

Dnevni avaz: Interview with HR Valentin Inzko

By Erdin Halimić

Dnevni avaz: How do you comment naming and shaming by BiH Presidency member Milorad Dodik saying that you are the one violating the Dayton Peace Agreement? What is your view of his idea that the Kosovo issue should be linked to the RS status in BiH?

Valentin Inzko: Mr Dodik tends to substitute what he sees as his ideal Dayton Accords to those that were actually signed by President Milošević and others. The same goes for the Constitution of BiH. Dayton was a compromise. Politicians too often seem to be willing to consider only those parts of the agreement that suit them. One cannot pick and choose, like from a buffet, which parts of it to implement and which to leave out. By way of example, one cannot claim to fully respect the Dayton Agreement while at the same time disregarding its Annex 10, which is the mandate of the High Representative. Or, one cannot claim to fully respect the Dayton Agreement and at the same time disregard the Constitutional Court and the foreign judges in it. Signatories to the GFAP, including Milošević, pledged to respect and promote the fulfilment of the commitments made in Annex 4, including concerning the Constitutional Court and the presence of the international judges in the Court, whereas Nikola Koljević, on behalf of the RS, signed the Declaration concerning the Constitution at Annex 4 to the GFAP.

In the same way, there is only one Constitution and it is the one which has been interpreted by the Constitutional Court. Many of the laws adopted by my predecessors have been reviewed by the Court. Certain provisions in such laws have been declared unconstitutional and have been changed, but most of them were found to comply with the Constitution and are still rejected by Mr Dodik. It is time to accept that, should anyone be able to interpret a legal text in their own way, the result would be chaos. It is time to accept the Constitution in all its aspects and move on to more pressing subjects.

As for the attempts to link the status of the RS with Kosovo, it is clear that these are different situations. Again, Mr Dodik is drawing a parallel which does not exist to provoke reactions and raise tensions for political benefit. I have stated, again and again, that BiH is an internationally recognized state whose sovereignty and territorial integrity is guaranteed by the GFAP, the BiH Constitution and the international law. Under the Peace Agreement, the entities have no right to secede. In fact, the entities only exist by the virtue of the BiH Constitution. These are the facts.

Dnevni avaz: Recently, the US Ambassador to BiH Eric Nelson stated that BiH needs to change the Constitution to continue forwards on its Euro-Atlantic path. In your opinion, does BiH need to change the Dayton Constitution or not? If yes, please tell us what should the basic changes pertain to?

Valentin Inzko: Ambassador Nelson is entirely correct. And I will give you just two examples. One is the case of Sejdic and Finci, and there are also other cases. Why can a Serb from Drvar not run for the BiH Presidency? Only because they reside in the Federation? The same goes for a Bosniak in Banja Luka, or all those people who consider themselves just as citizens. Other constitutional changes will come when Bosnia and Herzegovina joins the EU, or even sooner.

To pursue their political agenda, the parties have too often used the safeguards contained in the Constitution to block progress. This being the case, it is clear that BiH would benefit from introducing greater functionality and efficiency. The lack of it is acutely visible in relation to the Euro-Atlantic integration, and when it comes to the general economic and good governance reforms that should bring benefits to the everyday lives of citizens. But it is also clear that the political will remains the key and progress is possible under the current Constitution if parties do not shy away from political compromise.

Reaching viable and good solutions in the Parliament is possible only through dialogue and mutual understanding among a wide spectrum of political representatives. It is up to the political leaders in BiH to establish such an environment conducive to dialogue and understanding.

Dnevni avaz: The public often speculates that it is forbidden for you to use the Bonn powers. Is that true and can we expect you to use the Bonn powers to, for example, impose a law banning genocide denial, or to suspend some politicians who, as you said, are dangerously getting closer to the “red line” of no return?

Valentin Inzko: The so-called Bonn Powers are still part of my mandate, no changes there. What evolved, however, is the view of the international community on how things should be conducted in BiH. The international community believes that it is up to the political leaders and elected officials in this country to find solutions, seek compromises, and reach a consensus on open issues whenever possible, and implement such solutions through competent institutions.

I personally am a firm advocate of good domestic solutions. Good domestic solutions are the most durable ones.

However, the international community is not naive and will, concurrently with assisting elected officials in moving their country forward, continue to monitor the developments in BiH. For this purpose, the international community maintains all the tools at its disposal to prevent any further deterioration of the situation – both its civilian and military executive mandates.

Dnevni avaz: Bosnia and Herzegovina is about to hold local elections, the first elections during the coronavirus pandemic, as well as in Mostar (after almost 12 years). What are your expectations and what would be your advice for BiH citizens, what should they pay attention to in the pre-election period?

Valentin Inzko: These are local elections, and they are an opportunity for citizens to decide on issues that concern their daily lives – better roads, water supply, kindergartens, schools, and overall good governance. The citizens need to judge how politicians propose to solve their daily concerns and should not allow them to obscure the lack of results in the previous mandate or a clear vision for the period ahead with big words about protecting national interests or regional and global politics. As for the pandemic, the Central Election Commission has issued guidelines for conducting the elections under such circumstances with the necessary precautions, and this is welcome.

I am particularly glad that after 12 years local elections will take place in Mostar. This will end the discrimination and deprivation of Mostar citizens to exercise their basic rights. To reflect on your previous question, the electoral agreement for Mostar is a good example of results delivered by domestic stakeholders with international partners providing only assistance. In this context, I have to reject, however, the opinion of a local politician who recently claimed that the international community has stolen democracy in Mostar by imposing the Statute. Firstly, all parties were involved in the formulation of the Statute in 2003 and two elections were successfully held. Secondly, even recently, HDZ and SDA have reconfirmed with their signatures approximately 90% of the Statute. Politicians should instead ask themselves who prevented the holding of elections in Mostar for the past 12 years.

I use this opportunity to once more express my gratitude to the efforts of the Head of the EU Delegation to BiH and EU Special Representative Sattler and the US Ambassador Nelson, but also a wider circle of the international community who helped domestic stakeholders resolve the electoral impasse in Mostar.

Dnevni avaz: Bosnia and Herzegovina is facing increasing pressure because of the migrant crisis, and it seems to us that the BiH authorities do not have a concrete solution. In your opinion, do international conventions allow for the deportation of migrants from BiH, and how do you comment on the RS' refusal to deploy soldiers and the police in order to protect the eastern border of BiH as the area from which most migrants are arriving in our country?

Valentin Inzko: The issue of migrations and asylum is the exclusive responsibility of the state-level authorities. Therefore, this is also an institutional issue. International partners like the IOM and others are here to help. That said, to effectively address the associated security and humanitarian challenges, among others, the authorities must cooperate much better at all levels. There is no benefit in futile spiteful statements that we often hear. They will not resolve the problem.

I understand the frustration of the local population and this must be addressed. They have shown an enormous degree of patience. The problem is most visible in Una-Sana Canton. It is impossible for one canton to bear most of the burden of the migrant crisis. But they have been left to deal with it alone. And one alone cannot carry the whole burden.

At the same time, it is unacceptable for the Una-Sana Canton authorities and the RS to intentionally strand migrants on the IEHL. This is a political game with human lives stuck in the middle.

This issue requires cooperation and a solution from all levels of government under the proactive state-level umbrella leadership.

At the same time, I cannot understand that citizens of BiH, some of whom had found new homes from Austria to Australia, from Germany to Scandinavia, in Croatia and Serbia, or were received warmly inside the country, are not showing more empathy to these refugees.