

# Interview: Christian Schwarz-Schilling, High Representative: “With this Constitution, it would be difficult to govern even in Germany”

*February 10, 2006*

*In the process of constitutional reforms, the Entities must get a chance to show that they are not a hindrance · I think that Mladic and Karadzic will be apprehended by 2007*

The High Representative to BiH, Christian Schwarz-Schilling, in an interview for “Dnevni avaz” says he thinks that it is hardly likely for the current state system in Bosnia and Herzegovina , based on municipalities, cantons, two Entities, one district and a weak central government, to pull the country out of economic crisis and lead it towards the European Union.

## **Reforms are necessary**

– Those who think that the Constitution should remain as it is should prove that the goal may be achieved with existing solutions. However, if it turns out that they are using its complexity to halt everything, then that should have consequences – Schwarz-Schilling explains.

**Dnevni avaz: What happens in that case?**

**Christian Schwarz-Schilling:** There is no alternative but to make real efforts to change the Constitution or all hope in the future of this country will be lost.

**Dnevni avaz: What direction should the changes take?**

**Christian Schwarz-Schilling:** Any possibility for one group to block the whole country must be reduced to a minimum. That means, among other things, that halting the enactment of legislation in the second house of the state Parliament is limited only to some issues. It is necessary to find ways of resolving these problems. One of the possibilities is a mediating commission, which acts in Germany in the event that a blockage occurs between the Federal parliament and the Federal council. However, the arguments to block something must be strong.

**Dnevni avaz:** However, there is a crisis of government in BiH in both Entities. This is also reflected in the Council of Ministers, for the SDS announced that it would request the ministers proposed by the SDS to withdraw from the state government. Are the Entities blocking the state?

**Christian Schwarz-Schilling:** It seems so in many cases. There is a danger for the present Constitution to get the reputation that it is disabling the implementation of necessary reforms and state processes. I am in favor of reform not because I do not like the Entities. If they are preventing the implementation of necessary state decisions, then, from the aspect of constitutional solutions, that must be discussed. In this reform process, the Entities must get a chance to show that they are not a hindrance.

**Dnevni avaz:** But, they have been blocking these reforms for a long while already.

**Christian Schwarz-Schilling:** The more they do the blocking, the more there is a need to change the Constitution. It is indeed difficult to implement this multitude of reforms with

such complex constitutional solutions. I admit, it would be difficult to govern even in Germany with this constitution.

**Dnevni avaz:** In addition to the Constitution, there is one more problem which has been following BiH. It is the apprehension of war criminals, in particular Mladic and Karadzic. What are you going to do?

**Christian Schwarz-Schilling:** Chief Hague Prosecutor Carla Del Ponte said that until recently there was a support network for Karadzic, Mladic and other Hague fugitives. Just remember the financial assistance for their family members. Also, she said that there must be action, instead of just trusting people's words that they would apprehend them. At any rate, it is true, for we have already experienced promises about their arrest and extradition, and nothing has happened yet. Things cannot be this way.

**Dnevni avaz:** Yet, it seems they can.

**Christian Schwarz-Schilling:** I believe that it must be clear to Republika Srpska that if it turns out, during the period needed for BiH to sign the Stabilization and Association Agreement with the European Union, that it still has connections with war criminals, that in that case the negotiations will be stopped. This is what the International Community said, and I have myself said that in public and I stand behind that.

**Dnevni avaz:** Wouldn't that, in fact, punish the whole state and its citizens because one part of the state does not wish to co-operate with The Hague ?

**Christian Schwarz-Schilling:** In that regard one has to be careful so that people who are to be blamed for the lack of co-operation are really held accountable. That is to say, to have the negotiations stopped in order for the citizens to see that politicians who are doing bad things for this country are not being serious. In case that it turns out that the

resistance to co-operation with the Tribunal comes only from Belgrade , I would not support the punishing of BiH. I would strongly oppose that.

**Dnevni avaz:** If it turns out that there is no co-operation, will you also use your Bonn powers?

**Christian Schwarz-Schilling:** Yes. This is one of the situations in which I will use my powers.

**Dnevni avaz:** Have you agreed on some deadlines with Prosecutor Carla del Ponte?

**Christian Schwarz-Schilling:** I expect that Karadzic and Mladic will be arrested as soon as possible. It is unlikely that the OHR will be able to transform itself into the Office of the European Union Special Representative if this does not happen. The Bonn powers will probably remain until they are arrested.

Also, prosecutor Del Ponte will be active until next year and she wishes these things to be completed. Decisive moves forward must be made by next year in order to sign the Stabilization and Association Agreement, otherwise BiH will not be ready for new steps toward the European Union.

**Dnevni avaz:** General elections also lie ahead of BiH in October. In all your statements, you are emphasizing that successful elections are a priority for you.

**Christian Schwarz-Schilling:** First of all, from a purely formal standpoint, I want no violence to occur, for this country is highly politicized. With regard to election results, I expect extremist parties not to get an alarming number of votes. At the October elections, BiH has to pass the exam and show that elections are transparent for citizens. Media should also support that, without making sensations and without accumulating scandals according to someone's directives, as is the case in dictatorships. It should be clearly shown what candidate, and for what things, wishes to

take responsibility, so that it may be seen after the elections if he/she is fulfilling his/her promises.

### **Political program**

**Dnevni avaz: Will you have your favorites at the elections?**

**Christian Schwarz-Schilling:** Of course, I can say that I like a certain political program because it suits my political ideas better. But, that does not mean that I will say anywhere you should elect this or that party.

I am going to act as a normal BiH citizen, but I will not use the power of the High Representative for this issue. At least when it comes to democratic parties.

However, in the case of extremists, whose views are contrary to the constitution, I am going to make it clear to citizens to stay away from such demagogues.

**Dnevni avaz: Does it mean that you will be satisfied also if parties characterized by many as nationalist parties win a majority at the elections again?**

**Christian Schwarz-Schilling:** What does 'satisfied' mean? In this regard I will follow my own principles. When the election programs of the parties are published, I will gladly express my opinion on these programs. What I like, and what I don't like. But, it is up to BiH citizens, and not up to me, to elect people who will be determining their fate and the fate of this country in the course of the next four years.

### **My life story brought me to BiH**

**Christian Schwarz-Schilling:** My love for BiH during and after the war was determined by my life story. My parents, my sister and I, during the course of Nazi rule in Germany, were frequently taken for interrogation to the Gestapo, because we did not show inclinations toward the regime. My mother, who was of Polish origin, survived only thanks to the

falsification of her birth certificate. I found out about it only three years ago,

I know what crimes were committed by the Nazis and then in 1992 I heard and saw that in BiH children were getting killed in front of their parents, women were raped, people were getting killed and no one was reacting. Despite the fact that after World War II a promise was given that something like that would never happen again. This made me resign from the government and dedicate myself to helping BiH.

Caption underneath the photo: Schilling: We did not show inclinations toward the regime

### **International Community's fault**

**Christian Schwarz-Schilling:** The International Community must behave differently when it comes to arresting Hague fugitives than it did for years after the signing of the Dayton Agreement. It must acknowledge that it has not shown enough will to resolve this problem, rather than blame it all on the local structures. I do not support such unilateral accusations. If at one period of time there were 65,000 SFOR troops here, and it is known that Karadzic and Mladic were at that time appearing even in public, then it is absolutely incomprehensible how the International Community missed a chance to arrest them. I just wish to say that the International Community must show the same kind of responsibility it requires from others.

### **Conversation with Angela Merkel**

**Christian Schwarz-Schilling:** At the time when the talks about the arrival of Paddy Ashdown's successor were going on, many people asked me why it wouldn't be me, for I love and know this country. After one conference in Geneva , just before Germany proposed me as a candidate for this function, many people asked me the same question.

After that I picked up the phone and called the newly elected chancellor Angela Merkel and asked her if Germany would be proposing a candidate. She replied by saying the following: "Do you wish to take over that position?" and I accepted.

### **Liberalization of the visa regime after the signing of the Agreement**

**Christian Schwarz-Schilling:** I expect the liberalization of the visa regime after the signing of the SAA between Bosnia and Herzegovina and the European Union. It must happen, for otherwise, it cannot be explained to the ordinary people that they too, and not just the politicians, will benefit from it. People, and especially young people, should be enabled to travel, visit friends, acquire new experiences.

### **On the privatization of telecoms and Elektroprivredas (electricity companies)**

**Christian Schwarz-Schilling:** The mentality in these firms is still marked, as it were, by the communist-socialist way of economic thinking. Politicians like that, for they can use resources of these firms for their needs. On the one hand they are profiteering by taking one part of their earnings for budget needs, and on the other hand, they have private benefits from these firms, which is, in fact, corruption. That is why changes must occur.

More licenses for providing such services must be introduced, the monopoly must be broken, and a firm supervision created so that such licenses are never again used to maintain a monopoly. These companies may remain in state ownership as well, but they must be transformed. I did that back in 1989-1990 with the German post office. I brought in management, supervisory board, managers from private companies.

In addition to that, it is necessary to introduce a service within state institutions which will not be based on the

employee asking the citizen: "What do you want?" and saying: "Here is a form, fill it out", but rather to say: "How may I help you?".