

Radio-Interview: Miroslav Lajčák, High Representative/EU Special Representative in BiH

BH RADIO 1, «Aktuelno sa...»

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Guest: **High Representative / EU Special Representative, Miroslav Lajčák**

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BH Radio 1, Semra Duranović-Koso:

Good evening dear listeners. Here we are with another episode of «Aktuelno sa...», and our guest today is the High Representative of the International Community in Bosnia and Herzegovina, Miroslav Lajčák. Unlike our other shows, due to the commitments of Mr. Lajčák, this show is being taped and will not be broadcast live.

Welcome to the show «Aktuelno sa...».

High Representative / EU Special Representative, Miroslav Lajčák:

Good evening and thank you for inviting me.

BH Radio 1:

In the next fifty minutes we will talk about, among other

issues, the laws on police reform, what the European policy may be in the event these laws are not adopted in Parliament, what the international community thinks about a referendum and secession, what role the OHR will play regarding the amendments to the Constitution of Bosnia and Herzegovina, and so on.

Mr. Lajčák, these days you have been travelling and visiting various towns in Bosnia and Herzegovina. Amongst other places you visited Doboj, Foča, Brčko, Tuzla and Mostar. What is interesting, is that you talked with ordinary citizens. What is your aim actually? What do you talk about with the citizens?

Miroslav Lajčák:

Yes, you are right. So far I have visited six towns, in which I held meetings and talks with the citizens. In one aspect, the aim is to explain why European integration are a matter of crucial significance for the future of Bosnia and Herzegovina. Also, one of the aims is to explain to the citizens that European integration cannot be successfully realized without the active participation of each and every citizen in the process – because this is not a task reserved for the political elite, it is something that affects the entire society. Thirdly, and most importantly, the aim is to hear the opinions of the citizens. The debates we organize are split into three segments: one deals with the issue of political stability and security; the second deals with economic cooperation, regional cooperation and employment; and the third deals with the issues of the younger generation, education, the civil society. I can say that in every town we visited, we had a very active discussion. People have a great deal that they want to say and we have already collected a series of concrete ideas that will help us formulate a strategy for the European integration of Bosnia and Herzegovina, which will, so to speak, be moulded to fit and that should progress faster.

BH Radio 1:

What is the opinion of the citizens? To what extent does the opinion of the citizens differ from the opinion of the politicians who usually say that they speak on behalf of the people and the citizens?

Miroslav Lajčák:

So far I have not heard even one citizen say that he or she does not believe in the European perspective of BiH or that they think an alternative exists. No. Absolutely everyone knows that, that is the road Bosnia and Herzegovina should be on and they are quite critical in their perception of the concrete activities of the politicians who are meant to be leading BiH in that direction. So, their perception is quite critical and they consider that too much time is being wasted on political games and that we are wasting time that should instead be devoted only to European integration.

BH Radio 1:

Did the citizens eventually ask you what the signing of the Stabilization and Association Agreement with the European Union would specifically mean for us? Hence, when would it be possible for the citizens of this country to actually see improvements? Were you, maybe, asked that question?

Miroslav Lajčák:

Actually, no. The citizens actually talk more about the problems they are facing in each of these three, but also other areas and about what they think needs to be done. The citizens understand, possibly more intuitively, that signing the Stabilization and Association Agreement means entering into a serious process, an agreement process between Bosnia and Herzegovina and the European Union. Since the start of that process we have been given clear pointers, and know what needs to be done. We would become eligible for receiving pre-

accession financial assistance and of course, Bosnia and Herzegovina would formally be considered a member of the European family.

BH Radio 1:

Hence, from what you have said it can be concluded that you evidently have the support of the citizens with regards to the signing the Stabilization and Association Agreement with the European Union and, in the long run, for a European Bosnia and Herzegovina. You have the support of the international community, and that was confirmed at the last session of the Peace Implementation Council. So, you claim that you have the support of the citizens. However, the local politicians are obviously not listening to you, and a concrete example of this are the laws on police reform. After the initialing of the Agreement, sometime at the end of last year, we thought we would also be able to sign it quite easily. However, this was not the case. Last week two sessions of the Parliament were held, yet the laws on police were not adopted. Do you think the laws will be adopted on the 3rd of April, when the next session is scheduled for?

Miroslav Lajčák:

Well, I do not want to even consider that it will not happen, because in that case we would be entering a very bad phase. It is for this reason that I look to the session scheduled for the 3rd of April as an opportunity for those laws, and this needs to be done, to be passed. The majority of the parliamentary parties are in favor of the passing of those laws. However, disagreements on exactly which version of the laws should be passed also exist between the parties. There are approximately 60 amendments...

BH Radio 1:

Have you looked at those amendments?

Miroslav Lajčák:

Yes, of course. My personal opinion is that the reason the laws were not passed last week in Parliament is not because of a lack of will, but because of a lack of professional preparation. This means that there was not enough communication between the parliamentary parties before that, and then in the last minute the parties presented new proposals, however there was not enough time for the other parties to take a position on those proposals. Therefore, I call on the political parties, the leaders of the political parties to make sure that this does not happen again and that the time available, till the 3rd of April, should be used for normal communication between the parliamentary parties that are in favor of the passing of these laws and to reach an agreement on one text that will then be passed through parliamentary procedure relatively simply and easily. We need to address and solve this problem now, and not wait until the 3rd of April for the session of the Parliament to begin.

BH Radio 1:

You said that you are acquainted with the amendments. Does the OHR find the amendments acceptable?

Miroslav Lajčák:

We found a significant portion of the amendments acceptable, but we also found some of the amendments unacceptable. The European Union was clear that it expects the laws to be a confirmation, a formalization of the agreement reached by the political leaders in Mostar and the Action Plan that was later signed in Sarajevo. Hence, everything that falls within the framework defined by the Mostar Declaration and the Action Plan is acceptable and it is only a question of the political parties agreeing on which of the amendments and how to incorporate them into the law.

There are also amendments that clearly fall outside that framework. In that sense it is clear to me that first, the amendments have no chance of receiving the majority vote in Parliament and second, that they are not necessary at this time because I think that we all need to focus on what the European Union expects from us at this moment.

BH Radio 1:

You mentioned 'certain parties' and 'certain amendments'. Let us now name some of those parties. Hence, it is with regards to the Law on Police that the problem of irreconcilable political concepts between certain parties once again surfaced. Let me remind our listeners that the representatives of the following parties voted against the Law: the Party of Democratic Action (SDA), the Social Democratic Party (SDP) and the Serb Democratic Party (SDS).

Mr. Lajčák, these days there has been speculation in the media that you attempted to persuade Sulejman Tihić, the president of SDA, to change the position of the SDA on the laws on police. Is that correct?

Miroslav Lajčák:

No. I never asked the Party of Democratic Action (SDA) to change its positions. I said, and I have said this many times both in public and privately, that I respect the position taken by the SDA, although I am not pleased by it. I view their position as a derogation from the obligations undertaken and the documents signed by the leaders of that party. I am in contact with all of the political party leaders, and I had contact with Mr. Tihić...

BH Radio 1:

The very day the session of the Parliament was held?

Miroslav Lajčák:

The day before that and also on that day. We had a very normal conversation, because I of course respect Tihić as a party leader and as a politician. My position was that the issue...I wished to emphasize two things during my conversation with him. First, that the issue of police reform is very important and of strategic significance as it is related to the European perspective of BiH and I think that the forum that needs to decide on that issue should not be the 12-member Commission, and should instead be decided at the plenum of the Assembly and that this is where all the parties should present their views and positions. I respect the fact that the SDA will of course be against the laws, however I think it would be wise for that to be discussed there, at the plenum.

Secondly, the SDP and the SDS are the opposition. The signing of the Stabilization and Association Agreement would certainly be a success for Bosnia and Herzegovina, and also a success for the parties that made it possible. Thus, the success of the governing coalition is the failure of the opposition. It is not out of the ordinary for parties that are officially the opposition to fight against and undermine that process. However, the SDA is a party that is part of the governing coalition, that has its ministers, that has its seats in the Parliament, and so on. What I suggested was that it would be good to show that a difference between the SDA and the opposition does in fact exist. The SDA is one of the governing parties and it does have the right to vote against the laws and I respect that, however it still has governmental obligations unlike the opposition parties. That was the essence of our conversation. I have never resorted to blackmail.

BH Radio 1:

Tihić claims that you accused him of being in favor of creating a "Wahhabi-style" Bosnia. Of course, you denied this. However, does a conflict exist between you and Mr. Tihić or the SDA or their position on the police in BiH?

Miroslav Lajčák:

There is definitely no conflict between me and the SDA, which is one of the key parties in Bosnia and Herzegovina, it is one of the largest parties and it is the party of Mr. Alija Izetbegović, a party that I respect and I am aware of the key role it plays in the political life of this country. I do not think that any conflict exists between me and Mr. Tihić either. I regret that he made public his interpretation of our conversation. Talks with political party leaders are part of my mandate here and I consider that if a conversation was held between two people neither of them should make public their interpretation of what was said, especially if it is a false interpretation. However, I do not want to see this as a personal conflict, because no personal conflict between us exists.

I already am in the European Union. I am fighting for a European Bosnia and Herzegovina. I cannot comprehend that this may be a reason for someone to be angry at me or make certain accusations against me. My vision of Bosnia and Herzegovina is absolutely clear and I say this both publicly and privately – I want Bosnia and Herzegovina to become a standard European country in which laws are adhered to and where all citizens have European -level protection. I said this during that conversation and therefore the reactions are something I cannot explain and I regret that it has come to this. However, I do not wish to waste any time and energy by continuing this polemic...

BH Radio 1:

A war via the media?

Miroslav Lajčák:

Absolutely. Definitely.

BH Radio 1:

Well, I assume that you know that Zlatko Lagumdžija, the president of the SDP, a opposition party, said that the international community also exerted certain pressure on him that day. Did you possibly speak with him that day, or maybe some of the other representatives of the international community talked to him?

Miroslav Lajčák:

I did not. I assume that some other representatives of the international community may have done so. However, I can be absolutely clear and categorically reject the word “pressure”. No pressure was exerted. Since the beginning our position has been that the European future of BiH is a matter that is in the hands of the local politicians, it is a process that you have to deserve. What we are saying – both I and my associates, and the representatives of the international community – is that we are making an effort to explain to the politicians that have a problem with supporting the laws on police, that this is the first step leading to not only Europe, but also to a serious reform of the police and that while we cannot achieve 100% overnight, this is an important step in the right direction.

I find it odd that the American ambassador and my deputy Mr. Raffi Gregorian, who is also an American, both understand this and both publicly voice their support for this, whilst some local politicians undermine that process and lie – Zlatko Lagumdžija presented two untruths at the session of Parliament. The first was when he said that adopting the Law on Police would not bring BiH closer to the European Union. We are all well aware that the adoption of that Law is crucial and significantly brings BiH closer to the European Union because it is a condition for signing the Stabilization and Association Agreement. Hence, if that will not bring BiH closer to the European Union, then nothing will. The second untruth that he presented, and this really surprised me, was that the European Union would sign that Agreement with BiH in

May no matter what, because of the situation in the region. That is not true. The European Union has already shown some leniency towards Bosnia and Herzegovina, and now BiH has to complete its part of the work.

So, I do understand that the opposition parties view the successes of the Government as their own, personal, failures and that this is why they make attempts to prevent or undermine progress in this area. However, the matter of European integration must not become hostage to insignificant everyday political battles. In all of the countries that successfully completed the process there was no polemic about it. The European laws were passed by a large majority, because, so to say, no one dared stand against a European future.

BH Radio 1:

You said that this kind of police reform is a step forward and that it will move us forward on the road to Europe. However, it seems that the majority of positions on police reform, as well as how it has now been formulated, have remained the same, at least that is the impression we, the media, have. Of course, it is then completely logical to ask the following, what was the point of the parade of talks and negotiations that has been going on for years now? The opposition, to be specific and since you have already mentioned them, the Social Democratic Party (SDP), claim that the Mostar Declaration is just a principle declaration and that even the Action Plan is too general, and that therefore, anyone – meaning, all of the parties that signed both the Mostar Declaration and the Action Plan – can interpret what is said in the documents as however it suits them.

Miroslav Lajčák:

I think that the interpretation of the Mostar Declaration and the Action Plan is simple and clear. What the European Union

expects is that laws that represent the official interpretation of these documents are passed. You are all aware, and we have said this many times before and it is now necessary to show that Bosnia and Herzegovina, with its ethnic, national character and its past, may move forward only at a pace that is acceptable for all three constituent peoples. This means that there is no room for any out-voting, outwitting or outrunning. Of course we could be more ambitious and consider an ideal reform, however it is apparent that such a reform has no chance of being adopted by all three constituent peoples. The reform that is in Parliament now is the maximum of what is possible at this moment. It is the first step. I see no reason, no serious reason – if we are truly serious and if we are sincere about BiH and its future – for these laws to be rejected; for you to tell me that they are not enough; for the representatives of some political parties to request me to impose a police reform that would be acceptable to only one of the three constituent peoples. That would not be serious. We all know that imposing police reform in such a manner would only lead to further destabilization.

Therefore, by passing these laws we would realize two aims. Firstly, it would be the first step in the right direction – the creation of institutions and an agreement, an obligation to define their competencies in more detail. The second aim that would be realized, which is the most important one, is that the road to Europe would open.

BH Radio 1:

Still, many consider that Europe opted for this police reform as a political trick, as they feel that this is just a way of freezing the problems, while in actual fact none of the segments of the problems would be solved in any way. I recently read an interview with Mr. Željko Komšić, one of the members of the Presidency of BiH, who said that he was quite with the international community, and also disappointed in you. He also said that when he talks with diplomats they most

often just say: *You just sign the Agreement and all of your other problems will probably be solved in time*, in other words, *you have to do what Europe tells you to do*.

Miroslav Lajčák:

But, that is exactly the key to this situation – the lack of understanding that the problems of BiH, and BiH has a series of political, economic and social problems, cannot be solved by BiH and its resources alone. Bosnia and Herzegovina does not have the money, the technology nor the experience to do so. Those problems can only be solved through the process of European integration. This cannot be done overnight. However, the adoption of European legislation, the creation of a new political culture, the arrival of European know-how and European funds is the only way. You cannot say that you first have to solve your own problems and only then can you enter the European Union. You cannot do that. That is not possible. The reason why I am committed to BiH's European integration is because there is no other way. Neither my country, nor the Czech republic, Hungary or Poland could have solved their problems if they had remained alone and it is completely naive to think that Bosnia and Herzegovina would be able to do so. Bosnia and Herzegovina needs assistance more than my country did.

Therefore, the politicians that are now blocking or placing conditions on the European perspective of BiH either do not know what they are talking about or have no idea what European perspective is or even worse, are playing a very dirty game with the citizens of this county.

BH Radio 1:

I actually also wanted to ask you what the EU policy towards Bosnia and Herzegovina might be in the event the laws on police are not adopted?

Miroslav Lajčák:

In the event the laws on police are not adopted – once again i would like to say that i do not even want to consider that as an option – then the European Union cannot do anything. Then we will again place Bosnia and Herzegovina...

BH Radio 1:

And we will say, *Move forward Europe, but without us.*

Miroslav Lajčák:

Move forward Europe, but without us. If we are committed to European integration, if we know exactly what the conditions are, and at the moment the condition is to pass these two laws and if we refuse to pass those laws, what do we want from Europe? What treatment do we then expect from Europe? What can Europe possibly think of us? The only logical reaction from Europe would be to say: *Well, we are sorry. We were ready for you. When you become ready for us, let us know.* We are wasting time. We have lost too much time already. It is not only that however, it is also a matter of that if we are not progressing, then we are retrogressing. If we are not working on European issues, then what are we working on? Who is to blame, and for what? And then of course, the pre-election campaigns will once again be based on negative, nationalist rhetoric. Maybe that is exactly what some of the political party leaders would like to see.

BH Radio 1:

Let us talk some more about police reform. Is it possible to carry out the police reform without the SDA? The reason why I am asking this about the SDA in particular is because it is one of the governing parties.

Miroslav Lajčák:

In pure mathematical terms, yes.

BH Radio 1:

Yes, but how desirable is that at this moment?

Miroslav Lajčák:

From a political viewpoint, as I have said, I would like for all of the parties, not only the SDA, but also the opposition parties to vote in favor of all of the European laws – and the laws on police are European laws – in order to demonstrate that a European future is more important to them than some political disputes. Hence, here we have a mathematical proportion that is completely different to the political one.

BH Radio 1:

Let us now talk a little about a different subject, one that comes up very often – the referendum and the secession of Republika Srpska. You must admit that in Bosnia and Herzegovina, and I assume that you have already learned this from experience, a political crisis is easily created. Recently threats of secession have been coming from Republika Srpska both from politicians, the official representatives of Republika Srpska, as well as from certain organizations. They are quite serious. Do you take them seriously?

Miroslav Lajčák:

No. First of all, it is absolutely clear and I want to once again say that there is no reason for either panic or anxiety. Bosnia and Herzegovina is and will remain a united country and its territorial integrity will be preserved. Secession is out of the question, it is simply impermissible and impossible – and that is the alpha and omega of this story. Everything else is just talk, talk that is used for everyday political purposes and to keep tensions high. However, I also have to say that such talk can be heard from both sides. From one side we hear talk of secession and public statements in which I am accused of having no loyalty towards Bosnia and Herzegovina, and so on – which is extremely damaging and disrespectful. From

the other side we have calls for the abolition of Republika Srpska and claims that the RS is a genocidal creation, again talk that serves exactly the same purpose as the talk coming from the RS – one needs the other.

BH Radio 1:

In your recent speech in Ljubljana before the European parliamentarians, apart from the calls for secession coming from Republika Srpska, you also mentioned the message sent out by the SDA in reaction to those calls – that whoever does not like Bosnia and Herzegovina is free to leave. Hence, in this speech you criticized both sides.

Miroslav Lajčák:

Not only in this speech. I always criticize both.

BH Radio 1:

Yes. However, I have to say that this reminds me, considering I spent the war in Sarajevo, of the criticism UNPROFOR directed at the so-called 'warring sides' during the war. Or am I wrong?

Miroslav Lajčák:

Of course you have your personal experience, as does every citizen of Bosnia and Herzegovina. What I really want to say is that the matter is not black and white. That would be my first point. Secondly, it is not a matter of one side being right and the other being wrong. All sides bear their share of the responsibility. Thirdly, the future of Bosnia and Herzegovina cannot be built on a foundation of hate, defiance and spite. We have to face up to the past, to the war, and establish the truth, bring matters to a close, ensure justice has been fully served and only then and not before that, can we talk about reconciliation. We also need to talk about the things we have in common, about the fact that all of the

citizens are citizens of one country that is called Bosnia and Herzegovina – no matter whether they are Bosniac, Croat, Serb or of any other ethnicity or nationality – and that they all have to fight together to make this a better country.

BH Radio 1:

Yes, but Mr.Lajčák, Milorad Dodik, the President of the SNSD (Alliance of Independent Social Democrats) and the Prime Minister of Republika Srpska does not hide that he does not care for Bosnia and Herzegovina, repeatedly stating that he does not believe BiH will last for more than another ten years. What do you think?

Miroslav Lajčák:

I think that this shows a lack of seriousness. A moment ago I said that none of the leading politicians have the right, morally, to publicly express disloyalty towards Bosnia and Herzegovina. The politicians are the ones who are meant to lead the people and not resort to such low blows. This can be popular only for a short time. However, as I said, we cannot build a European Bosnia and Herzegovina on the basis of such instincts and feelings. And here the responsibility of Milorad Dodik is absolutely evident. However, as I also said, all of the politicians must act in accordance with their responsibilities and should not address only their electorate and should not publicly express certain positions just to gain the approval of their voters, paying no attention to the effect such positions may have on the other citizens of Bosnia and Herzegovina. It is necessary for those who bear responsibility for Bosnia and Herzegovina to act in accordance with their responsibility to the entire country.

BH Radio 1:

I will remind you of a statement you recently made: “Milorad Dodik is right when he says that he would like to hear his coalition partners acknowledge Republika Srpska. You also

said, “ If it is politically unacceptable for the Bosniac leaders to say, ‘Republika Srpska is a reality’ – then something is wrong.” Why is it that “talk of ‘there will be a secession, there will not be a secession’ also serves the purposes of some in Sarajevo,” as you claim? Your statement spurred much controversy here in Sarajevo.

Miroslav Lajčák:

I am aware of that. What I want to say is that Dayton is a reality, whether anyone likes it or not. Not only is it a reality, but in fact everyone also abides by it. So, even though they send messages questioning different parts of the Dayton Agreement, the fact is that the Dayton Agreement is here in its entirety. Dayton is not a menu from which someone can pick out what they like and reject whatever does not suit them. After this is once and forever formally acknowledged no one will have reason to talk about abolition or secession. That is what I wanted to say. All I wanted was for what is a fact and what no one can change – regardless of certain public statements and announcements – to be confirmed.

BH Radio 1:

Are the politicians that are now saying that the current Constitution of BiH is unfair and that Republika Srpska is an entity created by genocide allowed to advocate the different constitution of Bosnia and Herzegovina during the process of constitutional reform?

Miroslav Lajčák:

That is absolutely okay. I personally think that constitutional changes are inevitable and that this will become apparent once we enter the European integration process seriously. I will give you two reasons for that. The first is that the current structure of the country is ineffective, and not allow BiH to assume its obligations properly. Secondly, the current Constitution of BiH violates a series of European

norms and conventions in relation to human rights, the rights of ethnic minorities, and similar. So, we already have two reasons. I am against placing any conditions before the start of the negotiations on constitutional reform. We cannot send messages along the lines of ' I will talk about that, but I will not talk about this.' Negotiations on constitutional changes that apply to only one part of the territory of BiH are not constitutional negotiations and that is not a serious approach. Again, there is too much propaganda that has already poisoned the atmosphere and shown that it is impossible to have serious talks about the constitution in such an atmosphere, because instead of serious talks what we actually got was pre-election propaganda. This is why we proposed that talks on constitutional changes should be temporarily suspended and that we should first focus on adopting laws related to the European perspective of the country.

BH Radio 1:

Maybe later we will talk some more about the Constitution. However, before that, do you share my view that the anxiety of some of the Bosniac politicians is generated by the fact that you have not removed from office any of the Serb politicians for anti-Dayton activities, and it is not as if you did not have enough reason to do so?

Miroslav Lajčák:

I have had reason to do so, of course. Let me answer your question with a question. So many politicians were removed from office by my predecessors and as a result do we now have a political elite with which we are all satisfied, and which is clearly leading this country towards Europe? Has the political atmosphere changed? Is removing politicians from office the best way for this country to move forward?

Personally, I think that removing politicians from office is the last and not the first option and as I said, it is

possible to accomplish many things by using the Bonn powers, but what is certain is that you cannot change people's opinions with them. It would be popular to act like a dictator and remove politicians from office. However, I need to and have to think two-three steps ahead and if my decision would only create more tension and more, so to say, hate among the three constituent peoples, then it would not be a good decision. That is why I have chosen a less spectacular path, a path that the citizens probably do not fully understand, but which is, and I am convinced of this, the better path for BiH in 2008. Since we have been talking about the transition of the OHR and its closure for the last two years, what I really would like to see and what I am advocating is for the politicians to talk, make decisions and to realize that by ignoring things they are leading this country backwards instead of forward. At the same time I would like to say that my Bonn powers exist and I am prepared to use them. The Bonn powers are solely my responsibility and my competency.

BH Radio 1:

Will you be more decisive in using your powers in the event someone undermines the Dayton Peace Agreement? Just now you basically said that you will.

Miroslav Lajčák:

I have no problems with decisiveness, at the same time I am a responsible person.

BH Radio 1:

However, you still consider that is not the solution for Bosnia and Herzegovina?

Miroslav Lajčák:

I think that how people would like to see me use my Bonn powers would, in view of the situation today, only create

additional problems and would not solve any problems, because the political leaders, regardless of how much we like them or not, are the legitimate result of the elections – they were elected by the voters.

BH Radio 1:

Did the citizens, now when you spoke with them, ask you, *why don't you remove so and so from office?* Apart from the politicians, do the citizens make such suggestions? Is it correct that the politicians from Sarajevo most often request that you remove someone from office?

Miroslav Lajčák:

Well of course, the citizens have become used to that in a way and so of course they also make suggestions that I should remove someone from office. The citizens in Republika Srpska suggest I should remove one of the Bosniac politicians, while the citizens in the Federation suggest I should remove a Serb politician. And that is exactly what I am talking about. By ignoring that these politicians have been legitimately elected and that they are supported by people and that by removing those politicians from office you cannot change the opinion of the people who elected them. I am not saying that such a question or that such a possibility does not exist. It does. My Bonn powers exist. I have not and I will not renounce my Bonn powers. All I am saying is that we cannot bring the discussion down to such a primitive level, we cannot act along the lines of what Stalin said, "no man, no problem". Matters are much more complex than that, especially in Bosnia and Herzegovina.

BH Radio 1:

In a way your answer gives me reason to ask you the following question. The international community, on the basis of the Dayton Peace Agreement, took on the responsibility to make Bosnia and Herzegovina a stable country. However, as far back

as during Mr. Wolfgang Petritsch's mandate a partnership between the OHR and the local government was promoted, and by doing this the international community started handing over more and more responsibility to the local political leaders who have in no way demonstrated that they are responsible and capable. Is the stabilization of BiH the responsibility of the international community or the local politicians?

Miroslav Lajčák:

Both, because in the beginning, as well as now, the principle idea of the international community was never to turn Bosnia and Herzegovina into some eternal reservation or an international protectorate. The aim of the international community is to create conditions, to create one political system and to create the pre-conditions necessary for this country to function normally. I recently met with a man who had worked in the OHR 12 years ago, and he told me that he had arrived here at the time in to close the OHR, that those were the political instructions even then. You are aware that since 2005, 2006 the closure of the OHR has been seriously talked about and it is now the year 2008.

Therefore, by extending the mandate of the OHR and by extending the massive Bonn powers and the massive participation of the international community in the political affairs of this country it is being shown that this country has not matured and is not capable of handling its own affairs. Hence, that would be a failure for both BiH and the international community. The aim, the plan in the beginning was and remains till date us to be less and less the patron and more and more a partner.

The international community will not leave BiH, it will remain here in large numbers. However, we want to achieve a situation in which the key representative of the international community will no longer be the High Representative, and instead this role will be passed on to the EU Special Representative who

will be a partner and help lead this country, while the sole responsibility for Bosnia and Herzegovina will of course, lie with the local politicians.

Today, whether you like it or not, we are in the process of transition. The OHR is here, however we do not wish to see the OHR as a key political player any longer. The OHR is here to guarantee: that you do not stray from the right path; that no one abuses their power; that the Dayton Peace Agreement is not undermined; that the rights of any individual, any of the citizens of BiH are not infringed; that no threats to the territorial integrity of Bosnia and Herzegovina are made. So, we are here as a guarantee, or, so to say, to watch your back. However at the same time, we are also here to promote this next phase of partnership or in other words, the partnership phase of our engagement in this country. The citizens of Bosnia and Herzegovina should not complain about this, instead they should welcome this move. I know that they are sceptic of how the local politicians can lead this country, and this is why it is necessary to take advantage of the presence of the international community, which wishes to help this country.

BH Radio 1:

It seems that at its last session, the Peace Implementation Council reached a compromise solution. Bosnia and Herzegovina was told that after it fulfills five conditions the OHR will be closed. So, there are no deadlines. The conditions have been set. Could you briefly explain what those conditions are?

Miroslav Lajčák:

Yes. I think that setting deadlines is not helpful, as when that is done everyone concentrates on the dates instead of their work. Therefore we set five conditions that must be fulfilled, and they are as follows: resolving the issue of state property and military property; resolving the status of Brčko; resolving the fiscal sustainability of this country,

which means adopting laws on the National Fiscal Council and the allocation of indirect taxation revenue; and the last condition is the rule of justice – passing a state-level strategy for the judicial sector and resolving issues related to war crimes, the place of residence of foreigners and the right to asylum. The adoption of these system laws would mean that we have achieved a certain level and that there is no going back. We also said that the international community will not make a decision on closing the OHR until BiH signs the Stabilization and Association Agreement, and of course a normal political atmosphere is also one of the conditions.

Therefore, none of those conditions are something new, they are not a surprise. Those issues have been on the agenda for several years now. From the long list of laws and issues that the institutions of BiH are working on, we selected these five, which in our opinion are the most significant. Of course, we now expect the local institutions to fulfill these conditions.

BH Radio 1:

Let's briefly talk about constitutional reform. Constitutional changes were hardly even mentioned in the Declaration of the Peace Implementation Council. You said that we have not even started with actual constitutional reform nor actual talk on the subject, although various parties already have specific solutions and proposals – ranging from regionalization to federalization – and some have even offered declarations. Since everything here is a political battle do you think that the constitutional changes will fall victim to political battling?

Miroslav Lajčák:

They cannot and certainly will not. I am of course disappointed with the level of discussion regarding constitutional amendments – meaning, the discussions we have

seen so far, specifically the discussions from the end of last and the beginning of this year – because there are three entirely different concepts. The only thing those concepts have in common is that they express the position of only one people and completely ignore the existence, let alone the positions of the other two peoples. Negotiations on constitutional changes cannot be held along these lines, it is just too low.

As I have already said, there is no escaping constitutional change. On the other hand, constitutional changes cannot be imposed. This country has to mature for constitutional change. This can only be achieved through the European integration process – in order to see why changes are necessary – because at the moment everyone has a different opinion on the Dayton Agreement. However, once we begin that process the elements of the current constitution that are neither right nor good, and that simply prevent us from moving forward will become obvious. This is not an artificial condition, it is not something that someone just made up and then came and said, *okay, now you have to change your Constitution.*

BH Radio 1:

What role will the OHR play in this? In the end is it possible that you might offer some piece of paper or will you really leave everything to the local political leaders?

Miroslav Lajčák:

Neither. Our role here is an active one and we would like to see ourselves as a partner, a mediator and we want to help make sure that the new constitution is in line with European standards, because it will be a European constitution. Of course, we have already and will continue to offer expert assistance on every political agreement that needs to be amended or translated into legislation – this requires expertise and capacities, which the international community

possesses and is ready to offer.

BH Radio 1:

You are aware that the citizens are accusing the politicians of bribery and corruption. I assume that they have told you this. What is happening with the OHR's Anti-corruption Team? For a long time now you have been saying that the team is in the final phase and should start working anytime now.

Miroslav Lajčák:

Yes, the citizens are having problems with corruption. Of course that is also one of the issues that must be solved during the European integration process. The Anti-corruption Team is in place. We reached a decision and came to the conclusion that it would be best if the Team operated in an unobtrusive manner.

BH Radio 1:

So, it has started working, but it's just that we do not know that? Or that we will soon find out?

Miroslav Lajčák:

Yes, of course. You will soon find out.

BH Radio 1:

Will we possibly find out if the Anti-corruption Team has brought criminal charges against...

Miroslav Lajčák:

It is not the role of the Anti-corruption Team to bring criminal charges against anyone. The Anti-corruption Team analyses the information we have, the information we receive and in the final phase of their work they will forward that information and their analyses to the judicial organs of Bosnia and Herzegovina. We do not want this Team to take over

the role of the local institutions, that would be undermining the institutions of BiH. We are here to help – we have our experience, our information and certain instruments – in the fight against crime and corruption.

BH Radio 1:

Still I have to ask you whether politics will possibly play a role here as well, and so the most important politicians will not be accused?

Miroslav Lajčák:

That is a very speculative question. And as you know, I do not like to answer speculative questions.

BH Radio 1:

We are nearing the end of the show, but this is a question I have to ask. So, I have just two more questions. Most of the citizens of Bosnia and Herzegovina are frustrated by the visa requirements for BiH citizens and by the long waiting lines in front of European embassies, as well as the high visa fees, and by how they are treated at the borders of the European Union, regardless of whether they are sportsmen, journalists, professors, writers or ordinary citizens. What concrete action has the OHR taken, and if it already has not will it, in order for this to change?

Miroslav Lajčák:

I am absolutely familiar with the frustration, which is justified, of the citizens of Bosnia and Herzegovina with the visa restrictions and of course we advocate visa facilitation. You know that since the 1st of January visa issuance restrictions were somewhat eased. The visa facilitation process is beginning now. At the same time, I have to emphasize that the visa restrictions are closely related to the progress this country makes towards Europe. In other

words, the politicians cannot reject the idea of a European perspective and yet at the same time complain about visa restrictions, especially because visas are a matter of the internal security of each country. The Ministers of the Interior of the member states of the European Union are the ones making the decisions about visas. They will not vote in favor of facilitating visa issuance for a country that shows no desire to move forward towards European integration and that does not demonstrate readiness to accept European values and basically rejects everything coming from the European Union, but at the same time still want visa-free travel. That does not make any sense and of course, if this continues to be the case then there will be no visa facilitation.

Therefore, everyone that has a problem with the current visa restrictions should support the stabilization and association process, because that is the process that will lead to visa-free travel.

BH Radio 1:

And my last question is will you, as your predecessors have done, once your mandate in Bosnia and Herzegovina comes to an end, write a book about your work in this country?

Miroslav Lajčák:

I love this question. No, I will not write a book. I am a diplomat. I think that any information that I receive during my mandate is not my personal, private information and that the only reason I attained that information is because of the mandate I am performing on behalf of the international community, and therefore I have no right to...

BH Radio 1:

Although nowadays it is very popular to write a book.

Miroslav Lajčák:

Yes, it is popular. However, the question is whether it is useful, whether it helps – and I am quite sceptic of that. I certainly have no intention of writing a book.

BH Radio 1:

Mr. Lajčák, thank you very much. Well, that brings us to the end of today's show. Once again, thank you for being BH Radio One's guest. Dear listeners, thank you for your attention, I hope you will join us again next Thursday and please keep listening to the program of BH radio 1.