

Vijesti.ba: Interview with HR Valentin Inzko

By Nevena Ćosić

Vijesti.ba: Mr. Inzko, will the OHR react if the CEC violates the FBiH Constitution when it adopts a decision on the allocation of seats in the FBiH HoP?

Valentin Inzko: The OHR has always said that it is unfortunate that BiH political parties did not find a negotiated solution on the formula for filling the FBiH House of Peoples. The international community, specifically the EU and the US, showed a lot of good will to facilitate the agreement, but there was no willingness to compromise. Our position about the FBiH House of Peoples and the application of the FBiH Constitution, which has been stated on numerous occasions, has always been principled: pending electoral reform, the FBiH Constitution has to be applied in its entirety, both regarding the census issue and the application of the so-called 1/1/1 rule. Allowing the BiH Election Law to take precedence over the FBiH Constitution regarding the composition of its institutions can have a very serious impact in the future.

Vijesti.ba: According to information available to you, is the 2013 census complete, and as such relevant as a basis for allocation of seats?

Valentin Inzko: It is not up to the OHR to have a position about this matter. Competent institutions in BiH have already stated their opinion on this matter, which was communicated to the public as well.

Vijesti.ba: What would the abolition of the principle of electing one member of each constituent people from each canton to the FBiH HoP, if such candidate was elected into the cantonal assembly, mean for BiH?

Valentin Inzko: This principle ensures that all the constituent people from every canton are represented in the FBiH House of Peoples. In simple terms, this principle is one of the means to ensure the equality of all constituent peoples throughout BiH. It is therefore an essential element of BiH as a multiethnic society and an element of long-term stability of the country. In the FBiH the so called 1/1/1 formula is a part of the FBiH Constitution. We note that one political party challenged the provision. Until a decision is rendered on this case, the provision continues to apply and it does not belong to one institution to decide to apply or omit it. It would be a great responsibility that they would take on their shoulders.

Vijesti.ba: What is your take on the conclusion by SNSD and HDZ BiH leaders, Milorad Dodik and Dragan Čović, that the OHR should be closed?

Valentin Inzko: The decision about the closure of the HR mandate will be taken by the Peace Implementation Council Steering Board and the UN Security Council. As you probably know, in 2008 the Peace Implementation Council Steering Board adopted the "5+2 Agenda," a list of conditions and objectives that need to be met by the BiH authorities before the OHR can be closed. Therefore, the best way for politicians to expedite the closure of the OHR is to implement this agenda, and in particular the second objective: "a positive assessment of the situation in BiH by the PIC SB based on full compliance with the Dayton Peace Agreement."

Vijesti.ba: What is your opinion about Milorad Dodik's announcement that he will call for a united stance of the BiH Presidency towards Brussels that BiH should be granted EU candidate status as soon as possible?

Valentin Inzko: I welcome President Dodik's announcement, which I take as an indication that he is ready to invest his energy into the EU-related matters. I hope that the BiH

Presidency members will in the 2018-2022 mandate be able to create and constructively contribute to an overall positive political climate, in which the focus will be on EU integration matters and other concrete issues such as economy, education, and healthcare. By the way, for years it has been my clear position that Bosnia and Herzegovina should be granted early candidate status and late membership, when the conditions are met. I am glad there is agreement between Dodik and me on this issue.

Vijesti.ba: How do you interpret HDZ BiH's claims that Željko Komšić's election as the Croat member of the BiH Presidency is not legitimate, and that his election victory is in fact illegal and contrary to Dayton? Is that true? What is your take on Croatia's identical position on this issue?

Valentin Inzko: I understand that emotions are high, but let us look at the legal situation here. Firstly, the manner of election of the members of the Presidency is regulated by the BiH Constitution and the Election Law. The rules in force in the 2018 general elections were the same as those applied in previous elections, and the Constitutional Court has never cast any doubt on their application. If political parties want to change the manner of election of the Presidency, they can do so by amending those rules in the Parliament. My role, as the interpreter of the civilian aspects of the Peace Accords, is to ensure that until this is done, the current provisions of the Constitution continue to apply.

In addition it is worth highlighting that the Constitution implies that each of the Presidency members represents not only his or her constituent people, but also the entity he/she is elected from and the country as a whole. This is also reflected in the oath newly elected Presidency members are required to take before entering office.

Vijesti.ba: What would be your diagnosis for the situation in BiH – and what would be the cure?

Valentin Inzko: In my mind this is a twofold issue. On one level, BiH desperately needs to change the paradigm of “how to do politics.” Right now the citizens and the country are placed below the needs of political parties and their elites. This needs to change in a manner that the citizens and the country are given priority. Another level where change is needed is the participation of citizens in political life. It has to be more active and persistent. Active political participation should not be reduced to voting every two years. Holding politicians accountable is a full-time job. This works only if there is consistent effort and active participation of citizens. Only with changes on these two fronts we can expect to see decisive changes in BiH politics.

In addition, there is a deep-rooted disappointment about the state of affairs in the field of judiciary. There too exists an immense need for change.