

THE SITUATION IN BOSNIA AND HERZEGOVINA
OPEN MEETING 10 JULY 2002
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Recent experiences in various regions of the world clearly demonstrate the decisive role played by peacekeeping and crisis management operations in settling violent conflicts and securing peace and stability. The United Nations must therefore be able to continue to play a crucial role in safeguarding international peace and stability.

The situation we now face entails serious consequences for Bosnia-I-Herzegovina, which could place the reform and reconstruction process in jeopardy. Inability to act may encourage extremist and criminal forces to continue their intransigence. This situation is harmful also in the message that it sends the people of Bosnia-Herzegovina, and indeed of the Western Balkan region. The international Community must therefore continue to contribute to the stabilisation and peaceful development of Bosnia-Herzegovina. For a people that only recently was ravaged by a brutal war, with hundreds of thousands of casualties and millions of refugees, our common commitment must be reaffirmed.

UNMIBH is already in the process of winding down its operations in Bosnia-I-Herzegovina prior to the planned closure of the mission on 31 December 2002. This process must be allowed to proceed in an orderly manner UNMID-N's planned withdrawal from Bosnia Herzegovina does not, however, imply that all the tasks at hand have been dealt with. While important progress has been made, not the least due to UNMIBH, much more remains to be done. A smooth transfer of responsibilities to other organisations is therefore of the essence. This requires that the handover of tasks be conducted in a prepared and structured manner, and that the necessary time be allowed for this to take place. This point has also been raised by Bosnian authorities and the High Representative. We should take note of their concern,

It is especially important that the UN International Police Task Force (IPTF) be allowed to continue operations during the critical months leading up to the general elections in Bosnia-Herzegovina on 5 October 2002. These will be the first elections organised by Bosnian authorities since the signing of the Dayton Peace Agreement, and mark a significant milestone in Bosnia-Herzegovina's post-war development. Extremists on all sides continue to have the potential, as well as the motivation, for creating instability and chaos in Bosnia-Herzegovina. Maintenance of public order and security during the forthcoming election campaign is a prerequisite for a successful election process that can provide political stability for the country. While public security remains the primary responsibility of Bosnian authorities, it remains a fact that both IPTF and SFOR presence is essential. This is also important with regard to providing security for minority refugee returnees, many of whom have shown considerable personal courage in returning to towns and villages from which they were ethnically cleansed.

The European Union has for some time been preparing for the implementation of the EU Police Mission as a follow-on to the IPTF as of January 1, 2003, but has more recently signaled willingness to prepare an interim arrangement in the event that the IPTF should be withdrawn prematurely. While Norway highly commends and supports the EU's response in this critical matter, it remains a second-best option. The

preferred option-would be for the UNMIBH mandate to be completed as originally planned, thereby allowing for stability in the upcoming election period, and for an orderly transition from the IPTF to the EUPM.

Mr. President, we all have a responsibility in ensuring that the current situation is solved. A positive outcome is vital in order to maintain the UN's primary responsibility in peacekeeping. Hence, the issue for discussion today has repercussions extending beyond Bosnia-Herzegovina. If we do not reach a solution, the whole system of United Nations peacekeeping operations may be put at risk, with serious effects for those millions of people around the world already threatened by armed conflicts or in post-conflict areas.

Like many other speakers today, Norway wishes to take this opportunity to reaffirm our full commitment to the new reality of international criminal justice. The establishment of the International Criminal Court on July 1 is indeed a historic step forward in the efforts to build peace through rule of law. The steady, international tide of opinion against impunity for the worst international crimes has reached an important breakthrough with the establishment of the court.

Justice and legal order are increasingly being perceived as prerequisites for lasting peace and stability. In this context, we believe that a permanent court may actually be more conducive to peacemaking than ad hoc tribunals set up in the context of a particular conflict.

We are convinced that the Rome Statute of the ICC contains solid safeguards against unwarranted or arbitrary prosecutions. It is important to recall that it can only be activated when impunity has been demonstrated through lack of genuine national prosecution of mass atrocities. The ICC system is solidly founded on primary jurisdiction of national courts.

We recognise that particular concerns have been expressed against the exposure of UN peacekeepers for unwarranted prosecutions. The Statute contains, as already mentioned, a system of safeguards against any unwarranted action. Moreover, it is worthwhile to retail the statement by the Secretary General, that in the history of the United Nations, no peacekeeper or any other mission personnel have been anywhere near the kind of crimes that fall under the jurisdiction of the ICC.

On the whole, it is our view that the Rome Statute as such provides for an appropriate relationship with the United Nations. The ICC can, therefore, make important contributions not only in terms of international law, but also when it comes to promote international peace and security.