

Interview with High Representative Valentin Inzko

FENA: What do you expect from the new Council of Ministers?

Valentin Inzko: I met with Mr Bevanda earlier this week and I feel that there is a new sense of purpose, new optimism and hope. The international community expects the new Council of Ministers to work without delay towards a global fiscal framework for 2012-2014 and a state budget for 2012 that covers the expenditures required to carry out the responsibilities and ensures the full functioning of BiH's institutions, and the fulfilment of BiH's international obligations. This must of course be done with full respect for the Constitution and the applicable legislative framework.

Taking urgent measures to promote economic growth and stimulate employment and to move Bosnia and Herzegovina towards the EU and NATO must be tackled as a priority as well. The Council of Ministers and other levels of government must cooperate closely to this end. I would also like to remind the state institutions, as well as governments and legislatures at other levels within the country, of their obligation to uphold and implement the Peace Agreement.

FENA: What is your view on the way that the 2011 State Budget has been adopted?

Valentin Inzko: First of all, I regret that the 2011 budget entered into force only on 14 February 2012, when it should have been adopted by 31 December 2010. As a consequence of this late action, the state institutions were kept on temporary financing throughout 2011 and there was a worrying degree of uncertainty as to their financing and servicing of BiH's foreign debt in the first months of 2012.

On top of this, the adoption of the 2011 budget did not fully follow the procedure provided for in the Constitution of BiH. The Parliamentary Assembly, which has a constitutional obligation to adopt a budget on the proposal of the Presidency, did not vote on the Presidency's 14 February proposal.

I expect the responsible institutions and the political parties to prevent a repeat of these problems and to ensure that the Constitution and the rule of law are honoured fully. I am encouraged by Mr. Bevanda's assurances in this respect, and his commitment to proceed rapidly with the adoption of the 2012 budget.

FENA: How do you comment the repeated challenges to the Dayton Peace Agreement and the sovereignty of Bosnia and Herzegovina?

Valentin Inzko: I am deeply concerned about attempts to undermine and question key state-level institutions in the country, in particular those that have a responsibility to deal with the most complex and egregious cases, war crimes and organized crime. Using these institutions to further political or personal aims is unacceptable.

If BiH is serious about tackling organised crime and bring war criminals to justice, then these institutions need to be strengthened. Undermining these institutions is the wrong approach. Bosnia and Herzegovina and its Entities will turn a corner decisively when political leaders understand that the Entities and State will only be strong when both levels of government are strong – both will go from strength to strength when they work together and the State is given the support it needs to be effective.

FENA: Following the recent decision of the Prosecutor's Office in the Dobrovoljacka case, RS representatives are attempting to abolish the BiH Court and Prosecutor's Office. How do you view these actions?

Valentin Inzko: I am alarmed about such moves by some RS representatives, which constitute undue pressure on these independent judicial institutions. I would like to remind the RS authorities of their duty to respect and observe the independence of the judiciary. The judiciary must be able to decide matters before them without improper influences, pressures or threats.

On Dobrovoljacka itself: the fact is that the ICTY's Prosecutor in The Hague didn't find sufficient evidence to pursue prosecutions. Courts in London and in Vienna dismissed the case against Mr Ganic and Mr Divjak. This does not mean that the entire case is closed. In fact, the Prosecutor's Office of BiH is still looking for the perpetrators of crimes that were committed in Dobrovoljacka. If anyone has information then they should come forward and help the Prosecutor's Office gather the evidence necessary to put together a case. The truth about the fate of innocent victims must be found and efforts in this direction must be supported.

It is a grave disservice to victims across BiH to use the prosecutors' decision to further a political aim. The fact is that without the BiH Prosecutor, many cases will not be tried. Anyone who has the interests of the victims at heart should be supporting the State Court and Prosecutor's Office.

The Court and Prosecutor's Office of BiH are key state institutions for ensuring the full enforcement of the rule of law in BiH. They are also an indispensable element for the full implementation of constitutional responsibilities of the state. The constitutionality of the Law on Court of BiH and the jurisdiction of the Court, have been challenged before the Constitutional Court of BiH in 2001 and again in 2008. On both occasions, the BiH Constitutional Court confirmed that BiH – through the Court – has an obligation to implement its constitutional responsibilities. Therefore, any initiative to dismantle the State judiciary is a direct challenge to the ability of the state to implement its constitutional

responsibilities and thus an attempt to undermine Annex 4 of the Dayton Agreement. I once again call on everyone to stop pressuring the judiciary, and to respect and abide by the rule of law.

FENA: What are, in your view, the next steps that BiH should complete in terms of its EU integration process?

Valentin Inzko: First let me say that I see no conflict between BH's EU aspirations and the presence of the OHR. There is close cooperation between OHR and the EU's Delegation to BiH and between myself and Peter Sorensen. Full implementation of the Dayton Peace Agreement and the BiH's road to the Euroatlantic integration are complementary processes.

It is clear that Bosnia and Herzegovina must make up for the time it has lost in the last 16 months. The EU has reinforced its presence in BiH over the last six months, which I warmly welcome and I expect authorities at all levels to cooperate very closely with the Delegation of the European Union and the EUSR on implementing the requirements of the EU agenda. Croatia will become a full member of the EU next year, and other countries in the region are also making good progress towards the EU. Bosnia and Herzegovina cannot permit itself to be left behind in this process.

FENA: It seems that the only thing that Croats and Bosniaks agree on with respect to the Mostar Statute is that the OHR needs to change it. Are you considering this?

Valentin Inzko: My staff and I are speaking to key political leaders on this issue. It is clear that no one can simply ignore a ruling of the Constitutional Court, and that the political parties need to look for an agreement with each other. Several proposals have been made by the parties and this is a good starting point.

FENA: How should the issue of local elections in Srebrenica be addressed?

Valentin Inzko: At the moment there are two diametrically opposed views held by Bosniaks and Serbs. I expect them to sit down and discuss solutions which will be in the interest of the current and former residents of Srebrenica. They have suffered too much and too long to again find themselves the subject of political tension and manipulation.