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# Länderbericht

KAS Office in Bosnia and Herzegovina



## "Future as a duty" – the High Representative for Bosnia and Herzegovina

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A new High Representative will assume office in Bosnia and Herzegovina over the coming months. Valentin Inzko, an Austrian, has been holding this position since 2009. He made repeated efforts to maintain a diplomatic and fair relationship with the key political actors in Bosnia and Herzegovina. An important pre-requisite for the work of a High Representative in Bosnia and Herzegovina includes vast political experience and support by the international community. An important step for the second pre-requisite has been made with the inauguration of the US President Joe Biden: It is expected that the United States of America and the European Union will again closely coordinate their political engagement in Bosnia and Herzegovina and the neighbouring countries.

### **Office of the High Representative for Bosnia and Herzegovina (OHR)**

The citizens of Bosnia and Herzegovina have lived in peace for more than 25 years. Bosnia and Herzegovina consists of two entities, the Federation of Bosnia and Herzegovina and Republika Srpska. Bosnia and Herzegovina gained independence following an independence referendum in 1992 after the disintegration of the Socialist Federal Republic of Yugoslavia. Bosnian Croats, Bosnian Serbs and Bosniaks were the belligerent parties in the ensuing war in Bosnia and Herzegovina. After a four-year war with over 100,000 dead, hundreds of thousands of wounded and millions of refugees, the signing of the Dayton Peace Agreement was facilitated by the international community. The Peace Agreement ended the war and guaranteed the sovereignty of Bosnia and Herzegovina. The Constitution of Bosnia and Herzegovina is set forth in Annex 4 of the Dayton Peace Agreement. It guarantees equal power sharing among the three constituent peoples: Bosnian Croats, Bosnian Serbs and Bosniaks. In reality, the country's democratic institutions are inefficient and disorganised. In particular, the absence of rule of law hinders the country's social and economic development. In addition to consequences of the war, the problems of a post-communist society also have an impact.

The Office of the High Representative for Bosnia and Herzegovina (OHR) is tasked with keeping the political situation stable and contributing to the country's readiness for EU accession as well as doing everything possible to ensure peace, security and reconciliation.

Peace came after difficult negotiations in 1995, when the Dayton Peace Agreement was signed. Great hopes and expectations were associated with the development of Bosnia and Herzegovina. However, the situation remained fragile as various individuals and movements challenged the peace, stability and functioning of the country. There were repeated setbacks.

Annex X of the Dayton Peace Agreement provides for the establishment of the Office of the High Representative. The goal was to build up a political system in Bosnia and Herzegovina. The High Representative in Bosnia and Herzegovina is elected by the Peace Implementation Council (PIC), another political body with the power to monitor and ensure peace and stability in Bosnia and Herzegovina. The PIC consists of representatives from 55 countries. These countries support the peace process through the Council or with individual activities such as funding projects, conducting direct operations or providing military personnel for the Stabilisation Force (SFOR), a post-war peace keeping mission in Bosnia and Herzegovina, later replaced by the European Force (EUFOR).

### **Strong powers of the High Representative**

The OHR has the status of a diplomatic mission in Bosnia and Herzegovina, and foreign diplomats working there are appointed by countries that are members of the PIC. Currently, there are 13 foreign diplomats and 76 staff from Bosnia and Herzegovina working in one of the three OHR offices in Sarajevo, Banja Luka and Bratunac. The OHR budget for 2020/2021 amounts to 5.3 million EUR and is funded by the PIC and its member countries. The EU contributes 54%, the USA 22%, Japan 10%, Canada 3% and Russia 1% of the costs. Other countries and international organisations contribute 10%.

After the war, the OHR was a stabilising factor in Bosnia and Herzegovina. In many cases, the organisation ensured compliance with international and national law. As the situation became more complex, politicians from Bosnia and Herzegovina, as well as some members of the international community and the PIC, such as Russia, criticised the OHR.

The High Representative's powers, set forth in Annex X, include monitoring the implementation of the peace settlement, participating and coordinating the activities of civil society organisations in Bosnia and Herzegovina and reporting to interested governments and international organisations, such as the United Nations and the European Union, on the progress of the Peace Agreement implementation.

In addition to electing a new High Representative, the PIC also decides on regulations and the scope of the High Representative's powers and duties. These are negotiated in meetings, and in the post-war period many new changes were made to the powers and objectives of this office in Bosnia and Herzegovina, which was criticised by some of the country's political actors. The biggest change in the powers and tasks of the OHR occurred during the Bonn Conference in December 1997, when the PIC granted the OHR additional powers that shaped its role and influence in Bosnia and Herzegovina in the years to come. The so-called "Bonn powers" enable the High Representative to exert a much stronger influence on the country.

Scope of powers:

- Make binding decisions (mainly when local representatives are unwilling or unable to make a decision)
- Remove public officials and civil servants who pose a threat to the peace and stability of the country or who generally violate legal obligations.

### **An active or passive role of the OHR**

The Office of the High Representative can have an immense influence on today's Bosnia and Herzegovina. Some of the most important symbols of Bosnia and Herzegovina, such as the

flag and the anthem, were chosen by the OHR because political representatives in Bosnia and Herzegovina could not reach agreement on them. The introduction of the "Bonn powers" was a turning point and allowed the OHR to dismiss and replace officials who had committed illegal, corruption-related or hate-motivated activities and had endangered peace and the rule of law in the country.

However, the "Bonn powers" have not been applied since 2012. Today, the OHR's role is often perceived as advisory – the institution warns civil servants and officials about violations of law. In addition, the OHR produces ongoing progress and situation reports in Bosnia and Herzegovina. One of these reports is the semi-annual report that the OHR submits to the United Nations.

To date, the seven High Representatives have all been from EU Member States. The High Representatives in Bosnia and Herzegovina were:

- Carl Bildt, Sweden (1995 – 1997)
- Carlos Westendorp, Spain (1997 – 1999)
- Wolfgang Petritsch, Austria (1999 – 2002)
- Paddy Ashdown, United Kingdom (2002 – 2006)
- Christian Schwarz-Schilling, Germany (2006/2007)
- Miroslav Lajčák, Slovakia (2007 – 2009)
- Valentin Inzko, Austria (since 2009)

On the one hand, the criticism of the OHR concerns the abundance of power of this institution. On the other hand, it concerns the alleged inactivity of the OHR. However, the criticism is often merely part of the political debate.

According to a 2016 citizen perception survey conducted by USAID in Bosnia and Herzegovina, 89% of respondents in Bosnia and Herzegovina had heard of the OHR, making it the best-known political institution within the international community, followed by the US Embassy and the EU Delegation. According to the same survey, 52% of persons believed that the international community should be more actively engaged in Bosnia and Herzegovina, but only about 2-3% of respondents were of the opinion that the OHR should be the most influential international political stakeholder in Bosnia and Herzegovina. The EU has the highest support in this area with 44%.

Some of the most prominent politicians in Bosnia and Herzegovina are also the strongest critics of the OHR. This includes the member of the Presidency from Republika Srpska, Milorad Dodik. "We are fed up with demands of others. Inzko has no support at the local level, but Inzko is working against two constituent peoples that wish to keep the peace. Stop this monster that is trying to impose solutions we do not want. He is a foreigner with poor knowledge and we have not elected him, a malicious man that will cause the disintegration of Bosnia and Herzegovina," Dodik said during his speech at an informal forum before the UN Security Council organised by the Russian representative to the UN on November 24, 2020.

The speech of Dragan Čović, the president of HDZ BiH, during the same event, contained milder criticism: "Bosnia and Herzegovina was created based on the principle of equality of three constituent peoples – Bosniaks, Croats and Serbs, representing more than 97% of all citizens. Some steps taken by the High Representative in Bosnia and Herzegovina have led to problems. Most of the problems for the Croatian people were caused by the amendments to

the Electoral Law. As a result, electoral engineering led to three cases in which an inadequate representative of the Croatian people was elected to the Presidency of Bosnia and Herzegovina", Čović said.

"We call on the High Representative to react and use the Bonn powers. We call on him to repeal the decisions of the National Assembly of Republika Srpska on the award of medals to Radovan Karadžić and other convicted war criminals", Bakir Izetbegović, the president of SDA, said during the press conference after a meeting of SDA presidency on February 21, 2020.

The signatories of the Dayton Peace Agreement have different visions of the future. Most of the content of the Peace Agreement has been implemented. Successes and progress have been and continue to be made.

In February 2016, Bosnia and Herzegovina submitted the application for EU membership. The path to Brussels is long. The neighbouring countries were more successful in the process of accession. The task of the new High Representative is not only the implementation of the Dayton Peace Agreement. It is the future of the country in the EU. Only such structures offer the citizens a life in democracy and freedom.

This path is the most difficult and important duty for any future High Representative. The departure of Inzko is imminent. On January 20, the Government of the Federal Republic of Germany decided to nominate the former Federal Minister and member of the Federal Parliament, Christian Schmidt, as the German candidate for the position of the High Representative for Bosnia and Herzegovina.

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