

## **Statement**

**by the Chairman of the Presidency of Bosnia and Herzegovina**

**H. E. Željko Komšić**

**General Debate at the 76th Session of the United Nations General  
Assembly**

**“Building resilience through hope – to recover from COVID-19,  
rebuild sustainability, respond to the needs of the planet, respect  
the rights of people, and revitalize the United Nations”**

**New York, September 2021.**

**Mr. President,  
Mr. Secretary General,  
Excellencies,  
Ladies and gentlemen,**

**The topic of this year's debate addresses many current issues that truly present some of the key challenges to affect the future path we tread as a global society. The same is true for international and the individual politics of the countries we come from. Our determination to insist on the common values we have chosen to protect will therefore dictate the success of our common aspirations.**

**The COVID 19 pandemic was an important message and a lesson for us on how the existing international system can be easily shaken, but also how important the endurance and the resilience of international institutions built on multilateralism is for them to be able to respond to crisis situations. Suddenly, international relations were threatened while human rights were restricted. Multilateralism seemed to have collapsed. The gap between rich and developed countries on the one hand, and those less developed and not so rich on the other, has proven to be greater than ever in terms of access to medical equipment, medicines and vaccines. For the sake of social and economic recovery, the only thing left under those circumstances was the hope for the resilience of national economies and health systems, as well as international institutions and bodies of the United Nations, in order to combat the pandemic and find and distribute vaccines.**

**Still, I would also like to emphasize the importance of bilateral cooperation and assistance from neighboring or friendly countries, which in many regions, including my own, were the first concrete**

**aid and sign of solidarity before multilateral institutions responded to crises that was the COVID 19 pandemic. That gave us hope and showed the importance of good bilateral relations. It also justified investing in regional cooperation capacities. I would now like to commend some of the numerous regional organizations from the Western Balkans that have helped sustain the economy and facilitate the flow of people and basic goods under the new circumstances. I am primarily referring to the Central European Free Trade Agreement and the South East European Regional Cooperation Council.**

**The pandemic has changed the world and affected the achievement of the sustainable development goals. Under the influence of new circumstances, the SDGs need to be seen in a whole new light. However, one of the most important issues of today, closely related to the goals of sustainable development as a need of global society, is finding answers to the needs of the planet.**

**Climate change and global warming, both visible and scientifically proven through the work of the Intergovernmental Panel on Climate Change, are key issues that also limit the course of sustainable development. Our activities to slow global warming and combat climate change are generally not yielding the results we need to achieve by 2050, warns the 2018 special report. This year's report repeats the same warning. Climate change is no longer a matter of warnings from the scientific community. It is a crisis situation that is already upon us. Finding answers to climate change is a costly process. It will cost even more if we do not take the need to accelerate climate change mitigation activities seriously. We have taken on that commitment because the humankind survival scenario, along with mitigating the temperature rise, is a value that we must defend at all costs. We did not choose that value. It chose us.**

**I believe that in the long run, this necessary response will cost the lessdeveloped and developing countries the most - the countries which still rely on energy derived from fossil fuels. As a rule, those**

**groups of countries do not have sufficient capacity or resources to make a rapid and equitable transition to green energy sources. That will affect their ability to achieve sustainable development goals in the medium term. Therefore, financial support for the implementation of the Green Agenda is extremely important, with contributions from the Conference of Parties of the United Nations Climate Change Conference as well as regional associations such as the European Union. In addition to the existing obligations under the Paris Agreement, the EU also establishes additional standards accepted by countries such as Bosnia and Herzegovina, in the process of stabilization and association with the European Union. In my country, Bosnia and Herzegovina, we have about 40% of green capacity for electricity generation. However, gradual shutdown of thermal power plants, and thus most of the mines, which is expected of us in the next 25-30 years, will cause a shortage of electricity that can hardly be replaced in timely fashion by the green energy capacity, while preserving rivers and ecological biodiversity, in accordance with international norms. Those are some of the real circumstances and challenges that we face. I believe that many other states present here face those as well. However, Bosnia and Herzegovina stands behind its promise to contribute to reduction of GHG emissions.**

**Mr. President,**

**One of the consequences of the slowdown in sustainable development that we are facing is the outflow of the working age population to developed countries. According to available statistics, almost 10% of the population has emigrated from Bosnia and Herzegovina since the last census. Mostly, the working age population. Young families with children. That is why I would like to draw attention to the fact that, in addition to the well-known wave of economic migrants from the Asian Middle East and North Africa, which my country has faced and tried to provide humanitarian aid, food and accommodation for, we are also facing**

**an outflow of population. That will cause additional social problems to our society. Our people are leaving in search of better business and life opportunities, but also seeking security in orderly societies based on the active promotion and protection of human rights values. They go after the perspective of living in an environment where their knowledge and work can create for them a life in the certainty of a rational social order.**

**It is for this reason that I emphasize the protection of human rights as the next great value. That is a value that we have decided to establish already with the United Nations Universal Declaration of Human Rights. In Europe, we also have the European Convention for the Protection of Human Rights and Fundamental Freedoms, implemented under the auspices of the Council of Europe. In the European Union, the Charter of Fundamental Rights of the European Union came into effect in 2009.**

**Recently, however, human rights values seem to have been shaken, applied selectively, and approached on the basis of double standards. I consider such tendencies very dangerous for the preservation of the human rights protection system.**

**The strengthening of ethnic politics in my country, based on exclusivity and ethno-chauvinist tendencies, along with the rise of religious intolerance and the collapse of secularism in the Western Balkans region, is a matter of great concern. Given the 1992-1995 war they have been through, the citizens of Bosnia and Herzegovina are very sensitive to such social disturbances. Especially because of the genocide committed in Srebrenica, as determined by the verdict of the International Court of Justice in The Hague and confirmed by the judgments of the International Criminal Tribunal for the former Yugoslavia (ICTY).**

**I would like to emphasize here, before you, that I come from a country considered a successful example of peace-building, but also of maintaining peace and developing institutions in the context of the United Nations mandate. The Constitution of Bosnia and**

**Herzegovina is part of an international peace agreement known as the Dayton Peace Agreement. The United Nations Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms are also integral parts of our Constitution. Still, during the last few years, our society has been under increasing pressure of attempts to degrade basic human and civil rights and eliminate the individual, the citizen, as a subject of human rights. The complex system of institutions of Bosnia and Herzegovina based on the Dayton Peace Agreement makes it difficult to reach a political consensus to move my country from the Dayton Peace Agreement that stopped the war to a functioning state with the prospect of becoming a member of the European Union and NATO in a way that accepts all the values required by democracy, the rule of law and the protection of human rights and fundamental freedoms.**

**Mr. President,**

**To point out the selectivity in the application of international human rights instruments, I would like to reflect on this very important segment of human rights protection from the point of view of the country I come from. I believe that we all share the view that the protection of human rights in all segments of society is one of the necessary conditions for the creation of stable democracies, in which peace and prosperity will prevail. However, if we consider that through the prism of the political system of Bosnia and Herzegovina, the country I come from, I would like to take this opportunity to share with all of you a few important elements, which are unfortunately a part of the other, negative side of this story.**

**The General Framework Agreement for Peace, initialed in Dayton and signed in Paris in 1995, is in force in Bosnia and Herzegovina. An integral part of the Agreement, as Annex 4, is the Constitution of Bosnia and Herzegovina. In its preamble, it clearly and**

**unequivocally states that it is, among other things, based on the Universal Declaration of Human Rights of 1948. It is clear that accession to the Universal Declaration of Human Rights does not impose a direct legal obligation on the acceding countries. But, it is certainly a system of values, which, among other things, aims to create a society within the countries themselves, but also beyond, based on the equality of every human being on the planet in their basic human rights.**

**Unfortunately, such system of values, based on the equality of all individuals within a society, does not exist in Bosnia and Herzegovina. I further argue that an international court, specifically the European Court of Human Rights in Strasbourg, in its five judgments against Bosnia and Herzegovina, established the existence of systemic discrimination or systemic inequality of the citizens of my country. Such inequality is reflected in several aspects of life. That includes political aspects because all citizens do not have equal rights in the electoral system, but also those where the same citizens do not have equal rights and opportunities in social life, such as the right to work. The political system in Bosnia and Herzegovina is such that it gives preference to someone's ethnicity. Based on that ethnicity, the citizens of my country have greater or lesser rights, depending on which part of the country they live in. On this occasion, I would like to remind everyone that discrimination based on a person's ethnic origin is one of the forms of racial discrimination as set out in Item 1 of the Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination adopted by the United Nations in 1966.**

**The complexity of this issue is evident in the attempts to impose on us, even through diplomatic activities on the international scene, the existence of discrimination and inequality of the citizens of Bosnia and Herzegovina. That is done by emphasizing the ethnicity of a part of the citizens and demands for greater rights for ethnic communities supported by neighboring countries, always to the detriment of fundamental human rights. This means that collective**

**rights, which are not part of international legal acts, are being placed above the human rights of individuals. Please allow me to state that such things are unacceptable at this moment in time.**

**Furthermore, diplomatic activities of various actors call for additional discrimination on ethnic grounds, in order to create an atmosphere for a process of self-determination within those ethnic communities. The ultimate goal is the dissolution or disintegration of Bosnia and Herzegovina and the annexation of parts of its territory to neighboring countries. That encourages inequality in human rights, completely devaluing and ignoring the provisions of the Universal Declaration of Human Rights. Those same factors completely negate the judgments of the International Criminal Tribunal for the Former Yugoslavia. The judgments of the Tribunal stated genocide, crimes against humanity, war crimes, ethnic cleansing and even the existence of joint criminal enterprises where it was further established that all those most heinous crimes were committed on the basis of different ethnicities of the citizens of Bosnia and Herzegovina. That negates one of the fundamental human rights according to the Universal Declaration, which is the right to life.**

**Awards are given to the glorified war criminals, without any moral dilemmas. I consider that to be in direct contradiction with another value of the United Nations, which is the elimination of impunity for war crimes. That raises another question requiring a very clear answer - how to deal with the factors negating the courts formed by the United Nations? How to treat them in specific cases of denial of verdicts convicting the perpetrators of the crimes of genocide, crimes against humanity, war crimes and ethnic cleansing? Can such factors, which deny those verdicts and hide the perpetrators of genocide and war crimes, even be a part of the international legal order? That question directly goes back to the foundations of international law and the United Nations organization itself.**

**At the same time, the principles of universal jurisdiction are abused for political purposes, outside of the prescribed procedures**



**and agreements concluded between the states that clearly specify the modalities of persecution of war crime suspects who inevitably must be held accountable. Those war crime suspects have citizenships of the countries which hold the primary responsibility for this. If universal jurisdiction is used in a selective and political way, that deeply compromises the principles of criminal law and legal security, and thus human rights. It also undermines confidence in judicial mechanisms.**

**On the other hand, certain politics, by means of forcing discrimination and inequality of the citizens of Bosnia and Herzegovina, attempt to invade the constitutional and legal system of my country, in order to get a “Golden Key” or “Golden Share” in managing and making decisions in the country. Under all acts of international law, such as the Charter of the United Nations, they should not be allowed to do so. Their tendencies in the diplomatic field, where they deny the fundamental human rights of individuals in order to achieve their clear goals by means of certain imaginary collective rights, go beyond good neighborly relations. Such activities and intentions hide the strategic goal of appropriating parts of the territory of Bosnia and Herzegovina.**

**All those tendencies are based on the visible neglect of human rights established by a number of international acts, such as the Universal Declaration of Human Rights. Their politically dangerous goals are very much behind all this, leading to daily destabilization of the region of the Western Balkans. Such political goals are directed towards the territory of Bosnia and Herzegovina. That is evident in their efforts to force inequality among citizens on the basis of ethnicity, which, to remind you once again, is a form of racial discrimination, and the efforts to create ethnically pure territorial units. I am telling you all this to show on real examples of how the neglect of human rights and creating an environment of inequality among citizens, individuals, can have political agendas, which lead to destabilization of entire regions in the world, such as the Western Balkans. Apart from the fact that**

**something like this is completely unacceptable, it is also very dangerous.**

**Mr. President,**

**Distinguished colleagues,**

**I mention this situation in my country in the context of the importance of the mechanisms of the United Nations. By means of two resolutions, the UN established the institution of the United Nations High Representative in Bosnia and Herzegovina, to take care of the implementation of the Dayton Peace Agreement. Thus the obligation of the United Nations itself to protect the international order, through the protection of acts of international law. One of those acts is the Universal Declaration of Human Rights. Therefore, I believe that this is the right place to emphasize the expectation that the new High Representative of the international community in Bosnia and Herzegovina will take into account the need to protect international legal acts and their fundamental values. That is one of his most important tasks. Otherwise, if the international community itself in Bosnia and Herzegovina wants to abandon the implementation of the Universal Declaration of Human Rights, then the following question rightly arises - is the Universal Declaration even necessary if its implementation is selective? Should we even talk about the protection of human rights in general if, in the specific case of Bosnia and Herzegovina, where the United Nations still has an executive mandate through the Office of the High Representative, we do not show by example that we are ready to stand for common values such as protection of human rights and equality of every citizen in relation to someone else and different.**

**I believe that, despite all the differences of political views within Bosnia and Herzegovina, including the international community represented by the Peace Implementation Council in BiH, which assists the High Representative, the only guiding light to further**

**political development of my country, as a pledge to preserve its peace and future, must be respect for human rights values. All the people of my country, regardless of their identity, ethnicity, religious affiliation or absence thereof, must have the same rights. Otherwise, we will end up in an “Orwellian society”, where it is accepted that some are, after all, more important than others. That always jeopardizes the stability of a society and undermines peace and security. From this very place, I call upon the United Nations institutions to insist on the values of human rights protection in every segment of their activities.**

**Mr. President,**

**Finally, I would like to express my support for the efforts of the Secretary-General, who, with the help of his services and the UN agencies, has managed to preserve the role of the United Nations in these difficult circumstances of the pandemic. Also to you, President, for your effort this year to provide a live opportunity to exchange views on current world problems reflecting also on our social activities in the countries we come from.**

**I believe we will next year have a General Debate under better epidemiological circumstances. That certainly requires us to promote the necessity of vaccination as the only scientifically proven way to avoid fatal consequences for human health, but also severe economic consequences for the society.**

**Thank you**