

# Interview with HR Valentin Inzko



**FENA:** Mr. Inzko how do you comment recent statements from RS President Dodik where he denies statehood of BiH and unilaterally defines what BiH is or is not and calls for RS integration with Serbia?

**Valentin Inzko:** Statements by President Dodik which deny the statehood of Bosnia and Herzegovina, which falsely characterize the country as a state union, which claim that BiH derives its sovereignty only from the entities, and which suggest the possibility of “state integration” with Serbia are at odds with the very foundations of Bosnia and Herzegovina. Not surprisingly, these statements have caused grave concern within the international community.

The fact is that the Constitution of BiH, itself an integral part of the Dayton Peace Accords, is very clear on these points. Article I of the Constitution refers to BiH as a “state” twice. It states that “the Republic of Bosnia and Herzegovina, the official name of which shall henceforth be ‘Bosnia and Herzegovina,’ shall continue its legal existence under international law as a state.” The Dayton Constitution also specifies that “Bosnia and Herzegovina shall be a democratic state” and “shall consist of the two entities.”

On the other hand, and for very good reason, you will not find the phrase “state union” anywhere in the Dayton Peace Agreement. BiH is not a “state union,” which is a very

different constitutional structure from the one that was agreed to for BiH at Dayton.

This is not just my opinion. When I say that BiH is a state, that BiH is sovereign and that BiH is not a “state union,” I am not legally interpreting the Peace Agreement. I am just reading it. You cannot change what is written in the constitution simply by claiming to the press that it says something which it does not. Ordinarily, I would consider such attempts at legal revisionism as irrelevant, since they have no basis in law. However, when a political leader promotes such notions, it is potentially dangerous and destabilizing.

**FENA: President Dodik also claims that Entities give statehood to BiH and that BiH derives from entities/ Could you confirm or deny this to us false interpretation.**

**Valentin Inzko:** This is not a matter of interpretation. As I said earlier, this issue is crystal clear. The language of Article I of the Constitution makes it clear that Bosnia and Herzegovina continued its existence under international law as a state. Recall that already on 22 May 1992, the United Nations General Assembly had admitted Bosnia and Herzegovina, Croatia and Slovenia as independent and sovereign States. The entities, on the other hand, were legally established only by the Constitution of Bosnia and Herzegovina – i.e., as subunits of the pre-existing state of BiH.

I would also like to recall the position of the Constitutional Court of Bosnia and Herzegovina in the Constituent Peoples case where the Court had to address similar claims made by the RS. The Court held that the Entities are subject to the sovereignty of Bosnia and Herzegovina and that the Constitution of BiH does not recognize the Republika Srpska and the Federation of Bosnia and Herzegovina as “states” but instead refers to them as “Entities”. The Court concluded that the Constitution of BiH does not leave room for any “sovereignty” of the Entities and that the Entities’ powers

are in no way an expression of their statehood but are derived from the Constitution of BiH.

**FENA:** Using term “državna zajednica” it seems that President Dodik sets a stage for future actions as this term refers to the relation and state union between Serbia and Montenegro.

**Valentin Inzko:** The concept of a “državna zajednica” has nothing to do with the constitutional structure of BiH and to assert so is both wrong and irresponsible. As I mentioned earlier, BiH is a state, and the Dayton Peace Accords guarantee the territorial integrity of BiH. It is worth recalling that the Steering Board of the PIC already addressed this issue on numerous occasions in the past. For instance, in a Declaration issued in 2008, the PIC SB underlined that BiH is a recognised sovereign state whose territorial integrity is guaranteed by the Dayton Peace Agreement. The position of the International Community is explicitly clear on this issue.

The path of dissolution of Bosnia and Herzegovina is excluded, and there should be no doubt about it. Bosnia and Herzegovina is here to stay. Instead, the challenge facing Bosnia and Herzegovina is one of whether this generation of political leaders is capable of implementing the reforms this country needs to tackle the real problems of this country – rising unemployment, low pensions, poor infrastructure and corruption, to name but a few, and needless to say, government formation at state level. In tackling these problems head on and meeting the requirements set for EU and NATO membership, they will demonstrate that they have capacity to do the job for which they have been elected. The people of this country want less unhelpful rhetoric, and more progress toward a brighter European future. Unfortunately, statements such as the ones that have emanated from the RS call into question whether this country is succeeding in moving from Dayton to Brussels.

In a week when it has been confirmed that the number of

unemployed citizens in Bosnia and Herzegovina continues to be over half a million, political leaders should be focused on getting people back to work, not spinning imaginary legal theories.

**FENA: What do you plan to do to stop this kind of activities.**

**Valentin Inzko:** It is my role, indeed it is my obligation under the Dayton Peace Accords, to set the record straight. Among other things, I will continue to work with the entire international community in BiH in doing so. The issue was discussed with the Steering Board of the PIC and the Board of Principals of the main international agencies operating in BIH last Friday, and I can assure you that there is a great deal of concern about these statements from the RS. Indeed, *the PIC Steering Board views these statements as serious, worrisome and demanding of an explanation.*

At the end of the day, no matter how many times someone repeats false information, it still remains precisely that, false information. It is my mandate to uphold the Peace Agreement, and this is exactly what I will continue to do for as long as it is necessary.