

Klix.ba: Interview with HR Valentin Inzko



By Amil Dučić

Klix.ba: Does the danger of separatism still exist in BiH? You used this word explicitly in your latest report to the UN Security Council.

Valentin Inzko: As always, I informed the UN Security Council about the factual situation in the country during the reporting period. And yes, over the last six months we have seen the continuation of an erroneous interpretation of the General Framework Agreement for Peace. There were also acts and activities of the RS authorities and rhetoric from the RS challenging the sovereignty and territorial integrity of BiH as well as the state level competencies and institutions. We have also heard the sentence: "Goodbye, Bosnia!" Moreover, prior to the COVID-19 crisis, the RS had decided to block the decision-making at the state level, which I also brought to the attention of the UN Security Council.

Persistent attempts by the RS to refer to Bosnia and Herzegovina as a union of states with limited and derived sovereignty that was created by two pre-existing entities as sovereignty bearers is simply incorrect and represents revisionism of the General Framework Agreement for Peace.

I, as the final authority to interpret the Dayton Peace Agreement, would like to yet again stress that the entities have no right to secede from BiH. And to remind that the BiH

Constitution, an Annex to Dayton, is clear that there is a legal continuity between the pre-war Republic of Bosnia and Herzegovina and BiH. In other words, Dayton has only internally organised the country and established Republika Srpska as one of BiH's entities.

Dayton is a framework that guarantees the existence of Republika Srpska and the international community stands behind this, but firmly stand behind the territorial integrity and sovereignty of BiH.

Dayton has given enough space for everyone to feel comfortable in this country. Some politicians should, therefore, focus on how to make it a better place for its citizens, to make it a place of stability and prosperity.

Klix.ba: Which political parties could return to the *status quo* from before the pandemic? You talked about this before the UN, too. What indications do you have?

Valentin Inzko: I said that I am concerned that one party could return to the policy of blocking the state level as its president has announced. But I am hopeful that the political parties will understand one of the lessons of the COVID-19: success is possible, but only if they work together. All issues can be resolved through political dialogue within the constitutional framework, which is chronically missing in this country.

In the meantime, a different party has decided to block the processes – the IMF money is blocked because this party wants to create a precedent, a precedent that was not part of the agreement reached with the help of the EUSR and the US Ambassador. We are now seeing the same blocking tactic with the *ad hoc* group established by the BiH Presidency to establish milestones for BiH's EU integration process. There is very little understanding for this posturing in the international community.

Klix.ba: Who wants to establish political control over the judiciary? There is another attempt in the Parliament to eliminate foreign judges from the Constitutional Court in BiH?

Valentin Inzko: This is an issue that may have strong negative consequences on the Dayton structure, Dayton implementation and possibly stability and peace in BiH, the Dayton balance, so I am obliged to be very honest about what is at stake.

But let me first tell you that, following my report to the UN Security Council, several delegations expressed their strong support for the continued presence of foreign judges in the Constitutional Court of BiH. Should the foreign judges leave the BiH Constitutional Court, some political parties that aim to paralyze the state structures or dismantle the existing arrangements in BiH could decide to paralyze the Court or even attempt to gain *de facto* political control over the Court.

Under the Constitution of BiH, the Constitutional Court is the ultimate domestic body vested with jurisdiction to prevent a separatist or third-entity agenda. The authorities of the RS specifically target the Constitutional Court of BiH as it is rightfully seen as the guardian of the Constitution of Bosnia and Herzegovina. This is what is at stake behind the SNSD-led demand to remove the foreign judges from the Court, supported by HDZ BiH.

One should be honest – in the political environment marked with persistent and consistent challenges to the fundamental aspects of the Dayton Peace Agreement, in particular its Annex 4 and steps taken in its implementation where central elements of destructive policies of some of the major political parties and some public authorities are based on an erroneous interpretation of Annex 4 and open rejection of final and binding decisions of the Constitutional Court, is this really the right moment to remove the stabilizing international presence on the Constitutional Court?

This would just be a reward for these negative policies. Let me be clear – problems are not created by the Court, but by political forces that would like to pursue a Dayton revisionist agenda doing so by challenging the authority of the Court and its decisions. Commemorating the 75th anniversary of the end of World War II, one should not forget that Germany too had foreign judges at the Nurnberg trial. Or take the case of Sejdic-Finci – this decision was taken by foreign judges in Strasbourg and what is the problem? I do not see any. The law is the law for everybody.

Klix.ba: How do you comment on the fact that the Federation Government has not been formed yet?

Valentin Inzko: It has been more than 18 months since the elections and the Federation still has no new Government. Again, we all know which party has been blocking the implementation of the election results because they want to use that to force changes to the election law. This strategy has brought no results. Nevertheless, the party keeps blocking – not only the establishment of the FBiH government but also the election of the missing judges to the Federation Constitutional Court.

I am afraid that there is a bigger strategy behind it – to prove that the Federation is dysfunctional and therefore forcing a new political-administrative configuration within the FBiH and subsequently in BiH. To achieve this end, this party argues for more visibility of the cantons, thus blocking the IMF assistance, or disregarding the decisions of the BiH Presidency and thus hampering efforts to make much-needed progress on EU integration. The proposed changes to the Election Law that are based on ethno-territorial rearrangements coupled with the policy to keep the new arrangement for Mostar as part of that package serve the purpose of opening doors for legitimizing subsequent constitutional reform aimed at creating a so-called “federal

unit based on a majority of Croat constituent people"- the so-called "third entity".

Klix.ba: After your reports to the UN Security Council, there are always strong reactions from the RS. Are you worried that there is a growing disrespect for the institution of the OHR and for you coming from the RS highest officials?

Valentin Inzko: As I have said before, I am obliged by my mandate to report on the developments in Bosnia and Herzegovina based on the facts on the ground. No amount of noise or personal attacks will deter me from carrying out my responsibilities as mandated. If there is respect for the constitutional and legal framework of this country, and governance at all levels is focused on providing for the wellbeing of all citizens and then no one would need to worry how they would be reflected in my report to the UN Security Council.

The OHR is clearly pushing back on policies that could endanger stability in BiH. It may not seem that way for some, but in doing so we are working for all the citizens of this country, as they deserve to live in peace, stability and prosperity. No one should have to go again through the hell that political adventurism sometimes can bring. My mission will someday end. I am looking forward to it. But the international community will stay here until BiH is a normal country with good governance and full respect for the rule of law. In this regard, there is still a lot of work to do. Regretfully, we have seen disrespect of the rule of law even during the pandemic and procurement issues in this connection. This is a disgrace!