

# **Statement by Christian Schwarz-Schilling, the High Representative for BiH at the Press Conference on Eve of Election Campaign**

Thank you all for coming here today on the eve of what is an important election campaign.

It is important because the leaders and parties who are elected on 1 October will have to take responsibility for the future of this country and to lead it towards Europe after the closure of the Office of the High Representative.

Tomorrow is both the first day of the official election campaign and exactly 100 days since I spoke to the Parliamentary Assembly of Bosnia and Herzegovina.

On that occasion, I urged Parliamentarians to seize the moment, to view the 100 days in front of them as an opportunity and to demonstrate both to voters and to the international community that they were capable of taking decisions in the interest of all citizens of Bosnia and Herzegovina.

I also highlighted a number of laws, measures and reforms that would both help improve the lives of citizens and ease Bosnia and Herzegovina 's path towards European integration.

These included the Higher Education Law, the Law on Obligations, the Salary Law, the creation of a Central Banking Supervision system, the Law on National Fiscal Council and the Pharmaceuticals Law.

The agenda was ambitious. But given Bosnia and Herzegovina 's circumstances and needs, it was realistic and, above all, necessary.

As a former parliamentarian, I believe passionately in the importance of parliament as the pinnacle of a democracy. Moreover, the way it works is indicative of the wider health of a society.

I made it clear on my very first day as High Representative and EU Special Representative in Bosnia and Herzegovina that I am here to oversee a transition to local ownership of the peace process.

I have no intention of taking decisions for those who do not have the courage to take them themselves and I will not intervene to impose legislation every time local authorities fail to live up to their responsibilities.

I am here to assist, advise and advocate. However, in my speech to parliament, I pointed out that that I would not stand quietly and watch the darker side of political life, that clearly exists in this country, take over.

Specifically, I made clear that I would speak out where important obligations are not being fulfilled and where higher standards need to be met. And I promised to expose those who have failed to take on their responsibilities or acted without integrity.

Of the legislative agenda that I set out in my speech to parliament, not one law has been adopted. Indeed, the only matter I specifically referred to that has been resolved in the intervening period is that of changes to the Criminal Procedure Code necessary to ensure the successful transfer of cases from the International Criminal Tribunal for the former Yugoslavia in The Hague.

There are a variety of reasons for the legislative failure,

some valid, others less so.

As soon as I finished my speech to parliament and for unrelated reasons, the Serb delegates walked out and boycotted parliament for close to four weeks, blocking completely the legislative process.

In addition to the boycott, the legislative progress has been slowed by electioneering in the run-up to October's vote.

However, these reasons alone do not explain away the legislative record of this parliament during the past 100 days.

You are no doubt wondering whom I hold responsible for the legislative failures of this parliament. While the situation differs from law to law, it is clear that the governing parties have primary responsibility. If you wish, therefore, I can name the parties and governments that are currently blocking each law.

The laws that I highlighted in my speech to parliament were fundamental to the well-being of all citizens of this country, irrespective of their ethnic identity and party affiliations.

The Higher Education Law, for example, is about improving opportunity for all young people in this country, harmonising standards for courses and examinations across all universities, and helping these young people to study elsewhere in Europe.

This law and all others that this parliament has failed to adopt are desperately needed and still pending. Any delay now means a delay of many months because parliaments must be re-constituted, new governments formed and a new set of parliamentarians will have to examine each piece of legislation again.

It is, however, still possible for this parliament to improve

its legislative record. I therefore wrote to the Collegiums of both Houses of the State Parliamentary Assembly yesterday inviting the speakers and their deputies to talks in my office next week to arrange extraordinary sessions of the parliament in September.

I believe that by making such a move parliamentarians would be able to pass one or two of the outstanding laws. In particular, I strongly believe that the Pharmaceuticals Law can and should be adopted.

In the process they would also help improve the reputation of their institution in the eyes of both voters in this country and observers abroad, in particular in Brussels.

The reputation of parliament matters greatly in every democracy as does the conduct of politicians.

Political leaders have a duty to behave responsibly in both word and deed. Even in the run-up to an election, they must strike a balance between short-term appeals to voters and the long-term interests of the country.

This country's parliamentarians must now rise to the occasion and demonstrate that they are leaders and healers capable of taking Bosnia and Herzegovina from peace implementation to Euro-Atlantic integration.

This is the only way to join the European mainstream, which is clearly where the electorate wants to be.

Thank you for your time.

## **RTQs**

### **Journalist #1:**

This is not really a question, it is a comment. Just about all of the parties you have listed are preventing some kind of

law. I was just wondering who we are going to vote for?

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

I can give you each blocking party for each law here. But, you know it in the same way, you are visiting the Parliament, you are seeing it, you are saying – but that must be made. Also in the media everybody knows who is responsible for what.

**Journalist #1:**

What I am trying to say is that it is up to the voters to change this situation, because obviously this is why you are saying this and why we are here. Now, from the perspective of the voter, if you look through this list and think I do not want to vote anymore for these people who are blocking these important laws, and once you go through the list of all these parties you will discover that these are all the parties that there are. There is nobody to vote for. Is it or are there some that are more responsible and others that are less?

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

Well, I think so.

**Journalist #1:**

Yes there are. Okay. Good.

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

But, this differentiation must be made by the voter and not by me.

**Journalist #2:**

As you said, the country seems to be very blocked. Do you think the situation could change after the elections?

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

Well, if there is democracy here, the free will of the people can react to the situation. That is just the difference to a dictatorship. And that is a wonderful thing that mankind has invented – to choose the instruments to change situations without bloodshed, wars or fights. That is what democracy is about. It is only to be used. The International Community took the opportunity to give this country these possibilities. Now they must be adopted and used. That is it.

**Journalist #3:**

Could you tell us if you answered Mr. Terzić, Chairman of the BiH Council of Ministers concerning his questions on the privatisation of the BH telecom?

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

Yes. Yes, I have answered him.

**Journalist #1:**

Because of the situation you have just described, how concerned are you about OHR's plans to close down next year, and transfer – actually you are not going to transfer the Bonn authorities to anyone, right? How concerned are you that the politicians, or anybody here, locally, are going to be able to take responsibility for the country?

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

You know, we had a very serious discussion at the PIC conference where we have taken the decision to close down the OHR on the 30th of June, and because of this discussion there are some paragraphs in the Decision providing for a final assesment for reassuring or reviewing the situation in this

country with regards to the closure of the OHR. I think we all intentionally decided this as a summary of the discussion, because we have seen that there could be a danger that this country has not really accepted the ownership necessary for this transition.

I must admit to you that the concerns are not less today than they were at the time we made this decision. So, we have to assess the situation in February, then we will see how good the voters' judgement was and we will assess the process of forming the new government; the reforms process; the work of the coalitions, supporting the government with the majority of the parliaments; the start of the new constitutional talks – about the constitutional reform; the situation with police reform; and the situation with other laws. All of this will be the criteria used to make the final judgement in February. I think this will take place at the end of February.

Of course, this means there are two very crucial alternatives. The first alternative is that we have to be courageous and we have to believe in this country and make the assurance of closure. The second alternative is that we will have to delay the whole situation with the transition, which means that Bosnia and Herzegovina goes more and more to the back of the train for this region of the West Balkans, going to the end of the line for integration into the European Union – and that could be a very bad situation for this country. So, the International Community is not in an easy situation and we accept this responsibility, but we hope that our decision can be based on a clear assessment.

**Journalist:**

My question is related to what you just said about the European Union and Bosnia. Bearing in mind that all these laws are delayed and that elections are coming and the new government, parliaments and everything have to be formed, do you really think that the SAA can be signed this year or in

the beginning of next year, and what are the realistic chances for Bosnia to start negotiations with the European Union?

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

Well, you know that I said that I am always, in critical times also, an optimist. If I was not an optimist, I do not think I would be here today. You need quite a lot of passion and optimism, but also a huge amount of realism to come out with good things. So, I cannot say that I do not believe that, I think perhaps only after the elections, a new effort will be made to complete the police reform. I believe that even if the SAA negotiations between the European Commission and the government here are successfully finalised, a signature will be given by the European Commission only if the preconditions, one of which was police reform, are fulfilled. So, that is now up to the ones who are responsible here – the politicians – whether they want the signature or not.

There were some strange formulations about how “we have lived without Europe for the last ten years, so we can also live without Europe for the next ten years”. To that I will say – that is not true, because in the last ten years only the International Community has given peace to this country. So, without the International Community and Europe there would not be peace here. Secondly, if Europe is not present here in the next ten years I would not be too optimistic that that would be as a result of what the majority of voters want, really, because the integration of this whole region into Europe is one of the main interests of the people – because this is influencing their standards of living, their behaviour, their possibility to make trips to Europe, to exchange opinions and to have a future for the next generation. I think that those who are saying that this is not so important do not see the history, do not see the situation today, as they do not look at the future of the next generation.



**Journalist:**

Do you not think that the Bosnia created as the result of the Dayton Agreement is over now, and that Bosnia now has to think about a new constitution and maybe to be more united and not separated, at least in two parts – Republika Srpska and the Federation?

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

I exactly agree with your statement.

**Journalist:**

Question not recorded.

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

This is a contradiction. You are saying don't you think this is a situation they have to change. I cannot change a country. I can advise, convince and sometimes I have to intervene. But, I cannot make the whole mentality change, coming from an ethnic perspective going to the rights of citizens, as it is in a legal state and as it is in democracies all over the world. There are problems with ethnic things and of course, we can see that there is difficulty here because the war was not a long time ago. It is living in each family. So, we have to have patience.

But, the train of history is not waiting for Bosnia and Herzegovina . Decisions are made and Europe is on the front to make decisions. The United States of America are making decisions. They have priorities too. We cannot stay here giving money, billions for the military and other things, just sitting here waiting to see if you are ready now or if you need another ten or twenty years. That is not the reality and you must be aware of that here in this country and each voter

has to be aware of that – that times is not in surplus here, you cannot think that if you do not do it now, then perhaps you can in ten, twenty or thirty years time. History is not a lap that you can make, it is not an experiment, so you cannot say – okay, we will make the next lap, we will make the next experiment. History is making decisions for a better future, or losing the possibility of a better future – and this is final and binding. History is not accepting any excuses. History is, as Gorbachev said, “if you come too late, it is too late.”

So, I only hope that will be seen in time and on the other side, that the International Community has the necessary patience, analysing the very difficult situation of a war that ended just ten or twelve years ago and which of course, cannot be cured in such a very short time. So, the whole mentality is still including these situations. So we have to recognise that. But, the people here have to recognise that they do not have as much time as many politicians claim they do.

#### **Journalist #4:**

I have two questions. What will be in Mostar after the 15<sup>th</sup> of September?

#### **Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

Well, I made it very clear in my statement what I expect at the first point. They have two alternatives: to come to an agreement on the prioritised topics, the three priority issues I mentioned by that time; or there will be a formal request from the City Council to the OHR for arbitration, and I am prepared to do that then – but my decision will be final and binding and the time of just talking and mediating will be over. If neither happens I will announce other measures that I will, as High Representative, then take.

#### **Journalist #4:**

My second question is what will you do against people who are everyday talking about a referendum for Republica Srpska? The SNSD says that they do not want to do this, but everyday we hear the same words from Republica Srpska and from Dodik, threatening people here with a referendum.

#### **Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

Well, I made it very clear privately in talks, and also publicly, that such talk has no realistic base. It will never happen. The longer they are talking about it, the more they are going on an illusion and not the realistic possibilities of this country. The International Community will never permit this, because that was part of the peace agreement of this country. One thing is clear and that is that those parties or leaders talking about the simple abolishment of the entities are wrong, the same way as the idea of holding a referendum to come to another status is wrong. They should study the Dayton Peace Agreement better, study the legal situation a bit better and they should concentrate more on how to cooperate and come to a better constitutional functionality of the situation created by the Dayton Peace Agreement.

The Dayton Peace Agreement did not create an ideal constitution, because there were realities from all sides and that has to be accepted, otherwise there would not be peace here. But, we have to use this phase to create more functionalities for a legal state and the legal rights of each citizen, regardless in what entity or in what group of ethnics they are living in a majority situation, or in a minority situation, different in any of the entities or cities or cantons.

So, this has to be done in order for a legal state to develop. This is of course, a very huge task and we have to do it. But,

those talks about a referendum or similar are only taking away the attention from the real work the politicians have to do. What they are saying is not in accordance with the Peace Implementation Council, it is not in accordance with the neighbouring states and they should concentrate more on developing a peaceful region here, in consent with all other nations, instead of speaking about their stomach or brain pains or whatever else. They should concentrate and take responsibility.

**Journalist, Switzerland:**

I have a personal question for you. Will you stay for sure in Bosnia and Herzegovina regardless of whether the OHR will close in the middle of next year or not?

**Christian Schwarz-Schilling, the High Representative and EUSR for BiH:**

Perhaps you have already forgotten that I am already, now, the European Union Special Representative for Bosnia and Herzegovina and with this date, so on the 1<sup>st</sup> of July, I get an even far more important mandate than I have today. So, there is no reason for me to change my mind.

Thank you very much for coming. I hope you can see that this is a very historical moment and I hope the media are helping a little bit, like I am, in the best interest of the voters.