

# Speech by the High Representative and EU Special Representative in BiH, Miroslav Lajčák at a round table organised by GRAD association



**“Without BiH there is no RS”**

The question posed as the topic of this round table is at the same time very relevant and is a fact by itself.

The RS is an integral part of Bosnia-Herzegovina. It is a key element of the Dayton Peace Agreement and constitutional order of this country.

It is my duty to protect the Dayton Peace Agreement in its civilian aspects and I shall fulfil that duty.

Let me start from the basics:

BiH consists of two entities and this composition remains until elected representatives of three constituent peoples and others make a different agreement within a constitutionally prescribed procedure.

As the very topic of this round table says – the RS is a part of the state of Bosnia-Herzegovina, but that does not grant

the right to anybody to discredit the state and make it non-functional.

We have often heard the political representatives of Republika Srpska say that they will respect Bosnia-Herzegovina only as much as Bosnia-Herzegovina respects Republika Srpska.

If we take a look at the topic of this conference – **Without BiH there is no RS**, then such statements are paradoxical. Because, by respecting Bosnia-Herzegovina they respect Republika Srpska.

Where does that frequent fear that someone from outside will come and take your entity away from you come from?

Of course, nobody is naïve; fear provokes different statements and reactions among people. But it is clear that Republika Srpska has a legitimate role in the constitutional order of BiH, and nobody has the right to abolish it without the agreement of all.

The Dayton Agreement contains mechanisms that require a high level of consensus in order to protect the interests of the entities and constituent peoples.

Namely, the entity of RS has its position and functions which are guaranteed by the Constitution.

But, at the same time the Dayton Agreement should also be fully respected. This Agreement is not like a buffet where you take what you like and ignore what you don't.

The spirit of the Peace Agreement is that coexistence is better than conflict, and coexistence in peace also implies a certain degree of understanding and compromise.

And the fact that has to be admitted in Republika Srpska is that there is very little of Bosnia-Herzegovina here.

Moreover, some politicians in the RS often dispute the

territorial integrity and sovereignty of Bosnia-Herzegovina, as well as its competences.

I have already pointed out that the constitutional position of Republika Srpska within BiH must be respected. But there is no respect of one without the other. If Dayton ensures existence of entities within the state, then entities too must admit that they function within the state and respect it.

Once cannot, on one hand, insist on respect for the Constitution on one hand, and on the other hand ignore its meaning.

That is why the Office of the High Representative and the International Community will not stand aside and just watch the weakening of the state.

The support for Dayton means the support for the integrity, institutions and symbols of Bosnia-Herzegovina.

That is not a matter of choice but an obligation for all.

And because of the obvious lack of progress in the last eighteen months, it is necessary to focus on completing the implementation of the Dayton Peace Agreement, including the efforts in fighting evident non-functionality of state institutions.

But that does not have to mean a conflict with the entities.

### **Decision/Strengthening BiH Institutions**

Last month the road towards creating of a functional state through the process of integration with the European Union was rejected.

The process of European integration has proved to be the best way to strengthen the functionality of the state. My country is just one out of 27 examples. But it is obvious that it is too early for that road.

That is why the only thing to do is to work on strengthening of the institutions through the mechanisms foreseen in the Dayton Agreement.

In that context I took a set of decisions on October 19. They are aimed at a better functioning of the Council of Ministers and Parliamentary Assembly so that the laws necessary for general development and progress can be adopted as efficiently and fast as possible.

Even before anybody had a chance to read the decisions fully and in conjunction with the text being amended, I was immediately accused of abolishing entity vote and thus also the legal position of Republika Srpska.

For that reason, for the first time in the history of the High Representative, I also issued a written explanation of the Decision and decided to initiate discussions with legal experts from the RS in order to eliminate even the slightest doubt about the legal consequences of the decisions. The meeting with the legal experts had not even taken place yet, and the leading politicians were already giving statements to all RS media, creating panic among the people.

And what is the problem? I have yet to hear a single valid legal argument that shows that my decisions question the constitutional mechanisms intended to protect entity interests, or equality of peoples. First, entity voting has never been possible in the Council of Ministers, so the argument that entity representatives can be outvoted because of my decisions is not true. Second, the RS does not lose the existing mechanism of entity vote in the Parliament, as some attempt to misrepresent. Also, the Serb people in BiH do not lose the protection of vital national interests in the House of Peoples. So let us not claim that these decisions "threaten the existence of Serb people". Whoever claims that only tries to intimidate the people, without any reason or justification.

That is why I consider the resignation of Nikola Spiric as irresponsible, because it does not contribute to the calming of the present political situation.

Now I expect the Council of Ministers to fully function as a caretaker government.

At the same time, talks are ongoing with our legal experts to clarify all dilemmas and eliminate any doubts about my decisions.

Those talks continue even today despite the fact that the National Assembly will issue its view before the talks end.

### **Transfer of Competencies**

Likewise, there is more and more talk about reversing the competences that have already been transferred to the state and returning them to Republika Srpska and Federation of Bosnia-Herzegovina.

Let us be clear: only four competencies have been transferred – in the area of defence, indirect taxation, High Judicial and Prosecutorial Council, and electricity transmission corporation.

And each time, the Republika Srpska gave its consent, in accordance with the Constitution.

The PIC Steering Board expressed its concern about announcements that the RS would initiate the process of unilaterally reversing those reforms by entity decisions on withdrawing the competencies that had already been transferred to the state.

Let me first clarify – it is not acceptable to unilaterally withdraw from a reform that has already been agreed. That would lead to very serious legal and constitutional consequences.

Second – the strengthening of state institutions must continue.

Republika Srpska must stop looking at those institutions as something that has been taken away from it. Both you and the Federation of Bosnia-Herzegovina got those institutions, and it is up to you to make them work for your benefit.

### **Present Situation**

If Bosnia-Herzegovina does not return on the road to Europe, we have no choice but to continue on the road drawn by Dayton.

Currently there is a choice: accepting the spirit and the letter of the Peace Agreement or the road to escalation.

To be frank: I personally prefer the road to integration, I accept the Dayton road because that is my duty, and I am not afraid of the road to escalation.

The International Community also wants the road to integration.

With this objective in mind, the European Union is willing to put significant funds and all necessary expertise at your disposal.

Some believe that the reforms required to take this country to Europe are being used as an excuse for activities that imply degrading the status of the entities.

Such *views* have poisoned the political atmosphere, and closed the road to EU integration for the moment.

I wish to welcome the fact that 8 days ago in Mostar the leaders of the ruling parties signed an agreement on starting the process of police reform.

The International Community agrees that it is a positive step, but only if the political leaders start concrete activities in

order to demonstrate that those are serious efforts.

If those steps should follow, BiH could make a move towards concluding the Stabilisation and Association Agreement.

## **Recommendations**

To conclude, the road to Europe takes all citizens of this country to a framework through which all your specific and distinctive features can be preserved. The European Union is not perfect, but it is by far the best option for all that have become its members.

But only solutions for to the whole of BiH open up new possibilities and create new opportunities for Republika Srpska.

Solutions that apply to the whole of BiH are the best for you, but also for all citizens of Bosnia-Herzegovina, because you share the same state.

Isolated solutions never lead to anything positive; they limit one's perspective.

The time has come for the RS to see the opportunities that BiH offers to it rather than viewing the state as a threat. That is not what it is.

Don't be afraid of these opportunities, seize them instead, and make the state institutions work for the RS and for all the citizens of this country, by getting involved and going back to the reform agenda.