

Voice of America: Interview with HR Christian Schmidt



By Ajdin Muratović

VOA: You frequently state that you are a “rational” and “efficient” German, but your interventions in the formation of the Federation Government have been objectively clumsy. You intervened in October with the so-called “functionality package,” promising a deblocked Federation, only for the SDA to block the creation of a government. You intervened again in April. How do you restore belief in the competence of your decisions going forward?

Christian Schmidt: I think these decisions have to be seen together. The aim was and is to get a functional government by decision of the elected bodies. The constitutions in Bosnia and Herzegovina are full of checks and balances, and sometimes these checks and balances are misused just to block. So I could deblock in October the formation of the Constitutional Court of the Federation, the election of the [Federation] Presidency, and now the deblocking of the election of the government. So I am very confident that this has shown its effect. There are gaps in the Constitution, or the where the tie cannot be untied due to rules today, that has to be filled by the parliament. So I offered one year’s time to discuss on parliamentary level and to make decisions about amendments to the Constitution, then I think it would be workable.

VOA: Croatian Prime Minister Plenkovic publicly bragged about

the influence he has over your policies. You have rejected this claim, stating that you deliver your own decisions. Nevertheless, in Bosnia and Herzegovina, many argue that your requirement of a minimum 3/5 vote in the Constituent People's Club in the Federation's the House of Peoples to block government formation effectively makes it impossible to form a government without HDZ. I want to give you an opportunity to explain why you picked 3/5 instead of two thirds or any other fraction. How did you arrive at that number?

Christian Schmidt: Success has many parents but failure is an orphan. Those who look at my decisions will see that they do not change the ethnic structures. I cannot do that on my own. We have to amend the constitution for minorities. It is currently discriminative and we have to work on that. I hear that SDA is now not happy. Yes? I understand, because SDA lost the presidential elections in 2nd of October – by the way, without any contribution from my side. They did it on their own. Since the foundation of the Federation, since the Washington Agreement, there has been mostly a coalition between SDA and HDZ. The Bosniak reform block is now the partner.

I have learned that some of these comments in Bosnia and Herzegovina are so bluntly driven by self-interest. I invite those who make them to come for a discussion about amendments to the Constitution. To all those who now are saying "Why have you intervened? Give them more time." I tell them, "Okay, you have had since 2014 an acting government. You now have an outgoing prime minister, sentenced in the first instance to four years of prison because of abuse of power. Should I really wait for the next two years?" What would happen? This would close the window of opportunity for European integration.

VOA: One of the people that's been criticizing this is actually a member of SDP, they are in the ruling coalition, Irfan Cengic. So I understand SDA's criticism – they will

naturally criticize because they're not a part of the government – but this guy is. He specifically focused on the 3/5 versus any other fraction. Can you once again explain how you got to the 3/5 vote?

Christian Schmidt: This is a temporary suggestion. You could have two-thirds, three-fifths, or whatever. This was just to make it manageable. So just go and change it if you are not happy with it, because my amendment will not come into force if in the next year there's a consent in Parliament for another solution. So this is an invitation. Go work and make a suggestion. The good old times where you only criticize the High Representative because he has done your job is over. Do your job. That's my message.

VOA: Your April decision successfully removed SDA from blocking the formation of a new government. But as we have seen in the past, obstructionism is not exclusive to that party. And you've also mentioned in your first response that many parties engaged in abuse of these checks and balances. Previously, HDZ was the one blocking government formation. In fact, the US sanctioned one of its key members, Marinko Cavara, for obstructionism. How does this intervention, which you claim to be a permanent solution if the Parliament doesn't agree before May 2024, prevent HDZ from potentially obstructing government formation in 2026, or is that a problem for down the road?

Christian Schmidt: I have made no distinction between any party. The problem in this country is a lack of culture of coming to a deliberative compromise. You do not need to have the same opinion, but you have to try to find the same opinion. My October 2nd decision was an answer to the blockade on the Federation level. I would also say to SDA, there was the former reisul-ulema, Mr. Ceric, who said you should think about it, you SDA, why nobody wants to have a coalition with you. It is not possible to simply blame anybody who tries to make an on-the-spot solution. Friends, you had opportunities.

Friends, you did not use them. And Friends, I do not look at party affiliation or ethnic group. Basically, you should understand every blockade will be answered, because you have the obligation. Sorry to be so outspoken. I used to be in my country someone who would try to get a compromise, but sometimes you have to go ahead. And the European Union is very happy. Why? We've opened the window of opportunity with the membership candidacy status for Bosnia Herzegovina. Look around – at a time when there is war in Europe, they are sitting and just reflecting on three fifths or two thirds, and haven't been able to settle the issue themselves. Now is the time, not in two years, not in four years.

VOA: As it stands now, significant pluralism exists only amongst the Bosniaks and the so-called "Others." HDZ and SNSD are dominant in their respective ethnic groups. How do you respond to accusations that your impositions entrench and incentivize ethnic-group-focused politics at the expense of citizen-focused politics?

Christian Schmidt: This is sheer nonsense. I'm sure that this functionality package, added with the integrity package, to avoid electoral fraud, gives more opportunity for pluralism. If somebody thinks a little bit more in the long-term, my decision will contribute to a more vivid spectrum of different parties, not only aligned with ethnic groups, but also with citizens. So I'm very confident that we are on the right path.

VOA: To those critics, can you explain why you haven't intervened to impose laws that would have addressed the Sejdic-Finci decision or the Zornic decision?

Christian Schmidt: This is the problem I sometimes have during political discussions in Bosnia and Herzegovina and Europe. A lot of people have good ideas, but few have a detailed understanding of the constitutional situation in Bosnia and Herzegovina.

The fact of the matter is that I am in support of them. I just said this at the United Nations Security Council in my statement. We definitely need to incorporate the Sejdic-Finci case, along with other cases, into the Constitution of Bosnia and Herzegovina. This constitution is part of the General Framework Agreement for Peace, Annex Four. I am not allowed to change this. This is only possible to be changed by the Parliament. What I was asked for is to look at non-discriminatory ways of integrating Others at the Federation, Republika Srpska, and cantonal levels. I have not done this. Why? Because the Constitutional Court, in the famous Komsic decision [2015], stated that one is not allowed, meaning the Parliament and me, just to change the constitutions of the Federation or Republika Srpska, as long as the Sejdic-Finci is not implemented at the state level. So here we are.

So with all the respect I have for democratic dialogue and other opinions, I would say to those demonstrating in front of my office, just cross bridge 300 meters, to the Parliament. Why haven't you, during the last 15 years, talked to the Parliament about implementing Sejdic-Finci.

I will be helpful, and I agree that it needs to be implemented, but this is about the complicated situation of the constitutional structure of Bosnia and Herzegovina. I cannot change Dayton. I have to implement Dayton, but Dayton has shortfalls. I said this as well at the United Nations. It is not acceptable that today the president of the Jewish community and the president of the Roma community, Mr. Finci and Mr. Sejdic, are not allowed to run for president in their own country. Why not? Because they are not part of the Croatian Serb or Bosniak caucus.

We have to reform. And personally, I would say please, do not do it in a way that makes it more complicated than it is now. But I am uncomfortable with the non-implementation of Sejdic-Finci. But sometimes you have a simplistic discussion in Bosnia and Herzegovina: "Who is responsible? Oh, it is the

High Representative. He is responsible." No, my friend, it's not me. This elected body is responsible. This is democracy. You have to work. Democracy is not only passing blame; you have to also work.

VOA: So to summarize the points that you have been making: A lot of these issues can be addressed in the parliament. It's their duty, and you're only intervening when they refuse to address it. But what about the incentive structures? What incentive structure is there for the current people in power to change Sejdic-Finci? It might undermine their own power. So how do you get around that roadblock?

Christian Schmidt: I don't know what their mindset is, but the representatives of the different parties, and not only the big ones, gave a promise in Brussels, to the president of the European Council, Charles Michel, last year, on the 12th of June, that they will go half a year after having all governments and institutions formed – so after April 28th. In half a year's time, they promised to go and work on a solution. I think we have to facilitate. We have to help, but it has to come from them.

I was able to implement a small part, maybe 10%, of the Neum package concerning electoral integrity structures, which are very important. This includes electronic counting, as well as checking that there is no influence at the polling station. We have found a few problems during elections, but some still remain. I added, in my April decision, to the criminal code the act of bribery for voting. This was put in the Criminal Code and now has a penalty. We as well have to continue observing and guaranteeing fair and free elections. This is the next step. I can imagine that big parties are somewhat uncomfortable with this, because their results probably will not be the same if the votes are counted as they should. But my expectation is that this will be one of the most agreed upon constitutional changes. But unfortunately, changes such as this are frequently agreed upon, but never implemented.

We now have the momentum of European integration in the next six months. We have to do it. Why in the next six months? Well, you will have to use new technological means of verification, probably fingerprinting and such. You have to get some training, some staff, and the legal basis to do this. So this requires time. Next year are the municipal elections. This would be a good opportunity to test whether these measures meet the requirements of free, fair and correct elections.

Then we will have to address the more challenging issues of how to reform the presidency and how to get decision making a little bit off the national vital interests of one ethnic caucus. I think we have to come to a greater understanding about democracy. So my idea is that we should, as well, think about direct democracy. I added in my decision on October 2nd an article to the Federation Constitution where the Parliament is obligated within one year to pass legislation that offers every citizen of the Federation the right to meet and to develop proposals for legislation. This includes the right that these proposals are addressed by the Parliament in a public discussion. This has to be ethnically neutral. One person, one vote counts the same. And I hope that this will bring closer the political structures in this country to the people, because, honestly, they are far off. There is a gap which is unhealthy and does not support democracy. So I think we have to add possibilities of direct democracy.

VOA: You are, for all intents and purposes, almost irrelevant in Republika Srpska. Officials refuse to meet with you, they ignore your rulings, and Zeljka Cvijanovic walked out during your presentation in the UN. Dodik threatened, "The moment you attempt to seize property. We will pass the decision on the independence of Republika Srpska." This is a direct challenge to the Dayton Agreement, your legitimacy, and your ability to operate as a High Representative. What are you doing to ensure that Dayton is implemented across Bosnia and Herzegovina, and

not just in the Federation?

Christian Schmidt: First, it's not on me to comment who comes in, who stays, or who just has to prove that there is no exchange. You do not have to be in a high diplomatic position, but just have some life experience to know that if you stop talking, you have a problem in getting what you want. A politician from Republika Srpska, not from SNSD, just last week said to me, "Look, I have said to Dodik, Schmidt is here. He exists. He is making decisions. Why not talk to him?"

This issue does not concern just me. It concerns member states of the Peace Implementation Council. If we hear that the United Kingdom and United States are not accepted for talks in Banja Luka...what? He [Dodik] wants to join the European Union? Sorry, but the experience of the European Union is sitting and talking. Talking is sometimes very boring, but talking is better than shooting.

VOA: In a speech in Hungary, you recently mentioned the "genocide style situation" in Srebrenica. I want to give you an opportunity to clearly state your views. Do you believe that the army of Republika Srpska and Serbian paramilitaries committed genocide, or just something in the style of a genocide?

Christian Schmidt: I regret that my shortened statement was misinterpreted. There is no doubt about this: this was genocide. What I wanted to express was that, beyond Srebrenica, there have been some cases very close to genocide. I especially had in mind Markale. Why am I serving here in Bosnia and Herzegovina – just to please the politicians? I wouldn't say that this is a source of great encouragement to me. You have to go to Srebrenica. Then, you will know, as I know, why I'm here – to make sure it never happens again.

So, please, give those who are questioning the clear answer: there is no doubt – my basic commitment as a German, and I know

about what I'm talking about – is that is genocide. But it is also about understanding that international community waited very long in 92, 93, 94, and 95. And there is the genocide of Srebrenica, but, unfortunately, not only the genocide of Srebrenica. There were other massacres as well that we have to take into account. Every victim is a victim that we have to mourn. So that this is what I wanted to say.