged for 15 years in this country that I have come to know and love so well.

I shall continue to assist this country whatever way I can. And I shall share the twists and turns of the journey ahead of you on a challenging but promising path to a brighter future.

I shall take one final opportunity today to stress once and for all that Bosnia and Herzegovina's progress towards Euro-Atlantic integration will be determined by its own achievements and those alone. Let me assure everyone that it will not be determined by outside factors. The ownership and responsibility for progress lies solely with the people of Bosnia and Herzegovina. Their political leaders must live up to this responsibility.

Good luck.

Sretno na putu ka Evropi.

Hvala vama.