

Berlin/London/Paris, 18 October 2009. In the light of the next round of negotiations at Butmir, Sarajevo on the current situation and future of Bosnia and Herzegovina, Paddy Ashdown, Wolfgang Petritsch and Christian Schwarz-Schilling (High Representatives to Bosnia and Herzegovina between 1999 und 2007) have today issued the following statement:

Assuring Peace and a European Future in Bosnia and Herzegovina
Paddy Ashdown, Wolfgang Petritsch and Christian Schwarz-Schilling

We welcome that the European Union and the wider international community are again paying serious attention to Bosnia and Herzegovina. The ad hoc talks at Butmir that will be continued this week evoke both our concerns and hopes. On the one hand, they present a real possibility to address the current political stalemate in the country and to realize a European future for Bosnia and Herzegovina. All negotiating partners have both the opportunity and the duty to support the creation of viable arrangements that further stabilise the region and enable a sustainable, functional system of government in Bosnia and Herzegovina. On the other hand, the way how the Butmir initiative has been prepared has imperiled the international community's and the future European Union Special Representative's authority and integrity. It is imperative to integrate the High Representative into the process to allow for a proper and dignified conclusion of the peace implementation process and the opening of a new chapter. Bosnia and Herzegovina can only be supported by the international community if we ourselves work in a serene, inclusive, non-antagonistic and transparent manner in good faith and based on objective criteria. The following points are in our view of special relevance at this juncture:

1. For the reform process to succeed in stabilising state institutions, strengthening democracy and the rule of law and enabling and accelerating European integration, it is indispensable that the Presidency, the Governments and the Parliaments, including the opposition parties, are integrated as full partners. The talks this week must pave the way for a sustainable constitutional reform process anchored in the institutions and civil society of Bosnia and Herzegovina and supported by the European Union and the Council of Europe. In close cooperation with the United States, Europe should provide financial, structural and organizational support to facilitate a final, effective reform process.
2. We are convinced that there will be only a stable future for Bosnia and Herzegovina in peace and prosperity, if a balance is found between the democratic principle of majority rule, the consideration of the interests of the three constituent peoples as well as others and minorities. Blocking mechanisms that have been manifested through a destructive use of the original Dayton constitutional decision-making, have to be modified by implementing the recommendations of the Council of Europe and its Venice Commission in order to turn Bosnia and Herzegovina into a fully fledged European democracy whose constitution meets all requirements of the European Convention of Human Rights. If no new formula is found to replace entity voting, these blocking mechanisms and discriminatory provisions in the constitution will continue to harm the life of all citizens and endanger Bosnia and Herzegovina's European future. It may not be necessary to tackle this vital issue at these talks, which comprise the first step on a long process toward Europe. But it is essential that all parties are in no doubt that, before the end of the process on which they are now embarked is reached, the abolition of entity voting in its present form will be required for Bosnia and Herzegovina to fulfill the conditions necessary for a European state.
3. We wish, hope and believe that this week's talks must not fail. However, it is prudent that we should consider what would happen if they do. The Peace Implementation Council must maintain reserve power to internationally guarantee Bosnia and Herzegovina's peace and stability also after the closure of the Office of the High Representative. This is what happened in Germany after the Second World War when the Allied Control Council kept ultimate sovereignty rights until Germany's unification in 1990. The reserve power is the *ultima ratio in extremis* if the peace, stability and territorial integrity of the state were endangered. The existence of such reserve power is no impediment for further EU integration and NATO membership as the German post-war history has shown. To the contrary, it will be an umbrella under

which these processes can develop and a real commitment by the international community to the country.

4. At the beginning of October 2009, Bosnia and Herzegovina applied officially for NATO's Membership Action Plan. The countries of the Steering Committee of the Peace Implementation Council (i.e. Canada, France, Germany, Italy, Turkey, USA and the United Kingdom) together with the other EU member states that belong to NATO, hold it in their hand to decide now on a clear schedule for the NATO membership by 2011. Already today Bosnia and Herzegovina contributes to NATO operations world-wide. The country's integration into the alliance is a concrete security guarantee and partnership. In addition to the NATO-memberstates Albania and Croatia the regional security network has soon to be consolidated by Bosnia and Herzegovina and Montenegro. Therefore the US-initiative of Senators John Kerry and Richard Lugar deserves adequate support (NATO-Western-Balkans-Support Act, August 2009).

5. The member states of the European Union should authorise the European Commission to immediately abolish the visa-obligation for citizens of Bosnia and Herzegovina, provided the conditions of the visa liberalisation road map are met. Bosnia and Herzegovina has undertaken great efforts in this respect, thanks to clear bench marks. The EU has both the right and obligation to be strict but today it needs to show that it is fair and not treating Bosnia and Herzegovina differently than her neighbours. Visa free travel is crucial for the citizens of Bosnia and Herzegovina to experience Europe in a positive way and should not be used as a lever in the Butmir talks. Allowing to connect the freedom of travel with other political issues in these negotiations seriously damages the credibility of the European Commission and of EU member states.