

Nezavisne novine: Interview with HR Valentin Inzko

By Dejan Šajinović

Nezavisne novine: In your report you mentioned that the international community should send a message about the referendum. What kind of message did you have in mind? Sanctions, or something else?

Valentin Inzko: The message is that questioning the constitutional order of BiH and the rule of law, as the RS authorities did by organizing a referendum in contravention with the BiH Constitutional Court decision, is unacceptable and cannot be tolerated. In this regard, I should say that I had the overwhelming support of the Security Council in agreeing with my assessment about the referendum and the rule of law.

The referendum should also be seen as the continuation of long standing policies of the SNSD and RS authorities to undermine state-level institutions and the fundamentals of the Dayton Peace Agreement.

RS' authorities' actions seriously call into question the durability of the implementation of the civilian aspects of the General Framework Agreement for Peace and it has a destabilizing effect.

I, as representative of the international community, am duty bound to report on these challenges and have made it clear that the international community retains the instruments to respond to these challenges.

Nezavisne novine: What would you say to those 99.9 percent of RS citizens that chose the answer "yes" at the referendum? I am asking you that because it is my personal wish for the

citizens of the RS to turn to economy more, but it is evident that ethnicity-related topics are still the ones that win elections, not only in the RS but the whole of BiH, and even the whole of Balkans.

Valentin Inzko: Certain political stakeholders wish to create a false picture, where the International Community or the Constitutional Court of BiH appears to confront RS citizens and the instruments of direct democracy.

But this is about the authorities who made the decision and then conducted the referendum, which irresponsibly abused this instrument, in clear violation of the constitutional framework. Prior to conducting the referendum, the International Community clearly stated that any referendum must be conducted in a way that is consistent with the BiH Constitution, and cannot violate the General Framework Agreement for Peace or the constitutional framework of BiH. The International Community also said that the proposed referendum asked voters to declare themselves on a matter already decided by the BiH Constitutional Court, whose decisions are always final and binding.

The Constitutional Court clearly stated that the RS National Assembly Decision on the referendum could not be implemented until the Court had a chance to decide the case. RS authorities decided to ignore the international community and to directly violate two Constitutional Court decisions.

RS citizens need to know that their leaders are not always honest, and that was the case this time. The way the RS authorities presented this issue to the public was also aimed at stirring up emotions and causing an emotional reaction. In all the events surrounding this referendum, the RS authorities failed to mention one crucial thing: this was not about the holiday itself, but about respecting the constitutional order of BiH. Nobody was objecting to the RS right to have an official "Day of the RS" that is in line with the BiH

Constitution.

Let me stress once more, any referendum must be conducted in a way that is consistent with the BiH Constitution, and cannot violate the General Framework Agreement for Peace or the constitutional framework of BiH.

You are right when you say that nationalist issues are still the best argument to win elections, as we have seen again last month. To an extent, that is understandable given the fact that political leaders have learned very well that by constantly reopening the wounds of the past and spreading fear, they do not allow healing and do not allow citizens to look to the future. Yet – in every corner of this country people face the same problems, and in most cases they are not related to any nationalist issue but they are everyday needs, like putting food on the table and paying bills.

Nezavisne novine: What would you say to Mr. Dodik? He obviously won the elections because the citizens, rightfully or not, recognized him as someone who best represents their interests, unlike a great part of the opposition.

Valentin Inzko: I often wonder whether some politicians in this country really represent the interests of their citizens or not. I believe it is more accurate to say that President Dodik is best representing, as some other politicians in BiH, his own interest or an interest of a certain group of individuals. And that these politicians are abusing the citizens' right to vote to meet the interests of this small group of people. The data that says the average salary in the RS is only 400 Euro, or the exodus of BiH citizens from this country, including RS, gives the answer who politicians put first.

SNSD won the elections in many municipalities in the RS. My message to elected candidates, to SNSD and all other parties and their leaders is the same: work in the interests of all

your citizens, as that is what they expect from you! Use your energy to create a better life for everyone, not just the privileged few. Elected mandates are not privileges, they are first and foremost responsibilities toward all the citizens.

Nezavisne novine: In your opinion, what did the election results in the local communities in the RS and FBiH show? Who are the winners and who are the losers?

Valentin Inzko: As I said in the Security Council the other day, unfortunately – the parties which focused on polarizing rhetoric and ethnic division generally saw the greatest gains in the elections. Practical issues have been, once again, pushed aside. In the RS, SNSD won the majority. I am worried that if SNSD does not change its policies, which are now focused on ethnic issues and on challenging state institutions and Dayton, the citizens in the entity will lose the most. They will lose the possibility of changes which would work to better their lives.

Here I have to mention the situation in Mostar – its citizens were again unable to participate in elections due to the failure of local political parties to agree on needed changes to the Election Law. The fact that citizens in Mostar have not elected local representatives since 2008 is a stain on this democracy, and another demonstration of how the rule of law continues to deteriorate.

Nezavisne novine: What will the OHR focus on in the coming year or so? How will the OHR maintain its own relevance?

Valentin Inzko: Well, BiH's politicians do a wonderful job of keeping OHR open and relevant by continuing to challenge the state of BiH as well as Dayton.

The OHR is a part of the Dayton Agreement, and OHR retains all instruments at its disposal. But as you know, the IC made a decision some years ago not to use the executive powers to impose solutions to problems here, but to rely on local

leaders to solve their own issues.

We will of course continue overseeing the implementation of the civilian aspects of the Dayton Peace agreement. That is our mandate.

Nezavisne novine: How do you see the arrests in Orašje? As the fight of the judiciary against war crimes, or a manipulation aimed at provoking tensions?

Valentin Inzko: It is my general view that war crimes prosecutions should not be politicized. We need to see strong cooperation and mutual assistance by countries in the region in the investigation and prosecution of war crimes and other violations of international humanitarian law. This is essential for reconciliation and for a better future for all citizens of BiH and the entire region. Also, and I cannot stress this enough – the judiciary must be allowed to act independently. An independent judiciary is the cornerstone of any democracy, and should be respected by all. An independent, professional, responsible and accountable judiciary is what the rule of law is all about.

Nezavisne novine: In order not to end this interview in a pessimist tone, can you tell us what is encouraging, what are the areas in which BiH has a chance of achieving great progress in the coming year?

Valentin Inzko: As I said in my report to the UN Security Council, not all is negative in BiH: the governments in BiH have taken positive steps taken toward reform aimed at EU integration, which culminated in the truly significant fact that Bosnia and Herzegovina has now taken a decisive step toward candidacy status with the European Union. This is really an important development and BiH politicians should see that not only as encouraging, but also as a sign that there is more work to be done as BiH moves further down the EU road.