

Klix.ba: Interview with High Representative Christian Schmidt



By: Fadil Hadžiabdić

Klix.ba: Mr. Schmidt, when will you impose technical changes to the Electoral Law, you announced it a long time ago because it is obvious that the politicians will not adopt them themselves?

Christian Schmidt: I clearly said that they must make changes to the Election Law for the elections this year. It is the first priority of the 14 priorities of the European Union. It says that the OSCE proposals must be implemented. Unfortunately, the topic of electoral fraud is still very significant, current and very important. Therefore, the question is not whether we will do it, but it should be done as soon as possible.

This also means that the standards as they exist internationally, as well as in the Dayton Agreement, must be respected. These amendments to the Election Law are not a concession to any party. The citizens are those who decide sovereignly and sometimes it makes me a little angry when I have the feeling that it is being discussed in an empty space at the political level, and that the justified rights of citizens come at another level.

I am grateful that there are developments at the level of the

Parliament, I hear they are still there and we have attempts to ensure the integrity of the electoral process. I will wait until that happens so no one gets wrong ideas. Those who want to join the European Union, and that is what the citizens want, I do not know if all the politicians want that... Those who want to join the European Union, must play according to the rules of the game on the field. Therefore, no delay can be tolerated.

Klix.ba: Do you feel that the politicians in BiH tried to deceive you and drag everything out so that in the end it will be too late to impose technical changes that guarantee the integrity of the elections? One proposal was rejected in the Parliament, and the other was never defined.

Christian Schmidt: It is impossible to really play with me. That is why I notice a lot. I want to say that there really are politicians who really want to achieve something, but I have to say honestly, apart from procrastination and delays in the process, I have not really seen anything else.

I would like us to involve citizens much more in decision-making in the future.

Mr. Dodik plays the game as if he is the one who can make decisions about the election process. He cannot do that, he can only accept the law. Only those who do not have their own substance, their own strength and substance can fear decisions of other people.

Helmut Kohl would say in such a situation: "Politicians, do your job and do not talk too much".

Klix.ba: Milorad Dodik announced on several occasions that your decisions, including changes to the Election Law, will not be implemented in the RS and that the RS will form its own election commission. What mechanisms do you have available to implement changes and not allow another crisis?

Christian Schmidt: The weakest politicians among politicians are those who need threats based on the principle that “if this happens, then I will...”. If he has a problem with clean elections, then I would like to hear it. If he has a problem with the fact that every voter who goes to the polling station should be identified as the OSCE requires, then let him say so. Then he has to explain why he wants to not respect the priorities of the European Union. Everything else is a thunderous theatrical performance and shows more how much Mr. Dodik does not know what he is going to do, than something else.

Klix.ba: Can you now say that the local elections will be held according to the new rules, whether they are passed by the Parliament or you impose them?

Christian Schmidt: Let me answer with a counter question. What will we say to the voters in Bosnia and Herzegovina if we say – You have to accept electoral fraud – because we have not yet reached the stage where something will change?

Everyone, not only international organizations and non-governmental organizations from this country, say: Well, this is not a gift to the people. We are talking about people’s right to do something. This is being forgotten in the discussions in your country. Neither Dodik nor anyone else gives anything to the voters, the voters have the right to have it. When I see that unfortunately not only, but especially in the Republika Srpska, that we received a lot of information that there were election frauds, then it cannot remain like that.

Klix.ba: You said that Dodik is making a big show, is there a danger that this show is real and presents a problem?

Christian Schmidt: I would say I am the wrong person for that question. If I start from the assumption that politicians behave reasonably, then I cannot believe that someone would

put the integrity of the electoral process and their own integrity at stake.

Klix.ba: HDZ has been claiming for months that the judgement in the Ljubić case has not been implemented, you claimed otherwise. Can you explain why you think the judgement was implemented?

Christian Schmidt: The Ljubić judgment is very complex. If we look at the issue and representation at the level of the members of the Presidency, then I am convinced that we cannot just look at the Ljubić judgement without the Sejdić – Finci one. We need a constitutional reform that cannot be pulled out of the pocket just like that.

Current discrimination in the Dayton Constitution is not yet completely eliminated. That is why I would say that we really need to look for solutions together. I am sorry that two years ago in Neum there was no success in this matter. We cannot say that the time is unlimited, but that has nothing to do with the question of the integrity of the electoral process, whether the votes will be counted as they were actually cast or they were falsified.

Klix.ba: According to you, the EU and the US had different positions on the question of imposition. How will this affect your possible decision and will it affect the “strength of the law”?

Christian Schmidt: I think that is a wrong idea. Because no one questions the very essence, that something needs to change. This can be felt on one topic. We want projects for electronic scanning of ballots to be registered and voters to be registered. Voter identification, whether by means of biometric data or fingerprints, and there are also international organizations and countries that want to finance it.

USAID and the European Commission are directly on the same

page and going in the same direction. It shows that there is a shared interest in this issue.

Klix.ba: You formed the Expert Group for State Property, at what stage is the work of that group? Why, as you announced a long time ago, has the OHR not yet submitted the materials of the Working Group for State Property to the Parliamentary Assembly of BiH?

Christian Schmidt: It will happen as I announced. We are currently working to reflect once again everything that has been done. I also made a special comparison of how that issue was resolved in other countries. There are also other conversations that we are having.

It does not matter to me at all that I now make a big story out of it as if I were on stage in a theater. I want to do it in peace if possible, but also taking into account the essence, and consider everything so that it could be done in the best way.

Let me give you another example. What we are currently experiencing in Jahorina. This must be checked by the state attorney's office. Imagine someone from a European country who wants to invest and they do not even know if the land they are buying is at the disposal at all. You will certainly not find such entrepreneurs. That goes for those who think they can do a good job in this regard. It will not work quite like that.

Imagine if we managed to organize the Winter Olympics in Sarajevo again. On such an occasion, internationally speaking, everyone would be looking at the city itself. There will then be extremely strong corruption, if someone wants to achieve something, they must work according to the law. That is why I would like the Parliament to make a decision, but I want to say, this does not mean that the state itself is the owner. Of course, entities, cantons, cities can participate in this, and that means that they all have to agree together. One cannot

say "this is mine, and I am not interested in the rest".

In Germany we say: "The house is built together with the neighbors".

Klix.ba: In Bosnia and Herzegovina, we are not neighbors, but one country. Should not state property be state property, while other levels have the right to dispose of it?

Christian Schmidt: These are topics that we are really still talking about intensively. In my country, we solved that issue by putting the entire so-called people's property of the former East Germany into one fund. Then it was redistributed from that fund. This does not have to be the solution for Bosnia and Herzegovina, but we must find a way that those who have the right of ownership to property are not excluded from making any decisions. That is why, when I said neighbors, I said doing something together with neighbors.

Klix.ba: There is already a precedent regarding decisions related to the campuses of the Universities of Sarajevo and Banja Luka, and the US embassy. Is that the way to solve it?

Christian Schmidt: There are decisions which are precedents, where, if there is a strong public interest, something can be done transparently. When I look out the window, I see that beautiful Jajce barracks, that wonderful castle on that hill that is decaying. So many beautiful things could be made. Hotel or something else? We have to find ways to do something and no one can do it alone, the Parliament has to make a decision. If someone says they are interested in it. It must be so that, if some of that property is sold, that the proceeds, there is a law passed by Wolfgang Petrich, that those proceeds must be put into a common "pot" that benefits the public interest, so that this money does not end up illegally in someone's pockets. This has to be very transparent.

Klix.ba: The BiH Prosecutor's Office has more than 1,200

established cases. How do you think this will be resolved considering the huge number of cases where the Law on Temporary Ban of Disposal of State Property is violated?

Christian Schmidt: We need to make a start and agree on the principles. And the politicians, too, must have a certain political honor and show it. In all other parts of the former Yugoslavia, these matters have already been clarified.

I don't understand that 29 years after the Dayton Agreement we have to deal with this topic. I would say: Let's take a deep breath, all of us, and take joint action. The fact that you mentioned a large number of cases does not lead to anything. These cases must be checked, also new we cannot have new cases coming.

Klix.ba: Milorad Dodik threatened that if you impose the Law on State Property, the RS would declare independence on the same day. Does that threat force you to think more before enacting the law, are you afraid of political consequences and do you feel that he is blackmailing you in this way?

Christian Schmidt: I would advise Mr. Dodik in a very friendly way not to think of himself as a greater force than he really is. The future of Bosnia and Herzegovina is decided by the citizens. Dodik is here just a small cog in the whole system. Therefore, he should not use such cheap topics to call into question the European path of Bosnia and Herzegovina.

I don't know what he agreed to in Minsk with Lukashenko, who stole the elections, I only know that when I look at how many young people from the Republika Srpska go to Vienna, Munich, Frankfurt or Amsterdam or want to go to these cities, and how many people want to go to Minsk, then I think that Mr. Dodik's behavior is thematized in itself.

European integration and the demand for integrity of the election process – a decision on this is not made depending on whether Dodik is in a good mood or not. He has only one option

to get on the train bound for Europe. If he does not get on that train, the train will still leave without him, because I am convinced that the only path to the future and prosperity for Bosnia and Herzegovina is the path to European integration. In that case, Dodik will no longer be important.

Klix.ba: Do you feel that you have the support of the European Union and the USA when it comes to deciding on state property?

Christian Schmidt: That is part of my mandate. It's not a problem whether I have a lot of support or little, or if it is the view from Brussels or from Washington. The topic of state property is not the most important issue at the moment, so we have to ask ourselves what we want and what we can achieve.

Brussels and Washington will pay attention to it when we here are in a situation where we cannot resolve this issue. Then, it can lead to unpleasant consequences. We have to ask ourselves what we want. I keep hearing what can't be done, I'm interested in hearing what can.

I think there is a lot that could be done in the proposals developed by the expert commission. In due course, we will also let it be taken over in the process itself, so that Mr. Dodik would not have to say: "If Schmidt makes a decision what will happen in the RS or he will kick Schmidt out of BiH", here's what I will say to Mr. Dodik: I don't want to make a law on state property, I want the institutions of Bosnia and Herzegovina to finally complete their task, do their job and solve the problem.

Citizens have the right to have this issue resolved and he should know that we cannot look at things in such a way that someone somewhere wants to gain some benefits. So stop saying how bad the international community is, do it yourself. Dodik is one of the main culprits that people here cannot have good economic development, because no one knows what belongs to them. Let him get prepared for the fact that the people

themselves will decide on this, and I think that many among these people are very reasonable and would offer very good solutions when it comes to technical issues and things like that.

Klix.ba: After July 11 last year and the meeting with experts from Bavaria, you announced that it would not be possible to deny genocide and war crimes without consequences and that you would react with regard to this issue. Are you planning to refine "Inzko's Law"?

Christian Schmidt: The implementation of Inzko's Law is very important. If we want things to improve, it has to be done. We found that the main problem is not in the law itself, but, unfortunately, in insufficient application and enforcement in courts and institutions.

That is why the international community will keep an eye on it, and I am a political participant in the Nuremberg Principles Institute. Some time ago, we had a large assembly in Nuremberg in the room where the war criminals were sentenced in 1946. We talked very intensively about that issue as well. We had international lawyers, experts, state prosecutors, and therefore, in the future, closer cooperation will develop with the local state prosecutor, who also asked for it. This will come in the future period.

Klix.ba: Dragan Čović attended the promotion of a book by the convicted war criminal Valentin Ćorić. Should he be held accountable for violating Inzko's Law?

Christian Schmidt: I do not know the circumstances, please understand that I do not want to comment on each individual case. But I don't need Inzko's Law. Whoever holds political office and responsibility in BiH must do everything for a common and peaceful future. This means that one should not keep company with anyone who was convicted in The Hague as a war criminal.

This applies to everyone and I will repeat what I said in Srebrenica regarding the Election Law. Therefore, war criminals, criminals who committed genocide and crimes against humanity are a hindrance if they run for public office, they are a hindrance to the integrity of cooperation and therefore must be excluded from public candidature. Unfortunately, this was not in the Dayton Agreement, but from today's perspective, for the young generation, it is an important issue. What kind of role models are they if such people are mayors, and previously Carla del Ponte filed an indictment and they were convicted. There can be no well, OK, there is a yes or a no, war criminals remain war criminals, even if they wrote wonderful books.

Klix.ba: Therefore, the technical changes to the Election Law, whether they are passed by the BiH Parliament or you, must contain a provision that bans war criminals from exercising public office?

Christian Schmidt: Yes, exactly.

Klix.ba: How do you comment on the messages recently sent by American officials to Mr. Čović regarding the Southern Interconnection and the Election Law?

Christian Schmidt: There is a letter Mr. Blinken wrote on the subject. I think it is a topic that must be seriously addressed. Everything that serves Bosnia and Herzegovina and its unity is important. Unfortunately, I am not familiar with the details of this issue.