

Interview with High Representative Valentin Inzko

Oslobođenje: Will you intervene in government reshuffling? Politicians are openly saying that they are pressuring you into withdrawing the decision you made last year.

Valentin Inzko: No.

Oslobođenje: Why?

Valentin Inzko: Your leaders were in Brussels yesterday. They want to move towards Europe. That means that they must be able to resolve problems here. They must also find a solution for the current problem. Otherwise that would be a contradiction – you want Europe, but you cannot resolve issues at home. I do not plan to intervene.

Oslobođenje: You will also not withdraw your decision on suspension?

Valentin Inzko: No.

Oslobođenje: Do you expect the problem that emerged in the FBiH Parliament to be resolved by the Constitutional Court, or is it possible for the new coalition to continue convening sessions regardless of the bodies' rulebooks and other regulations.

Valentin Inzko: Everything is truly up to domestic institutions and they need to be respected. The Constitutional Court is one such institution and its decision needs to be accepted. Both sides have appealed to the Constitutional Court, and now it is up to the Court.

Oslobođenje: Does that mean that there will be no sessions of the FBiH Parliament until then?

Valentin Inzko: That is another question, but it requires a decision and in the meantime I believe that one should wait for a decision of the FBiH Constitutional Court. We have analyzed the parliament's rulebook and believe that it sufficiently clearly defines roles of the parliament's key bodies – including the Collegium, Speaker, and Deputy Speakers – in convening sessions of the parliament. It is also clear that Houses of Parliament can only work in session and that sessions need to be convened in line with the rules of procedure. I do not intend to assert my conclusion at this time, because I still hope and believe that the institutions in the Federation can sort this out on their own.

Oslobodjenje: Is the Federation Government entitled to discuss a decision of the Federation President?

Valentin Inzko: First and foremost, it is my view, and the view of the broader international community, that local institutions must function wholly in line with the constitution, laws, and, where applicable, agreed rules of procedure. Indeed, the law assumes particular importance in protecting the country's democratic institutions, as well as the constitutional and legal order, precisely when disputes such as the present one are playing out.

The political leaders of this country, and its democratic institutions, have the capacity to resolve this situation on their own. I do not believe that my interference at this point would help strengthen your democracy. Bosnia and Herzegovina is a country that aspires to join the European Union, and it must demonstrate that it can manage situations such as the present one without the interference of foreigners.

That said, I do feel it important to express my view regarding the authorities of the Federation President, given the importance of the presidential institution to the constitutional order of the Federation. President Budimir is

the legally elected President of the Federation and is authorized to take decisions in line with the constitution and laws. This authority must be respected. I understand, of course, that there is a dispute about the facts upon which the President made his decision. In such a case, any person authorized under the constitution or law to do so is of course, fully entitled to challenge that decision before the relevant court. Otherwise, the decision remains in force unless or until otherwise decided by the relevant Court.

Oslobodjenje: Can Desnica Radivojevic take part in the work of the Federation Government while a decision of the Constitutional Court (on his resignation) is still pending?

Valentin Inzko: The decision of the President of the Federation entered into force at the time of its signature. Pursuant to that decision, the resignation of the Minister for Spatial Planning was accepted and his function as a minister was terminated. If the President's decision is challenged, it will belong to the relevant Court to decide on the validity of the resignation letter of Minister Radivojevic and on its impact on the decision of the President to accept such a resignation. However, the Decision of the President is a legal reality and remains in force until otherwise decided by a Court or the President.

Oslobodjenje: Is the appointment of the Managing Board of the Federation RTV, which commenced within the Federation House of Representatives at the session of the new parliamentary majority, held on June 26, 2012, lawful?

Valentin Inzko: Pending the announced legal challenges with respect to the holding of the disputed session, I will refrain from commenting on decisions taken on that occasion.