

Vijesti.ba: Interview with HR Valentin Inzko

By Nevena Šarenac

Vijesti.ba: The OHR has a clear position: Decision on the RS referendum on the Court and the Prosecutor's Office of BiH violates the Dayton Peace Agreement. Despite this, the RS authorities insist on its implementation. Mr. Inzko, you have stated recently that it is too early to use mechanisms for ensuring the adherence to the Dayton Agreement that are available to you. Can you please explain your position?

Valentin Inzko: In my recent Special Report to UN Security Council on this issue, I explained the reasons why, as the final authority regarding the interpretation of the civilian aspects of the General Framework Agreement for Peace, I have determined the Republika Srpska to be in clear breach of the Agreement. What is certain is that I retain the necessary instruments to uphold the General Framework Agreement for Peace. The PIC Steering Board Ambassadors have also been clear on this issue. Rest assured we are fully aware of the gravity of this situation.

However, what is now necessary in order to rectify the situation is for the RS authorities to put the referendum aside without further delay. We all know in Bosnia and Herzegovina how destabilizing illegal unilateral actions of the type being proposed can be for the country. This country and its citizens simply cannot afford this kind of political adventurism. There are more pressing issues in Bosnia and Herzegovina affecting citizens in both entities. I believe the priorities should be to reduce unemployment, encourage investment, fight crime and corruption and deliver on the European Agenda. These are the things that people care about and things that affect their lives. Citizens do not pay their utility bills with referendum rhetoric. Furthermore, on the investment side, few foreigners would invest in a country where there is a threat about a referendum in 2015/2016, and again in 2017/2018.

Vijesti.ba: Bosniak representatives within the RS authorities, among others, are waiting for your reaction. They will file an appeal with the Constitutional Court of BiH, if the OHR fails to annul the referendum. Do you believe that those local representatives should use all of the available legal options and that you should subsequently, if necessary, use mechanisms available to you? How will you proceed in this specific case?

Valentin Inzko: I made my position very clear both here in BiH and internationally. I am willing to repeat it until all those who refuse to hear finally hear it. Republika Srpska is in clear breach of the Dayton Agreement. A referendum on the state judiciary and the authorities of the High Representative clearly falls outside the competences and responsibilities of the Republika Srpska.

Although I never speculate in advance about what concrete steps I may take in line with my mandate, rest assured that the OHR and the entire international community are treating the situation seriously.

Vijesti.ba: The promoter of the referendum, RS President Milorad Dodik has clearly ignored your warnings. "Americans, Brits or anyone else can ask for the use of the Bonn powers and my removal but I do not see a way in which they can do that. I do not respect their will, in terms of an intervention; I will respect the will of the people", Dodik said. How do you comment these statements?

Valentin Inzko: We have had ten years of big statements from Mr. Dodik and others, while citizens are left to survive in any way they know how. The mask has fallen, people see that behind the loud statements there is nothing but empty rhetoric, a smokescreen to hide a decade of failure. Mr. Dodik has announced repeatedly, like recently in Vienna, that he will sue me. So far, I have not received any notification.

Vijesti.ba: There are dilemmas with the very administration of the referendum, too. Namely, the "RS Official Gazette" published a decision of the RS Constitutional Court specifying that the decision on the referendum does not violate Bosniak vital national interests. On the basis of this, it was concluded that the referendum would be held on 15 November. But, the RS Minister of Justice claims that this is not true, and the deadline for the referendum will begin to run only when the RSNA publishes its decision. The question is whether the dilemmas concerning the referendum were created by accident or, on the other hand, there is a wish to "buy" more time to reach certain goals? What is your view?

Valentin Inzko: I cannot speculate. The RSNA Decision on referendum says that it shall enter into force 8 days following its publication. It has not been published yet. My message is clear, put the referendum aside and work in

good faith with the International Community to take the country forwards.

Vijesti.ba: In one of your statements to the media you suggested that the authorities headed by Milorad Dodik actually use this onslaught on the state judiciary to protect themselves from criminal prosecution for corruption. There are many scandals in the RS and the most recent is the “kilogram of gold” which, according to the announcements of the Minister of Security of BiH, could be dealt with by the Prosecutor’s Office of BiH. If the judicial institutions at the state level deal with this scandal do you expect it to have a court ending in the end?

Valentin Inzko: It is not my place to predict the course or outcome of current or potential criminal court cases. Whatever prosecutors and courts decide is up to them and their decisions must be respected fully.

My question is this: if those in the RS who have initiated this referendum truly wish to improve the judiciary, as they claim, then why are they demanding that the ability of the state prosecutor to try cases of political corruption be weakened? My advice to them is straightforward. Change the approach, surprise us all, propose measures and allocate resources that strengthen the judiciary at all levels including the State level.

If they are not careful they are going to create the impression they have something to hide, something they want to prevent from happening.