



Security Council

Sixty-third year

Provisional

6033rd meeting

Friday, 5 December 2008, 3 p.m.

New York

<i>President:</i>	Mr. Jurica	(Croatia)
<i>Members:</i>	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. La Yifan
	Costa Rica	Mr. Weisleder
	France	Mr. Lacroix
	Indonesia	Mr. Kleib
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. De Vengoechea
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in Bosnia and Herzegovina

Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/705)

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The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/705)

The President: I should like to inform the Council that I have received a letter from the representative of Bosnia and Herzegovina, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

I request the Protocol Officer to escort His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to a seat at the Council table.

Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, was escorted to a seat at the Council table.

The President: On behalf of the Council I extend a warm welcome to Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.

It is so decided.

I invite the High Representative to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to document S/2008/705, which contains the text of a letter dated 13 November 2008 from the Secretary-General transmitting the thirty-fourth report on the implementation of the Peace Agreement on Bosnia and Herzegovina.

I should also like to draw the attention of the members of the Council to document S/2008/732, which contains the text of a letter dated 25 November 2008 from the Secretary-General transmitting the report on the activities of the European Union Police Mission in Bosnia and Herzegovina.

At this meeting, the Security Council will hear a briefing by His Excellency Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. I now give him the floor.

Mr. Lajčák: I would like to thank the Council for giving me the opportunity today to present my third report as the High Representative since taking up my duties in July 2007. I hope that my update will give Council members a better understanding of the overall situation in Bosnia and Herzegovina, where we now stand and what challenges we will be facing in the period ahead.

When I spoke to the Council in May, Bosnia and Herzegovina had, after lengthy delays and much international engagement, adopted the long-awaited police reform laws that were the key condition for the country to sign the Stabilization and Association Agreement with the European Union (EU). The signing of the Stabilization and Association Agreement on 16 June was an important milestone on Bosnia and Herzegovina's journey towards the European Union. It is the first ever contractual relationship between Bosnia and Herzegovina and the European Union. It provides an opportunity for the people of Bosnia and Herzegovina to put their tragic recent history behind them and build a peaceful and prosperous future, inside the European Union.

However, despite progress on the Euro-Atlantic agenda, the political situation remains difficult, as the old and fundamental challenges in Bosnia and Herzegovina are still in place. There is still not enough understanding of the need to engage in dialogue, to compromise and to meet each other half way, so that the country can move forward. Naturally, it is of some comfort to note that that has not spilled over onto the

security situation, which remains stable. However, the nationalist and ethnic agendas have continued to prevail over the one that actually should matter, namely, the Euro-Atlantic agenda.

As a result, the signing of the Stabilization and Association Agreement, progress towards visa liberalization with the European Union and the decision by NATO to begin an intensified membership dialogue with Bosnia and Herzegovina have not delivered the change in approach we need and have not resulted in the much-needed momentum for reforms.

In the past months, we have seen that negative and nationalist rhetoric from all quarters continues to be the norm, rather than the exception. There have been numerous challenges to the Dayton Peace Agreement, both against the State and its structures and against the existence of Republika Srpska as one of the two entities of Bosnia and Herzegovina. Such attitudes directly impact on the political situation by undermining inter-ethnic trust and making compromises even more difficult. That needlessly slows down Bosnia and Herzegovina's path towards Euro-Atlantic integration. The municipal elections in October showed further hardening of positions on all sides.

Let me offer concrete examples. Over the past months, the Republika Srpska authorities have challenged the institutions, competencies and laws of the State on numerous occasions. The details were listed in the report I presented to the Council (S/2008/705, annex). In mid-October, the Republika Srpska National Assembly restated its conclusions of February 2008, whereby it considers that that entity, Republika Srpska, has the right to hold a referendum on secession from the State of Bosnia and Herzegovina.

We have also seen political games being played at the direct expense of the rule of law, with the Republika Srpska Government officially denying the obligation of administrative bodies in that entity to cooperate with the State's law-enforcement and judicial bodies, in particular in a case where they were conducting a pre-investigation related to some contracts awarded by the Republika Srpska Government. Although the Republika Srpska, after too many weeks, eventually delivered in that case, those challenges are serious and require our full attention, since the rule of law is one of the pillars of a

democratic State. In that respect, all individuals and all institutions in Bosnia and Herzegovina must cooperate with the State law-enforcement and judicial bodies without conditions.

The difficulties my Office has encountered with Republika Srpska a number of times, with regard to cooperation with the High Representative, as required by Annex 10 of the Dayton Peace Agreement, are also of concern. Repeated refusals to hand over requested documentation again involve a very straightforward issue, namely, that of respecting and meeting legal obligations stemming directly from the Dayton Peace Agreement.

The recent criminal action initiated by the Republika Srpska Government against a number of local and international officials, including my Principal Deputy, alleging a conspiracy to destroy that entity, is another case in point. That represents a move against the action of the Office of the High Representative in particular, and against the international community as a whole. In that respect, I would like to remind the Council that my Office has employed citizens of 37 countries over the past 13 years. It is their commitment, but also that of other countries, that has made progress possible in Bosnia and Herzegovina, and it is our responsibility not to allow the legacy of the Office of the High Representative to be undermined.

But challenges and negative rhetoric have come from all sides. In particular, Haris Silajdzic, a member of the Bosnia and Herzegovina Presidency, has been continuously advocating his private political agenda, using his office and international forums, such as the United Nations General Assembly, to question the right of Republika Srpska to exist. His unwillingness to respect the constitutional arrangement of Bosnia and Herzegovina was also reconfirmed in his recent letter to the heads of State of the European Union and NATO countries. Such an attitude only contributes to Republika Srpska's suspicions regarding Bosnia and Herzegovina and will not help the country.

All those events and the negative political climate have resulted in a marked decline in addressing reform. In particular, since the start of the municipal election campaign in the summer, there has been little progress in delivering the five objectives and the two conditions that were set by the Peace Implementation Council (PIC) to allow for the closure of the Office of the High

Representative and transition to a stronger engagement by the European Union in Bosnia and Herzegovina. There has also been very little progress in addressing the European Partnership priorities.

In particular, the State-level institutions have suffered in that environment. The Parliamentary Assembly has clearly been underworked and has only adopted 22 new laws in the first two years of its mandate. The Council of Ministers and the Presidency have also suffered from inter-ethnic tension and mistrust.

Let me underline that Bosnia and Herzegovina, in order to move forward towards Euro-Atlantic integration, will need to change the way it conducts politics. Zero-sum politics will need to be replaced by a politics based on compromise and a readiness to meet other parties half way. I cannot overemphasize that point. That is fundamental for a stable and forward-looking country.

However, while it is clear, that the political situation in Bosnia and Herzegovina continues to be difficult and fragile, it is also important to underline that we have seen some encouraging signs in the past few weeks. On 8 November, the presidents of the largest Bosniak, Bosnian-Serb and Bosnian-Croat parties agreed to a joint statement on a number of issues, many of which are of key importance for the future of the country. The three political parties agreed on a way forward on the objectives that were set for the transition of the Office of the High Representative to stronger European Union engagement, as well as on constitutional reform and a population census. Many of those issues, including the latter two, have been political stumbling blocks for months, even years.

That is a positive agreement and was rightly welcomed by the European Union Foreign Ministers on 10 November and by the Steering Board of the Peace Implementation Council on 20 November. Overall, the joint statement offers the potential to break the current political deadlock. It is now important that the proposals of the joint statement are put into concrete form, discussed and adopted by the relevant institutions in Bosnia and Herzegovina. In that respect, the decision by the Council of Ministers, shortly after the agreement, to concretely address those issues is an encouraging development. The role of the international community should be to support the political leaders in Bosnia and Herzegovina in those efforts. Ultimately,

domestic-based compromise and consensus are the best, if not the only, way forward for Bosnia and Herzegovina.

Another important event during the reporting period was the arrest of Radovan Karadžić in July. That arrest and the earlier apprehension of Stojan Župljanin, to which the law-enforcement agencies in Bosnia and Herzegovina contributed, is a sign of Bosnia and Herzegovina's willingness to move forward in that regard. The country has made significant efforts to maintain satisfactory cooperation with the International Tribunal for the Former Yugoslavia.

Another area I would like to mention is the economy. Bosnia and Herzegovina will, like most countries, face significant challenges on the economic front in 2009. All political leaders in Bosnia and Herzegovina are aware of that and have shown a readiness to take measures to address the situation. In November, the Council of Ministers decided to increase the guarantees for bank deposits to €10.000. Secondly, the State and the entities have stepped up their efforts to better coordinate their fiscal policies.

Despite this good news, we must remain focused on the big picture. The positive steps that we have seen in the last few weeks can easily be unravelled with new negative rhetoric and unilateral actions by any of the political leaders.

My primary task in the reporting period has been to facilitate the achievement by the authorities of Bosnia and Herzegovina of the five objectives and the two conditions set for the transition of the Office of the High Representative to a reinforced office of the European Union Special Representative.

Council members will recall that in February this year the Peace Implementation Council Steering Board set five objectives that will need to be met by the authorities in Bosnia and Herzegovina. They are, first, acceptable and sustainable resolution of the issue of apportionment of property between State and other levels of government; secondly, acceptable and sustainable resolution of defence property; thirdly, completion of the Brzcko Final Award; fourthly, fiscal sustainability; and finally, fifthly, entrenchment of the rule of law.

In addition to these objectives, the Peace Implementation Council Steering Board agreed that two conditions need to be met: the signing of the

Stabilization and Association Agreement with the European Union and the positive assessment of the political situation in Bosnia and Herzegovina by the Peace Implementation Council Steering Board.

Even though all of these priority reform areas were established some time ago, and all of them were previously recognized by the authorities in Bosnia and Herzegovina as their obligations, achieving these objectives has not been easy. The Peace Implementation Council Steering Board has met twice since I was last here in May, first on 25 and 26 June, and then, more recently, on 19 and 20 November. Overall, the Peace Implementation Council has taken the view that there has been progress in implementing the conditions for transition from the Office of the High Representative to a European Union Special Representative, but a lot still remains to be done by the authorities in Bosnia and Herzegovina to complete the work.

At the Peace Implementation Council meeting on 19 and 20 November, the members stressed that further efforts are particularly required for resolving the issues related to State and defence property and the future status of the Brcko district before it can take a decision on the transfer of authority from the Office of the High Representative to the European Union Special Representative. It agreed to strongly engage in efforts to resolve both these issues in the weeks and months to come by supporting the Office of the High Representative with a view to reaching solutions by spring. It will not be easy to reach this goal, but it remains a prerequisite for transition that all Peace Implementation Council Steering Board members agree to. Accordingly, the Office of the High Representative will continue to carry out its mandate under the Dayton Peace Agreement into 2009.

The next Peace Implementation Council meeting, at which the future of the Office of the High Representative shall be considered, will be held on 25 and 26 March 2009. The recent Peace Implementation Council meeting also marked the beginning of the discussion of the overall architecture of the international community's future engagement in Bosnia and Herzegovina.

All the capitals of the members of the Peace Implementation Council share the assessment that we must fully focus on our re-engagement in the country in order to fulfil our mission. In this respect, our

priority focus will have to be delivery of the work plan of the Office of the High Representative. But at the same time, it is clear that the international community, and the European Union in particular, will need to start preparing for the next step.

This approach, together with the European Union's readiness to assume a greater role in Bosnia and Herzegovina after the closure of the Office of the High Representative, has been welcomed by the Peace Implementation Council. It will now be important for the European Union to have a detailed and convincing strategy in place when the time comes for transition. Such a strategy will greatly facilitate decision-making on the transition and on the way ahead.

On 10 November, the European Union ministers for foreign affairs gave a clear signal of their determination to move forward in this direction and welcomed a joint report by High Representative Solana and Commissioner Rehn on a stronger and more robust European Union engagement in Bosnia and Herzegovina in the future. This report will serve as a basis for elaborating a renewed European Union strategy for Bosnia and Herzegovina in the coming weeks and months.

I would stress once again how important it is for the international community to give Bosnia and Herzegovina the attention it deserves. Recent focus on the country has resulted in a series of high-level discussions on Bosnia and Herzegovina and a number of high-level visits there, both of which have clearly made an impact. Undoubtedly, these developments have contributed to the political agreement reached by the largest political parties on 8 November. It is important that the United Nations, the European Union and the wider international community ensure a proper follow-up. We have our responsibility in Bosnia and Herzegovina and we must live up to it.

Finally, I consider the adoption of resolution 1845 (2008) on 20 November for the purposes of extending the mandate of the European Union-led peacekeeping force in Bosnia and Herzegovina (EUFOR ALTHEA) for an additional year to be another strong commitment and a sign of unity from the international community, for which I would like to express my appreciation. It is appropriate to say that the presence of EUFOR ALTHEA is welcomed by all three constituent peoples in Bosnia and Herzegovina.

The new Security Council resolution on Operation ALTHEA, together with last month's commitment by the European Union Foreign and Defence Ministers to maintain EUFOR at its current strength is an important aspect of the European Union's overall strategy in Bosnia and Herzegovina. As soon as the political situation allows it, EUFOR ALTHEA will be transformed into a smaller, non-executive military mission.

As to the future, it is important that, in order to ensure progress, we maintain the momentum that we have achieved in the past weeks. Let me stress once again that the wider international community needs to continue to give the necessary attention to Bosnia and Herzegovina. In this way, we can help the country to achieve political stability and to progress on the path towards Euro-Atlantic integration.

It is also important that we recognize the improvement in the atmosphere in the last few weeks and build on the emerging readiness to compromise. The goodwill is fragile. That is why it is all the more important to safeguard it, in order to deliver the concrete results that are needed.

A stronger engagement on our part represents our best chance to complete the work plan of the Office of the High Representative and to move towards stronger European Union engagement in the country. However, we must look beyond our day-to-day activities and plan ahead for the European Union's future role in the country. In the weeks and months ahead, the European Union will be working hard to develop a coherent and robust strategy in anticipation of the period following the presence of the Office of the High Representative and the continuing challenges that will bring. The question of transition is not about the administrative issues of the transfer of power from the Office of the High Representative to the European Union Special Representative. Rather, it is about ensuring the lasting stability of Bosnia and Herzegovina.

Two weeks ago we marked the thirteenth anniversary of the signing of the Dayton Peace Agreement. In this context, we need to ensure that the nature and level of our engagement are appropriate for a country in this stage of its post-war recovery and European integration. The end State that we all wish to see is clear: Bosnia and Herzegovina as a peaceful, viable State irreversibly on course for European integration. The citizens of Bosnia and Herzegovina

deserve a European future. They must have full confidence that we are here to help now and will remain with them to see the job through to the end.

The President: I thank Mr. Lajčák for his briefing.

I now invite Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to make a statement.

Mr. Špirić (Bosnia and Herzegovina) (*spoke in Bosnian; interpretation provided by the delegation*): It is a great honour and privilege to share with the Security Council my views regarding the results achieved in Bosnia and Herzegovina to date, as well as the challenges ahead of us.

In spite of different international and domestic assessments that may be heard regarding progress in Bosnia and Herzegovina, it is my opinion that 2008 has been a successful year. During 2008, we signed the Stabilization and Association Agreement with the European Union, started negotiations on a liberalization of the visa regime and deepened dialogue with NATO. We are close to completing our negotiations for membership with World Trade Organization.

We have also been successful in maintaining macroeconomic stability. The average growth rate of the gross national product in the past three years has been about 6 per cent. Wages have increased, as have pensions, employment and foreign exchange reserves.

The real challenge we continue to face is the high foreign trade deficit. However, it should be recognized that this is a problem all countries in transition have to face until their economies become competitive in the European Union (EU) market. When it comes to achieving competitiveness, we are on the right track.

Apart from reforms, the challenges we will have to face during 2009 and afterwards are the consequences of the global financial and economic crisis. Even though the depth of the crisis is as yet unknown, and although the assessments are that Bosnia and Herzegovina will not feel direct consequences of the crisis, it is certain that indirect consequences will not bypass my country. In that respect all levels of Government, including State, entities and cantons, found a unified answer and spoke in one voice on the issue of successfully — at least for now — preserving citizens' hard-won trust in commercial banks. Due to

internal differences and differing visions within Bosnia and Herzegovina, the global financial and economic crisis may result in a serious decrease in economic growth. That is why we are working hard on possible scenarios to best respond to the challenges of this crisis.

I am glad that the most developed world economies and the EU member countries are looking for a common answer to these challenges. I think it would not be good to leave the fragile economies of the western Balkans, including Bosnia and Herzegovina, to search alone for individual solutions. I think that solving the challenges of the global financial and economic crisis for the western Balkan countries would require a well-organized, combined approach.

Since the last meeting of the Security Council, the Council of Ministers of Bosnia and Herzegovina has held 18 regular and 6 thematic sessions, adopting a number of important bills, strategies and decisions. Here, I would particularly like to note the police reform legislation, the Public Roads Bill, the Aviation Bill, the Agency for Air Navigation Services Bill, the Information Society Development Agency Bill and many others.

We passed a number of strategies and action plans, such as the Integrated Border Management Strategy, the Immigration and Asylum Strategy and the related 2008-2011 action plan, the action plan for implementation of the Interim Agreement, the action plan for implementation of obligations deriving from the Stabilization and Association Agreement, the action plan for implementation of obligations deriving from the European Partnership, and the initial document for the intensified dialogue with NATO.

Regarding negotiations on liberalization of the visa regime, I would like to inform the Security Council that immediately after the negotiations were opened, the Council of Ministers established a working group for negotiations. After the road map had been delivered, we tasked the working group with drafting the implementation action plan as quickly as possible, and the plan was adopted at the fifty-seventh session, held on 29 July 2008.

The working group fulfilled its first obligation regarding the readiness report within the prescribed deadline. We have recently received the European Commission report, which is being analysed by responsible institutions. We are of the opinion that the

end of 2009 and the beginning of 2010 will be the time when citizens of Bosnia and Herzegovina will be able to enjoy the benefits of the white Schengen.

The Council of Ministers of Bosnia and Herzegovina has started holding thematic sessions devoted to European integration, and they have proved to be very useful. We used those sessions to adopt a number of important decisions and action plans, and we regularly analyse our obligations in that respect and monitor their implementation. The latest thematic session was attended by the Entity Prime Ministers, and we concluded that the Council of Ministers would hold thematic sessions on European integration at least once a month and that at least once every three months Entity Prime Ministers would attend those sessions.

The Fiscal Council of Bosnia and Herzegovina became operational and has held three sessions to date. That body made it possible to establish the draft budget of the country's institutions in a timely fashion and to forward it for adoption to the Presidency of Bosnia and Herzegovina, which is the official proponent of the budget according to the Constitution.

I would like to note here that this is the first time since Dayton that the conditions have been met for adoption of the next year's budget before 31 December of the current year by the Parliamentary Assembly of Bosnia and Herzegovina. Efficient functioning of the Fiscal Council made it possible for us to lead a responsible budgetary policy with the view to reducing public spending. Bearing in mind all of the above, I have a hard time accepting the assessments that this has been an unsuccessful year for Bosnia and Herzegovina. We did have problems and challenges that we were unable to solve.

At the meeting of the Peace Implementation Council (PIC) Steering Board on 27 February 2008, member countries set five objectives that the authorities in Bosnia and Herzegovina must fulfil in order for the Office of the High Representative to be transformed. These are the acceptable and sustainable resolution of State-owned property, acceptable and sustainable resolution of defence property, completion of the Brcko Final Award, fiscal sustainability and entrenchment of the rule of law, as well as two conditions: signing of the Stabilization and Association Agreement and a positive assessment of the situation in Bosnia and Herzegovina by the PIC Steering Board.

So far, as already mentioned, we have signed the Stabilization and Association Agreement and ensured fiscal sustainability. The objectives regarding the defence property and the rule of law have been partly achieved. The latest agreement achieved by leaders of three political parties — the Alliance of Independent Social Democrats (SNSD), the Party of Democratic Action (SDA) and the Croat Democratic Union of Bosnia and Herzegovina (HDZ) — in Bosanski Šamac on 8 November 2008 was welcomed by Brussels. It represents a solid basis for the fulfilment of the remaining conditions and objectives, which would create conditions for the final decision on closing of the Office of the High Representative.

I think that would be a good development for Bosnia and Herzegovina, and I would like to ask for the Council's support in that. Continuous delaying of the transition of the Office of the High Representative into a European Union special representative would, in my opinion, damage the credibility of international institutions in Bosnia and Herzegovina and hurt the trust in the reforms conducted so far, and I fear it would fully erase the effects of the already shaken justice system reform. It is hard to accept the claim that the justice system reform is made credible by the presence of international judges, particularly concerning prosecution of organized crime, if we see that almost no indictment has ended with a legally binding verdict, as was the case with Šarović, Čović, Fazlić and others.

I am grateful for everything that the international community has done for Bosnia and Herzegovina, and it is my personal opinion that we will continue to need not just attention but also assistance. That assistance must be provided in the form of services and advice, but not in the form of international representatives having decision-making power in our institutions — primarily judiciary — with diplomatic immunity and without accountability for bad decisions. I think that it is very important to stress at this moment that there is no other country with a larger presence of international institutions than Bosnia and Herzegovina, with a general assessment by those institutions that Bosnia and Herzegovina is making less and less progress.

Looking from the outside, the impression is that 13 years after Dayton, Bosnia and Herzegovina represents an international observation post for monitoring global projects in the region, and, according to evaluations of high international officials,

it looks more and more like a controlled cul-de-sac. These are hard but serious warnings.

Lately we have heard assessments that aim at creating tensions between the Republika Srpska and a part of the state-level Government, all the while forgetting that Bosnia and Herzegovina is also made up of the Federation of Bosnia and Herzegovina with the same constitutional powers, which, due to the complexity of its organization and accumulated internal problems, requires emergency action.

According to all parameters and assessments by international financial institutions, Republika Srpska represents a more stable entity, and it could be an engine for development of Bosnia and Herzegovina and not a threat, as some would maliciously say. The stability of Republika Srpska should not be interpreted as a cause of instability in Bosnia and Herzegovina. I do not think that the situation in the Federation is improved by throwing accusations at the Republika Srpska. Rather, all of us should help to make the Federation an example of a well-organized and efficient entity.

It is hard not to agree with assessments of a high United States official who said that Republika Srpska must be respected because it is part of Bosnia and Herzegovina. That is why I would like to stress that it is extremely important that both Republika Srpska and the Federation be equally respected as constituent parts of Bosnia and Herzegovina.

It goes without saying that Bosnia and Herzegovina needs to enter a new era. I want to believe that such an era would be characterized by a spirit of agreement and compromise. We know that next year will bring greater involvement by Brussels and the European Union in Bosnia and Herzegovina, which I strongly support. In addition, however, those of us within Bosnia and Herzegovina must pay much greater attention to realizing a common vision within our country, which would mean its acceleration towards integration with the EU.

The only way to do so is to have an open dialogue and discuss all challenges, because every agreement in Bosnia and Herzegovina is an invitation to reach broader agreement and to fulfil obligations so that the country can succeed, which is in everyone's interests. Political elites must make decisions that will ensure the development of the system, rather than waiting for sweeping change to come to Bosnia and

Herzegovina from abroad. I hope that the messages and lessons resulting from today's meeting will be aimed in that direction.

Finally, I would like to thank High Representative Miroslav Lajčák on behalf of Bosnia and Herzegovina, even though I wish his report were more optimistic and not as selective.

Mr. Lacroix (France) (*spoke in French*): In addition to speaking on behalf of France, I am also speaking on behalf of the European Union and the countries that have aligned themselves with this statement: Albania, Croatia, the Republic of Moldova, Montenegro and Turkey.

I should like at the outset to thank the High Representative for his statement and to tell him that we agree with his assessment of the situation in Bosnia and Herzegovina. I should also like to assure him of our confidence in him and of the full support of the European Union for his efforts to ensure compliance with the Dayton-Paris accords and to move ahead with the reforms.

In addition, I should like to welcome the presence in the Security Council of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. We have noted with satisfaction the commitment of the Bosnia and Herzegovina authorities to moving forward on the path of European integration.

Over the past 13 years, Bosnia and Herzegovina has, with the support of the European Union, carried out reforms essential to its stability and prosperity. In June, it took an important step forward by signing a Stabilization and Association Agreement, which confirmed its desire to join the European Union.

However, France and the European Union express their concern at the political atmosphere prevailing in the country. The use of nationalist rhetoric, arousing fear and division, and the implementation of unilateral decisions by certain leaders call into question power-sharing arrangements and the foundations of the State. Moreover, such words and deeds jeopardize the reforms necessary to the country's future. European Union membership is based on the capacity to overcome the tragedies of history, to renounce all forms of discrimination and to share elements of sovereignty in order to contribute to the common good. The European Union expects States wishing to join to demonstrate their full commitment to those values.

The country's leaders, both at the central level and at the level of the entities, have a responsibility towards the citizens of Bosnia and Herzegovina, whose aspiration to join the European Union cannot be ignored. Acts and statements likely to call into question the State's basic structure as defined in the Dayton-Paris accords — whether directed against Bosnia and Herzegovina's sovereignty and territorial integrity or against the existence of Republika Srpska — must stop. Likewise, attempts to challenge the authority of the High Representative are totally unacceptable.

It is time that Bosnian leaders demonstrate through concrete action their willingness to work to achieve a rapprochement between Europe and Bosnia and Herzegovina. The European Union notes with satisfaction the agreement in that regard reached among three of the main Bosnian parties. We call for the swift implementation of those proposals and invite the Bosnian political forces to unite around that project.

The European Union recalls its support for the objective of the transition from the Office of the High Representative to a stronger European Union presence. The Peace Implementation Council has set forth five objectives and two conditions necessary for the closure of the Office, and the European Union calls on the Bosnian authorities to intensify their efforts to meet all five objectives and both conditions.

The European Union also remains involved through Operation Althea, the European Union-led peacekeeping force — whose mandate was unanimously renewed by the Security Council on 20 November — and through the European Union Police Mission.

Finally, I should like to stress the determination of the European Union to strengthen its involvement in Bosnia-Herzegovina and to shoulder its responsibilities by using all the tools at its disposal.

Ms. DiCarlo (United States of America): I, too, would like to welcome High Representative Lajčák back to the Council today. We thank him for his comprehensive report and applaud his work as High Representative. I would also like to welcome Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to the Council today.

The United States welcomes the progress that Bosnia and Herzegovina has made in recent years,

particularly the signing of the Stabilization and Association Agreement with the European Union (EU). My country has devoted considerable attention and resources to helping stabilize Bosnia and Herzegovina since the conflict of the 1990s, and we are committed to helping the Bosnian people achieve a peaceful and prosperous future.

We welcome the positive developments that the High Representative has identified since his last report, particularly with regard to the objectives set by the Peace Implementation Council last February. In particular, we commend the work of the High Representative and his staff to facilitate progress in meeting the five objectives and two conditions to enable closure of the Office of the High Representative.

We share, however, the serious concerns that the High Representative has raised with regard to political developments that have impeded further progress on those objectives. We have seen a sharp rise in divisive nationalist rhetoric; we have seen State-level institutions, which are required for the country to make further progress towards the EU and NATO, attacked and undermined; and we have witnessed disturbing attempts to roll back previously successful reforms of the past 13 years — the very reforms that have led the EU and NATO to open their doors to Bosnia's eventual membership.

The Republika Srpska Government's recent effort to seek criminal charges against local and international officials who are performing their professional obligations is unacceptable and outrageous and raises troubling questions about Republika Srpska's commitment to the rule of law. Those officials will continue to have our full support as they carry out their important work to implement the Dayton Agreement and to advance Bosnia and Herzegovina's Euro-Atlantic agenda.

We join the High Representative in rejecting rhetoric or actions that undermine the Dayton Agreement, call into question the territorial integrity of Bosnia and Herzegovina or promote unilateral changes to the constituent structure of the country. To reiterate the statement of support for the High Representative that my delegation made when the Council made last May, the role of the High Representative is critical in implementing the Dayton Agreement and ensuring that

Bosnia and Herzegovina completes its transition to a secure and stable multi-ethnic State.

The United States firmly supports the Peace Implementation Council's decision to continue the High Representative's mandate until the authorities in Bosnia and Herzegovina fully meet the five objectives and two conditions specified in February. We believe that the 8 November agreement among several major political parties is a welcome development that offers an opportunity to break this destructive cycle and to make progress towards meeting the outstanding objectives. That initiative represents the kind of constructive approach and spirit of compromise that are required for Bosnia to continue to move forward. In order to achieve true progress, Bosnian political leaders will need to translate the agreement into concrete actions, including finding a legally viable solution for protecting Brcko district's status under the terms of the final award.

Finally, the United States remains fully committed to supporting the people of Bosnia and Herzegovina, who continue to strive to stabilize their country, implement reform, implement the terms of the Dayton Agreement and help their country claim its rightful place within the Euro-Atlantic community.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We welcome Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to this meeting of the Security Council. We also thank Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, for his report to the Security Council on developments in Bosnia and Herzegovina. However, we are obliged to note that we cannot agree with some of the points made in the report.

For example, we do not agree with the alarmist assessment of the situation in Bosnia and Herzegovina. We regard as not completely correct the reference in the report to the communiqué of 26 June this year of the Peace Implementation Council Steering Board, which supposedly reflects "the justified concern of the international community about the overall political situation in Bosnia and Herzegovina" (*S/2008/705, Summary*).

The Russian Federation refused to support that document, the content of which does not reflect reality and runs counter to the agreed policy of the Peace Implementation Council Steering Board. A more

balanced assessment of the situation in Bosnia and Herzegovina is to be found in the statement issued by the Steering Board at the end of its Brussels meeting on 19 and 20 November 2008.

We would like to draw attention to the fact that the international observers did not find any serious comments to offer on the preparations for or the holding of the 5 October local elections. Those elections were completely organized and held by the Bosnian authorities. I think that this speaks to the maturity and capacity of the State and local structures and provides an additional argument in favour of transferring responsibility for the future of Bosnia and Herzegovina to the Bosnians.

We support the compromise agreed on 8 November by the leaders of the major parties of the three peoples forming the State on most important issues on the Bosnian agenda. This opens up the possibility in coming months to move ahead significantly in solving the most acute problems, for example, those of State-owned property and the status around Brčko. This will also help to enable further development of the State and ensure implementation of the programme set by the Steering Board calling for transitioning from the Office of the High Representative to the Mission of the European Union Special Representative. I am thinking of implementation of the so-called Five Plus Two formula and the five objectives and two conditions set by the Steering Board to be met before the Office of the High Representative is closed. The basic task for the High Representative at this stage is to help the parties implement their own agreements, and we have confirmed often our willingness to help with this.

We call for a balanced approach by the international community to the Bosnian sides and an objective assessment of what they actually do. Unfortunately, there are still sharp disagreements between the leaders of the Bosnian entities. In this connection, we think it is essential that all sides comply with the Dayton Peace Agreement. At this stage, that Peace Agreement is the irreplaceable foundation for stabilization in Bosnia and Herzegovina. It must be strictly complied with in all of its parts, in all of its areas — the competences of the central organs of power, the powers of the entities. Reform can be only on the basis of consensus of the sides. Imposing some kind of formula or prescription to improve the Dayton Agreement, especially using the so-called Bonn

powers, is unacceptable and doomed to failure. We also oppose additional conditions, such as constitutional reform and the closing of the Office of the High Representative.

Mr. Terzi di Sant'Agata (Italy): First of all, let me welcome the High Representative, Ambassador Miroslav Lajčák, and the Chairman of the Council of Ministers of Bosnia and Herzegovina, Mr. Nikola Špirić. Let me also thank the High Representative for his detailed report on the situation in Bosnia and Herzegovina and commend his tireless and skilful efforts in a quite complex situation. Italy fully aligns itself with the statement delivered by the representative of France on behalf of the European Union (EU). I would like to add just a few remarks drawing on the Italian national experience.

Ambassador Lajčák's report gives us a good picture, I believe, of the overall situation in the country. It emphasizes, in fact, encouraging signs, but, at the same time, it reveals critical aspects that invite the ongoing commitment of the international community to Bosnia and Herzegovina.

The signing of the Stabilization and Association Agreement in June is a landmark achievement. It demonstrates that the local political leadership can act constructively and reach compromises. The solution of the police reform was particularly welcome. Not long ago, such a result seemed unreachable. The EU perspective is the tool through which the High Representative was able to broker a solution. We must take stock of that success in view of our upcoming challenges. The Odzak agreement reached by the three major Bosnian parties provides yet another reason for us to hope that a virtuous cycle of the political process may set in.

Nevertheless, the report also notes that

“Nationalist, anti-Dayton rhetoric challenging the sovereignty, territorial integrity and constitutional order of Bosnia and Herzegovina, as well as the authority of the High Representative and the Steering Board of the Peace Implementation Council, have continued to dominate politics in Bosnia and Herzegovina” (*S/2006/705, Summary, page 3*).

Much remains to be done to achieve lasting democratic stabilization in the country. In order to stimulate more progress, we should move beyond the

status quo and uphold the principle of ownership. To achieve these goals, the transition from the Office of the High Representative to the EU Special Representative stage should be prepared, bearing in mind that the EU Representative must be adequately supported in order to perform his duties effectively.

High Representative Solana and EU Commissioner Rehn have indicated the need to address the issue of transition. On 20 November, the Peace Implementation Council Steering Board welcomed the EU's readiness to assume a greater role in Bosnia and Herzegovina following the transition from the Office of the High Representative to the European Union High Representative.

We must as well promote progress on the implementation of the five objectives and the two conditions, trusting that the political forces in the country will find adequate solutions on the two objectives that remain to be settled. High Representative Lajčák could, once again, have a contribution to make towards achieving this result.

Italy calls on the Bosnian leadership to focus its efforts in this direction and to refrain from statements and acts challenging the structures of the State as defined by the Dayton Agreement. The people of Bosnia and Herzegovina have demonstrated their strong and undisputed wish to live in a peaceful, stable and prosperous multiethnic environment, and Bosnian leaders should act accordingly, without indulging in confrontational practices that have reaped so much damage in their country.

If these goals are achieved, the country could advance significantly along the path of democratic stabilization and especially towards the EU.

Italy is strongly committed to Bosnia and Herzegovina. We are present in the country with a large contingent in the European Union military mission in Bosnia and Herzegovina (EUFOR-ALTHEA). The international military presence is now under Italian command. My country also contributes considerably to all civilian international presences, and we will continue to do so in the future.

Ms. Pierce (United Kingdom): I, too, would like to join others in welcoming High Representative Mr. Lajčák back to the Chamber. I thank him for the comprehensive picture he has given us today of the political situation in Bosnia and Herzegovina, and I

would like, through him, to thank his people on the ground and the European Union (EU) people on the ground for their efforts to facilitate reform and uphold the Dayton Peace Agreements.

My Government strongly and fully supports the Office of the High Representative, and we invite other members of the Council to join us in that. I would like to align myself with the statement by the representative of France on behalf of the European Union and to thank Ambassador Terzi on behalf of the European Union military mission in Bosnia and Herzegovina (EUFOR) for everything that his Government and others are doing to help ensure peace, security and stability there.

I would also like to welcome Mr. Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. It is very good to see him here in the Chamber again and very good to hear what he had to say about Bosnia's economy and also about his support for the High Representative.

It was very good that in November this Council was able to renew EUFOR's mandate for a further 12 months.

A number of speakers has referred to the fact that we are now 13 years after the Dayton Peace Agreement. Thirteen years after Dayton is also 13 years after Srebrenica. I would like to use this occasion to pay tribute to the memory of the victims of that sad event. We welcome the fact that Radovan Karadzic was arrested recently and transferred to The Hague. We look forward to the similar arrest and transfer, by the Serbian authorities, of Mladic and other remaining indictees.

The future of Bosnia and Herzegovina, as with the other countries of the Balkans, lies in Europe. We join others in regretting the loss of momentum since the signing of the Stabilization and Association Agreement with the European Union and we share the concern about the situation in Bosnia, with regard to both the lack of reform and to the ongoing ethnic-nationalist rhetoric on all sides.

Against that background, the home-grown Bosnian initiative — the 8 November Odžaci agreement — is a very welcome step forward. It is all the more commendable because it is indeed a Bosnian local initiative. We welcome it. We support it. We believe it is an example of efforts to find common

political ground. We look to all politicians in Bosnia — and I would like to stress, all politicians in Bosnia — to engage with the reform agenda and work towards concrete action.

I would just like to take a moment to support what the High Representative said about the unacceptability of the move by Republika Srpska to present a criminal report against First Deputy High Representative Raffi Gregorian and a number of journalists and representatives of non-governmental organizations. Such actions are anti-Dayton and do the people bringing them no credit. We welcome the recent statement made by ambassadors of the Steering Board of the Peace Implementation Council to that effect, as well as that made by European Union foreign ministers on 10 November.

It is a matter of regret that, once again, we have to address the question of ethnic and nationalist rhetoric coming from both ends of the political spectrum. The High Representative singled out in particular two leaders on each end of the political spectrum for that. The Bosnian people, whether they are Bosniak, Bosnian Serb or Bosnian Croat, are not well served by attempts to undermine the status of Republika Srpska. Republika Srpska is an integral part of Bosnia and its status is set out in the Dayton Peace Agreement. Its status cannot be changed, except by the acceptance of the people of Bosnia. The Bosnian people are not well served by attempts to undermine the State of Bosnia. That too is set out in the Dayton Peace Agreement, and it has been upheld by NATO, the European Union and the Security Council on numerous occasions.

Nor are the Bosnian people well served by attempts to undermine the High Representative and not to cooperate with him. I reiterate how welcome it was to hear Mr. Špirić pay tribute to the High Representative. Instead of non-cooperation with the High Representative, it would be better if Bosnia's leaders were working hard to achieve the five objectives and two conditions that are necessary for the closure of the High Representative's Office and the transition to a wholly European Union civilian presence. The High Representative makes clear in his report that, given the state of affairs on the ground, it is unlikely that it will be possible to take that decision, which is scheduled for March 2009. Our position is that that decision should only be taken when the conditions are right to do so.

I would also like to take this opportunity to say that, while we believe the Bonn powers should be used sparingly and only when necessary, it is the case that they exist and that they have been endorsed by the Council in a Chapter VII resolution. We support the High Representative in his judgment as to whether or not to use them on each particular occasion.

I would like to conclude by restating that the European Union is committed to playing an enhanced role in Bosnia and Herzegovina. For our part as the United Kingdom, we will continue to support efforts to ensure security, stability and prosperity there, as well as a multiethnic future for Bosnia and Herzegovina and for the Balkan region as a whole.

Mr. Kumalo (South Africa): My delegation joins others in welcoming His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and High Representative Ambassador Lajčák to the Security Council. We thank them both for their reports before the Council.

As stated on previous occasions, South Africa fully supports the High Representative and his Office, as well as the policy of progressively handing over all executive responsibilities to the Bosnian leadership. In that regard, South Africa was pleased to note the finalization of the long-outstanding police reform laws that enabled Bosnia to sign the Stabilization and Association Agreement with the European Union. However, developments since then have not been so positive. We are disappointed about the little progress made in the implementation of the reform agenda.

The increasing nationalistic rhetoric in Bosnia is of concern. Such rhetoric not only undermines the functioning of the State and the progress made in reforms, it also challenges the very foundations of that State as established by the Dayton Peace Agreement and the Constitution of Bosnia and Herzegovina.

We are also concerned about the reports by the High Representative about the rhetoric and actions against his Office aimed at preventing him from executing his duties. South Africa calls on all cultures in Bosnia and Herzegovina to desist from such negative actions, to break the political deadlock and to return to the reform process. In our opinion, Bosnia can only make progress towards its goal of integration into the European Union if all parties engage in direct and open dialogue, with the purpose of reaching compromises in order to build consensus.

My delegation therefore welcomes the joint statement of 8 November 2008 adopted by the leaders of the three major political parties as a welcome step towards reinstating interethnic dialogue. However, we would like to repeat that peace processes encompass more than dialogue. We therefore agree with the assessment of the Steering Board of the Peace Implementation Council that the signatories should immediately tackle the reform agenda, encourage other stakeholders to join the consensus and work to put all those proposals into concrete form.

Mr. De Vengoechea (Panama) (*spoke in Spanish*): First of all, we appreciate the presence in the Chamber today of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and we thank him for the statement he has just made. We would also like to welcome Mr. Miroslav Lajčák, High Representative and Representative of the European Union in Bosnia and Herzegovina. We would like to thank him for the report he has just given us, as well as for his efforts in a post that we know is often complicated and very seldom properly appreciated.

Panama welcomes the signing between Bosnia and the European Union of the Stabilization and Association Agreement. That is in line with our position that the future of that country and of the other States of the Western Balkans lies in Euro-Atlantic institutions.

Nevertheless, my delegation takes note with great concern of the level to which nationalist rhetoric has risen and of the detrimental actions taken by the respective leaders of Bosnian ethnic groups with regard to the consolidation of the State and the implementation of the Peace Accord. It is difficult to explain how, more than 15 years since the Dayton accords put an end to the war in Bosnia and Herzegovina and after all the violence experienced by the Balkan region, the leaders of the country's constituent groups could still be placing their ethnic, parochial and short-sighted interests above the interests of political and economic integration at the national and regional level and the interests of consolidating a liberal democracy and a multi-ethnic Bosnia.

As everyone here is aware, extreme nationalism and ethnocentrism were responsible for lighting the fuse of one of the bloodiest conflicts Europe has experienced since the Second World War. Were these scourges to continue, it would not be possible for the

wounds from the violent dismemberment of the former Yugoslavia to heal nor for the countries that emerged from it to move on.

This is why we appeal, as we have on many previous occasions, to the leaders of all the constituent Bosnian groups to work together, not as representatives of one ethnic group or another, but rather as citizens of Bosnia and Herzegovina and ultimately, we hope, of the European Union, so as to build a more prosperous and peaceful future for their country and for the region. Until then, we will continue to support the presence of the Office of the High Representative in Bosnia and the use, as necessary, of his Bonn powers.

Mr. Grauls (Belgium) (*spoke in French*): I, in turn, would like to thank High Representative Lajčák for his introduction and for his very detailed and comprehensive report to the Security Council. I would also like to thank the Chairman of the Council of Ministers of Bosnia and Herzegovina, His Excellency Mr. Nikola Špirić, for his presence and for his statement.

Belgium aligns itself with the statement made by the representative of France on behalf of the European Union.

Allow me to say from the outset that Belgium fully shares the general assessment of the High Representative. Like the High Representative, Belgium would like to underscore the importance for Bosnia and Herzegovina of the signing of the Stabilization and Association Agreement with the European Union on 16 June 2008. This demonstrates that, when it comes to crucial reforms such as police reforms, results are possible.

However, since the signing, progress on reforms has clearly come to a halt. Belgium is deeply concerned by the political developments of the past few months in Bosnia and Herzegovina, in particular the period before the local elections of 5 October 2008, when ethnic motivations and nationalist rhetoric unfortunately once again paralysed the political process. Clearly, this kind of attitude and behaviour undermine the very foundations of the State of Bosnia and Herzegovina and will not help the country achieve its Euro-Atlantic goals, which my country fully supports.

In view of that Euro-Atlantic integration process, Bosnia and Herzegovina has great challenges ahead of it. Allow me to highlight a few elements.

Belgium welcomes the recent political agreement of 8 November 2008 among the three most important political parties of the country. The time has now come to ensure that the agreement is also supported by other political actors and that all the measures necessary for its full implementation are carried out. It is important, *inter alia*, for Bosnia and Herzegovina to continue to implement the 27 February 2007 declaration of the Steering Board of the Peace Implementation Council. That declaration links the future closure of the Office of the High Representative to Bosnia and Herzegovina's achieving the five objectives and meeting the two conditions set out in the declaration.

A recent statement by the Steering Board after its meeting in Brussels on 19 and 20 November reaffirmed the importance of these criteria, in particular such unresolved questions as the distribution of public property between the State and other Government entities and the complete implementation of the Brcko Arbitration Tribunal's Final Award. The resolution of these two questions will enable the Steering Board to take a decision at its next meeting, to be held in March 2009, on the transition from the Office of the High Representative towards a more substantial representation by the European Union.

In addition, Belgium wholeheartedly urges the authorities of Bosnia and Herzegovina to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia.

In conclusion, Belgium reiterates its full support for the Dayton Agreement's provisions and the involvement of the international community, as demonstrated by the renewal of the mandate of the European Union-led peacekeeping force by this Council. We also reiterate our appreciation and support for the work of the High Representative, who is also the Special Representative of the European Union.

Mr. Kafando (Burkina Faso) (*spoke in French*): At the outset, allow me to thank Mr. Miroslav Lajčák for his briefing, which gave us a good overview of the situation in Bosnia and Herzegovina. We also welcome the Chairman of the Council of Ministers of Bosnia and Herzegovina, Mr. Špirić, and we are grateful to him for his statement.

From the overview gained from the briefing, we can see that some progress has been made in Bosnia and Herzegovina. In particular, in mid-April, a police reform law was adopted. On 16 June, the Stabilization and Association Agreement and the accompanying Interim Agreement were signed with the European Union. On 8 November 2008, a memorandum of understanding was also signed by the most influential Bosnian parties.

However, this progress should not lead us to lose sight of the fact that the overall situation remains unstable. That fact was highlighted by the attempts to change the Constitution and to call into question the Dayton Agreement, as well as the threats against the authority of the High Representative. We are also disturbed by the lack of understanding between the various political entities; which slows progress in crucial areas such as reforming the economy, public administration and the defence sector. The parties must work to reach the objectives set by the Steering Board of the Peace Implementation Council.

It is also essential that the authorities in Bosnia and Herzegovina continue to strive to resolve the question of refugees and displaced persons and that they cooperate with the International Criminal Tribunal for the Former Yugoslavia.

Good-neighbourly relations are essential to the viability of Bosnia and Herzegovina, which is, of course, in the process of being rebuilt as a State. Given the turmoil in which the country's rebirth took place, Bosnia and Herzegovina should cooperate with its neighbours and undertake, as soon as possible, the demarcation of its common borders with them, which would certainly help to lay a solid foundation for fruitful subregional cooperation and stabilize the region.

In resolution 1845 (2008), the Security Council expressed support for the peace process in Bosnia and Herzegovina and for the Dayton Agreement of 10 November 1995. The international community must continue in that vein, and continue to support Bosnian and Herzegovina with a view to the full implementation of the various agreements. In this connection, we welcome the contribution made by the European Union and its multinational stabilization force. We also welcome the efforts by the North Atlantic Treaty Organization and the Organization for Security and Cooperation in Europe.

Lastly, we commend the work and the praiseworthy initiatives of the High Representative and his Office in terms of the implementation of the General Framework Agreement for Peace in Bosnia Herzegovina. We would urge them and the Steering Board of the Peace Implementation Council to resolutely continue their work for stability and lasting peace in Bosnia and Herzegovina.

Mr. La Yifan (China) (*spoke in Chinese*): The Chinese delegation would like to thank High Representative Mr. Lajčák for his briefing to the Council and the report submitted to the Council prior to the briefing. We are also pleased to welcome the Chairman of the Council of Ministers of Bosnia and Herzegovina, His Excellency Mr. Nikola Špirić, and we thank him for his statement.

We have been following the political process in Bosnia and Herzegovina and we note that the overall situation during the past six months has been, on the whole, stable. Progress has been made on the road to European integration. We note in particular the adoption of two laws on police reform, the signing of the stabilization association agreement with the European Union and cooperation with the International Criminal Tribunal for the former Yugoslavia. However, we are also concerned by some destabilizing factors and difficulties facing Bosnia and Herzegovina.

As mentioned in the High Representative's report, parties concerned have exchanged tit-for-tat rhetoric. Also, Bosnia and Herzegovina's economic growth has encountered new challenges. As refugees and displaced persons return, it is experiencing many obstacles. Despite these challenges and difficulties, we hope the High Representative and the relevant parties of Bosnia and Herzegovina will make continued efforts to maintain the country's political stability and security so as to move it forward on the road to peace, reconciliation and development. And, in particular, efforts should be made to implement the five objectives and two conditions put forward by the Peace Implementation Council Steering Board.

China respects Bosnia and Herzegovina's sovereignty and territorial integrity. The future of the people of Bosnia and Herzegovina is in their own hands. We believe that the maintenance of lasting peace and stability in Bosnia and Herzegovina is in the interests of all sides and that continued dialogue and

cooperation will provide an important basis for achieving this goal.

We welcome the joint statement issued on 8 November by the three major parties of Bosnia and Herzegovina concerning areas of constitutional reform and population census. We hope that Bosnia and Herzegovina's ethnic groups, in a spirit of reconciliation, will increase mutual trust, carry out sincere cooperation and refrain from political tension and confrontation. We also encourage the High Representative to continue to conduct extensive consultations with all sides as mandated by the Dayton Peace Agreement, with the aim of helping the various ethnic groups to take constructive measures and make headway in areas of constitutional reform, economic development and law and order.

We are ready to continue to support the High Representative's work and we are also pleased to see the positive role played by the European Union in maintaining Bosnia and Herzegovina's stability, economic growth and associated development within the framework of the Dayton Peace Agreement. We are also prepared, together with the international community, to support and assist Bosnia and Herzegovina in its efforts to realize lasting peace, stability and a sustainable development.

Mr. Bui The Giang (Viet Nam): My delegation thanks Mr. Lajčák, the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina, for the thirty-fourth report submitted to the Secretary-General and for his briefing on the situation on the ground. We also welcome to the Council Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thank him for his statement.

We take note of the efforts made during the reporting period by Bosnia and Herzegovina in restructuring its police and entrenching the rule of law, as well as maintaining the overall fiscal sustainability and macroeconomic stability of the country. However, we remain concerned about the political situation in Bosnia and Herzegovina over recent months as demonstrated, inter alia, by the continued domination of nationalist rhetoric over the political atmosphere and related attacks on said institutions, challenging the country's sovereignty and territorial integrity, as mentioned in the High Representative's report. We are equally concerned about the potential economic and

financial challenges facing the country, in particular due to the impact of the global food and energy crisis.

Against this background, my delegation believes that, at this critical juncture, all stakeholders in Bosnia and Herzegovina need to show a higher sense of political responsibility and greater ownership of the reform process. We therefore call on all the parties concerned to work together in a reconciliatory spirit and with patience towards a mutually acceptable solution regarding an integral multi-ethnic State made up of two entities with guaranteed rights for the Bosniaks, Serbs and Croats living there.

It is important that the process of constitutional reform continue under the ownership of Bosnia and Herzegovina, be based on the principles set out in the Dayton Agreement and that more determined efforts be exerted to ensure good implementation of the federal leaders' commitment to the European integration process.

My delegation wishes to take this opportunity to confirm our continued support for the role of the Office of the High Representative for Bosnia and Herzegovina and the European Union in facilitating the country's regional and international integration process, as well as promoting peace, security and development in Bosnia and Herzegovina within the Dayton Agreement.

Mr. Kleib (Indonesia): I should like first of all to join other in thanking the High Representative, Mr. Lajčák, for his briefing as well as his report. We also wish to welcome the presence of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and we thank him for his statement.

We welcome the fact that some progress has been made regarding the objective and conditions of the Peace Implementation Council Steering Board. Moreover, we welcome the continuous efforts by all stakeholders in the region by taking various measures to strengthen the rule of law at the local and national levels. It is our view that one of the fundamentals for forging a strong society is to build a culture of the rule of law. Such a culture can guarantee that all its citizens will reap the dividends of peace.

We note the incremental progress that has been made by Bosnia and Herzegovina to fulfil the stabilization and association agreement. We also acknowledge that the continuation of the mandate of

the European Union force contributes to a safer and more secure environment in this process.

Despite this notable progress, the report noted some concern on the current security situation in the country that is emanating from the political environment. We place our hope in the Office of the High Representative to continue to engage all political parties and other relevant stakeholders to further ameliorate the current acrimonious political climate. This climate, we believe, will undoubtedly affect and erode inter-ethnic trust and thus make compromise between the parties even more complex.

In this regard, we continue to believe that dialogue, reconciliation and negotiation must be the preferred option for the resolution of any issues. This effort would ensure that cooperation among parties can be materialized and, most important, it would allow for the parties to focus their scarce political energy on achieving their common goal of prosperity and stability in the region.

We continue to note with concern the slow return of refugees and internally displaced persons. We encourage the Office of the High Representative, the Office of the United Nations High Commissioner for Refugees and other stakeholders to redouble their efforts to tackle these delicate humanitarian issues. Such efforts need to encompass measures to build a higher level of trust among the returnees and the local populations. As in other places, we recognize that the longer it takes for them to return, the less incentive exists for them to do so. The returnees need to be convinced that they would be able to interact and live peacefully with others.

Finally, I should like to reiterate Indonesia's continued support to the political process conducted by the High Representative in line with the Peace Agreement.

Mr. Weisleder (Costa Rica) (*spoke in Spanish*): At the outset, I should like to thank the Chairman of the Council of Ministers of Bosnia and Herzegovina for his statement as well as the High Representative for his report.

In order to avoid repeating the appeals to good sense that have been made by the previous speakers, which of course we fully share, I would like to read the closing paragraph of the statement of the Chairman of the Council of Ministers of Bosnia and Herzegovina.

He said: "I would like to thank High Representative Miroslav Lajčák for his efforts for the benefit of Bosnia and Herzegovina, even though I wish his report were more optimistic and not as selective."

In that respect, my delegation feels that it would be more conducive to attaining the objectives that I believe we all share if the leaders on all sides were to adjust their thinking and attitude with respect to paragraphs that may or may not be included in the High Representative's reports. There were serious and difficult confrontations in that area, and progress has been made in the past 13 years, but attitudes must change if the peace and progress that we all hope for are to be achieved.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): Allow me at the outset to welcome the Chairman of the Council of Ministers of Bosnia and Herzegovina and to thank him for his presence and for his statement.

We also thank Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, for his briefing.

We welcome the adoption by the Parliamentary Assembly of Bosnia and Herzegovina of the long-awaited police reform laws, which paved the way for that country to sign on 16 June the Stabilization and Association Agreement with the European Union (EU). We also welcome the concrete progress achieved by the authorities of Bosnia and Herzegovina towards fulfilling the five objectives and two conditions referred to earlier by the High Representative. That, we believe, reflects the transfer of authority from the Office of the EU High Representative. We hope that such progress will continue.

Despite the positive developments in Bosnia and Herzegovina, we remain concerned about the ongoing nationalist discourse on all sides and the extremist and ethnic interpretation of certain issues. The tendency to address such issues from an extremist and ethnic perspective may revive tensions and undermine stability in the country and the region as a whole.

We therefore call on the peoples of Bosnia and Herzegovina to exercise political restraint, learn to coexist through dialogue and respect for State institutions, cooperate to the greatest possible extent with the High Representative, and adhere to all

provisions of the Dayton Peace Agreement and the relevant resolutions of the Security Council. Such an approach will help Bosnia and Herzegovina to become a more stable country based on a multi-ethnic society and culture, and contribute to the stability and sustainable development of the Balkan region.

We further commend recent efforts to arrest the perpetrators of war crimes and crimes against humanity who have been in hiding for many years. We hope that efforts to pursue the other fugitives and bring them to justice will be pursued. Success in that endeavour would heal the country's wounds and help it to put the past behind it. We call on everyone to cooperate with the International Tribunal for the Former Yugoslavia, pursuant to the Dayton Agreement.

We also share the High Representative's opinion concerning the issuance of a clear and strong statement of guarantees to Bosnia and Herzegovina, which would create an atmosphere of trust between all Bosniacs that would help them to tend to the business of developing their country. We hope that it will also contribute to the speedy return of all Bosnian refugees who remain outside their country.

We are somewhat concerned about the remaining obstacles to the return of some 120,000 refugees and internally displaced persons. We stress the need to take all necessary measures to ensure their return to their homes. The constitutional and economic reforms must be pursued in support of the efforts of the High Representative in that respect, and we hope that all parties in Bosnia and Herzegovina will participate in those reforms, which serve the interests of all sides and the achievement of stability and peace and the building of a just society in that country.

The President: I shall now make a statement in my capacity as the representative of Croatia.

I welcome and thank the High Representative and the European Union (EU) Special Representative Miroslav Lajčák for his report and today's briefing, as well as for all the work he has done in Bosnia and Herzegovina, which Croatia fully supports.

I also welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thank him for his statement.

Croatia aligns itself with the statement delivered by the representative of France on behalf of the

European Union. I wish to make a few additional remarks.

My delegation welcomes the important progress made on the reforms that enabled Bosnia and Herzegovina to sign a Stabilization and Association Agreement with the European Union on 16 June. The Agreement is that country's first contractual relationship with the European Union and the first significant step towards seeing Bosnia and Herzegovina as a peaceful, viable State irreversibly on course towards European integration, which is the long-standing objective of the Peace Implementation Council.

However, due to many other troubled spots around the world that have caught the attention of the international community and media, the situation in Bosnia and Herzegovina has fallen below our radar. In that sense, we are of the view that the international community should refocus its attention on the current situation in Bosnia and Herzegovina.

We are deeply concerned by the High Representative's assessment of the situation in Bosnia and Herzegovina, which is far from stable. In that regard, we echo the conclusions reached at the most recent meeting of the Peace Implementation Council Steering Board, which expressed serious and deep concerns over "challenges to Bosnia and Herzegovina's sovereignty, territorial integrity and constitutional order" (*S/2008/705, para. 93*).

Thus, while we welcome with enthusiasm the EU-inspired reforms in Bosnia and Herzegovina and its progress on its path towards integration into the EU, we also draw attention to a number of fundamental problems that still need to be addressed. We stress the importance of meeting the challenges confronting Bosnia and Herzegovina through a comprehensive and inclusive dialogue, in particular on future constitutional reforms, which needs to be intensified under the reinvigorated and more focused guidance of the international community and with additional support given to the High Representative.

Bosnia and Herzegovina is facing some difficult problems, and the only way out is to reach an agreement and a vision for the future that is acceptable to all three of its constituent peoples. In this sense, challenging the very foundations of Bosnia and Herzegovina, which reached peace with the Dayton Accords, is hurtful and damaging. However, any

intention to improve the current situation and remedy the problems in Bosnia and Herzegovina should be welcomed and encouraged.

On that point I wish to stress that the stability of Bosnia and Herzegovina depends on respect for the equal rights of all three constituent peoples: Bosniacs, Bosniac Serbs and Bosniac Croats. That is vital not only for the future and the survival of Bosnia and Herzegovina, but for the future survival of the Croats as well in Bosnia and Herzegovina. Those two futures are closely interlinked.

We have said several times that there cannot be a Bosnia and Herzegovina without Croats in the country. It is therefore imperative to protect their equality. Having in mind their particular situation, I will underscore again that their voice must be heard and must be taken into account on a basis of equality — both ethnic and civic — and on the basis of constitutional equality. This stems from the constitution and the history of Bosnia and Herzegovina. All three groups, all three peoples must feel that it is their country, and they should feel safe and protected throughout its entire territory. Their fundamental rights and freedoms, as well as their civic and ethnic rights, should be protected throughout the country, as should their right to return to their homes.

An important part of this is the fight against impunity with regard to all crimes committed. We echo the High Representative's calls regarding the need to arrest the fugitives from the International Criminal Tribunal for the Former Yugoslavia. They should be transferred to The Hague as soon as possible.

Finally, we are offering the peoples of Bosnia and Herzegovina a clear and unambiguous European perspective. We are investing efforts in explaining that such a European future will benefit each and every citizen of Bosnia and Herzegovina and all of its constituent peoples. Croatia is doing that jointly with the rest of the international community, and we need to persevere on that path together. That will benefit all of Europe, together with Bosnia and Herzegovina and all of South-East Europe.

I now resume my functions as President of the Security Council.

I now give the floor to Mr. Miroslav Lajčák to respond to the comments and questions raised.

Mr. Lajčák: I would like to thank you, Mr. President, and all members of the Security Council for the attention to the situation in Bosnia and Herzegovina and for the statements in support of our mission there.

I would like to stress two things. The first is the need for compromise and consensus among the three constituent peoples if Bosnia and Herzegovina is to move forward. Secondly — to repeat once again — the international community must support all the domestically led initiatives and honour the principle of ownership.

Our priorities — “our” means the international community and myself — for the period ahead will be, first, to complete our work plan as it was defined by the Steering Board of the Peace Implementation Council in February this year, and second, what is equally important is to decide when is the right time to redefine our presence in Bosnia and Herzegovina and

to offer a greater role to the European Union. As I said, that is the joint responsibility of the international community. The best way for the local authorities to contribute to that is to behave in a mature way and to demonstrate that they are ready to be our partners rather than our opponents in this process.

In our efforts I also count on the continuous attention and support of the United Nations and its Security Council, and I would like to thank you for that in advance.

Finally, let me wish the Council a lot of success in implementing your very responsible mandate.

The President: I thank Mr. Lajčák for the clarifications he has provided.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4:55 p.m.