

Interview with HR/EUSR Valentin Inzko

Večernji list: Why did not you react earlier regarding the situation in Central Bosnia? Is it true that you were under pressure of certain local and foreign officials?

Valentin Inzko: I have followed the process of Government formation in Central Bosnia, in West Herzegovina and in other cantons since the elections, giving the parties time and space to establish the cantonal authorities. My letter of last week was just the most recent step – I have been speaking with party leaders and the International Community, the meeting of the Peace Implementation Council at the start of the month also reviewed the problems that exist when it comes to the formation of cantonal authorities in Central Bosnia and elsewhere.

Večernji list: In this case you asked to wait for the opinion of the Constitutional Court while with regard to establishment of the authorities in the Federation you made possible that the authorities were established before the Constitutional Court presented its view? Where is the difference?

Valentin Inzko: In both instances I decided to uphold the Constitution of the Federation and the role attributed to the Constitutional Court of the Federation. While in the case of the Federation, I used my powers to suspend acts that were pre-empting a decision of the Federation Constitutional Court, in the case of Central Bosnia, I made clear that, until the FBiH Constitutional Court resolved the VNI claim submitted by the Croat Caucus, the decision on election of the cantonal government cannot be considered adopted nor can it enter into force.

Večernji list: Legal professionals, however, claim that the

Constitutional Court of the Entity FBiH has no competence to decide on the 'state-level' Election Law and that it is the SDP's trick to declare that Court incompetent and to legalise the disputed authorities.

Valentin Inzko: It belongs to the Constitutional Court of the Federation to decide on matters that fall within its jurisdiction and all should respect the competences of the Constitutional Court of the Federation in matters that fall exclusively within the jurisdiction of that Court. We have witnessed the situation where political parties submitted complaints related to the same matter to different bodies regardless of the respective jurisdiction of those bodies. In this context, I decided to enable the Constitutional Court of the Federation to decide on this issue without outside interference.

Večernji list: Did you ask the Presidents of the SDP and the SDA to show more political understanding when it comes to establishment of authorities in Central Bosnia, having in mind specificities in that area?

Valentin Inzko: I have asked the SDP, the SDA and all the parties in BiH to show more understanding when it comes to the sensitivities of those with whom they have political disagreements at all levels of authority. After all this is the only way to have the functioning governments that voters expect. In regard to Central Bosnia, I believe that it is important that the government formation process is done in a way that is fully compliant with the established constitutional and legal requirements. At the end of the day, the most effective way of doing this is to return to the negotiating table and for parties to start talking to each other.

Večernji list: Are you and when are you going to put an end to the process of establishing the authorities in the BiH Federation? Your decision to suspend the CEC decision still

has temporary character!

Valentin Inzko: Actually, as I recall the FBiH Constitutional Court has said that it is ready to review the issue. I have stated that my decision will remain in force until the FBiH Constitutional Court renders a final verdict. This could have happened much earlier but for the fact that Ms Kristo and Mr Bevanda, who had submitted requests for review to the court, decided to withdraw them. Let me remind you: this decision was made in order to allow the most competent institution, the FBiH Constitutional Court time to reach its decision. The international community as a whole, with the exception of Russia, supported me. We did not do this lightly but the issue had to be resolved

Večernji list: You annulled the decision of the Central Election Commission, established by your predecessor Paddy Ashdown, with regard to the authorities in the BiH Federation. After that move what will stop local politicians from not paying respect to decisions of state institutions?

Valentin Inzko: My decision was not made in order to undermine the authority of the CEC but to preserve the stability and the functioning of the institutions, to provide legal certainty, and to ensure the smooth functioning of the authorities of the Federation of Bosnia and Herzegovina for the benefit of all its citizens. Misusing my Decision, one which I took to ensure legal clarity so the institutions could do their job as an excuse for ignoring any institution in this country, be it a state, entity or cantonal institution, would be unacceptable.

Večernji list: When pointing how illogical was the legalisation of the House of Peoples Croat politicians often warned you that it was not possible to appoint the Government and the Speaker since, simply, one-third out of 17 in Croat Caucus is not 5. What logic can you use to explain it?

Valentin Inzko: Do not forget that the HDZ block had put

itself outside the Law and the Constitution on 3 December by refusing to nominate delegates to the FBiH House of Peoples and that this situation went on for months. No system of Government can be held hostage to such obstruction, and this forced the International Community to read the constitution in such a way as to ensure functioning institutions were in place. Without a decision of the Constitutional Court of the Federation against this and in line with the Legal Opinion produced by the OHR in February 2001, and the rules of procedure of the House of Peoples of the Federation Parliament, there is nothing to say this is illegal. I remain ready to respect the reading of the FBiH Constitutional Court on this matter, but until then I have to consider the House of Peoples formed with the majority of those present.

Večernji list: US officials have expressed their disappointment with the conduct of all BiH leaders, Lagumdžija included. Do you share that view?

Valentin Inzko: Yes. All parties in parliament are responsible for the fact that we still have no State government. The SDP has its share of the responsibility, but so do other parties. They can deny it and blame each other, but they are in this together.

There is an impression in the public that your decisions as of late were more in line with the USA' than the EU' positions? Is it true?

If you look at my decisions and the dynamics in the Peace Implementation Council then it is clear that with the exception of Russia, they all have the full support of the PIC Steering Board.

Večernji list: One can often see differences in statements and positions between the USA and the EU regarding BiH. Does a common position of these world powers exist, at all, when it comes to BiH?

Valentin Inzko: The International Community shares a common goal for BiH: that the country can resolve its problems institutionally and that it is irreversibly on the road to Euro-Atlantic integration. The Peace Implementation Council's communiqué shows that the common position of the world powers is that the political leaders of BiH need to move the country forwards, starting with the formation of a BiH Council of Ministers.

Večernji list: Despite diplomatic responses stating that Europe is not subordinated to the United States when it comes to solving crisis in BiH, yet all the actions show differently. Do you talk about in Brussels?

Valentin Inzko: The EU has been a key player in working with the OHR to get reforms in place that have implemented the Peace Agreement and taken the country towards membership in the EU and NATO. My Office has worked closely with the EU for over a decade on issues ranging from a single taxation system to visa liberalization to strengthening the fight against crime and corruption. The EU remains a crucial member of the Peace Implementation Council and we will continue to work closely together as the EU reinforces its presence in BiH. These are all things which have been agreed to by the broader international community. Moreover, all agree that the future of this country is with the European Union.

And while this is the right way forward the political trend has been negative over the course of the last five years – we have open challenges to the sovereignty of the country and threats of secession. It is my job to defend Dayton and BiH. This country will not be allowed to be driven backwards

Večernji list: Under what circumstance the OHR would get involved into the process of establishing the state level authorities?

Valentin Inzko: At this point the possibility of OHR

involvement in forming the Council of Ministers is not even being considered.

My office and I became involved in the FBiH Government at the request of the PIC. When the PIC Steering Board met ten days ago they made a clear call on BiH leaders to take up their responsibility. The International Community wants to see State authorities formed through broad based domestic support and they want to see that Government working together to implement and respect the Peace Agreement and to tackle the mounting economic and social challenges facing the people of this country.

Večernji list: There is still no agreement on the state-level parliamentary majority. Who do you see as directly responsible for this situation and where do you see a solution?

Valentin Inzko: As I've said, the biggest parliamentary parties carry the greatest responsibility. They were elected to do a job, the most basic component of which is to appoint the Council of Ministers.

Večernji list: Did the Platform Parties make a mistake by appointing their candidate for the Chairman of the Council of Ministers with no political agreement?

Valentin Inzko: That Platform parties did everything according to the books; they have a right to try. Now we need to see a candidate proposed who can at a minimum secure the support of the required 22 delegates. If the incoming coalition is serious about delivering substantial change then that majority should be as big and as solid as possible.

Večernji list: Partial reason for Croats dissatisfactions is that only their seats in authorities were being traded in the post-election period. The SDP and the SDA split all the Bosniaks positions although, in percents, they won less Bosniak votes than two HDZs won the Croat votes.

Valentin Inzko: You are aware that a few months ago OHR offered its good services to the HDZ and Platform parties to find an agreed solution in the Federation and that this was with the full understanding that BiH is a specific country and that all views need to be taken into account. The talks mediated by the OHR then produced a detailed agreement on a work agenda, and agreement on the division of 41 of 43 posts. This was not any party's maximal position, not ideal for any party, but from the stand point of reaching an agreement it was optimal. Sadly the HDZ parties decided to reject such a compromise; looking back I think the wisdom of this move can clearly be questioned.

Večernji list: It is clear to everyone that parties gathered around the Croat coalition won the trust of the majority of Croat people. Isn't their exclusion from government an example of dangerous toying with the very foundations of Dayton – turning one constituent people into a political minority?

Valentin Inzko: Let's be clear, Croats are one of three Constituent peoples in BiH and nothing will change that. There is no BiH without Croats – that would be like a crown without it's jewels. Nor could I stand by and see Croat rights limited. Croats have stood the test of time and have shown again and again that this land is their land too, and as the least numerous of the three constituent peoples Croats do deserve special consideration. But we also need to agree that while amongst Croats voters the HDZ/HDZ '90 received a large portion of the vote. they were not the only parties to receive support from the Croat electorate. It is not correct to say that only one group is legitimate and not the other – however, this is politics. What is important is that elections are free and fair and that election results are implemented in line with the constitution and the election law. OHR only stepped in when the implementation of the elections in the Federation was being obstructed.

In April, with the help of the OHR the HDZ block and the

Platform achieved a common platform – so they actually agreed on what needed to be done. What they didn't agree on is ministerial seats, and given the situation in the country this is a scandal. The fact is that a compromise solution was offered which would have seen the HDZ block in Government. The HDZs rejected this, opting instead to go into opposition. This was their choice. Had the HDZ block been able to form Government without the Platform parties then the roles may have been reversed.

Večernji list: Why is the international community toying with the legitimately elected will of the Croat people? Especially when it recommends someone, who happens to have a negligible number of votes, and it resorts to the ridiculous empty phrase: “isn't he a good Croat?” Is the impression what matters, rather than the majority-won electoral legitimacy?

Valentin Inzko: Neither I nor the international community has recommended anyone as the legitimate representative of the Croats. There is a legal framework of constitutions and laws for regulating elections and their implementation. I support the legal conduct and implementation of elections and their results. This is why, for instance, I have written to the Central Bosnia Assembly to clarify that the invocation of vital national interest by Croats in the Assembly cannot be ignored. If someone does not like the constitution or the election law then there are well known mechanisms for changing these documents through parliaments, but they cannot simply be ignored.

Večernji list: Croat president Ivo Josipović and Prime Minister Jadranka Kosor, who belong to diametrically opposite political poles in Croatia, warned on two occasions that it is not acceptable to exclude legitimate Croat representatives from government. Vesna Pusić seriously criticised by saying that the equality of Croats is ‘a trick’. What do these signals tell you?

Valentin Inzko: I think that the signals from Croatia and Serbia show a readiness to move down the road to the EU; and this week's meeting on Brijuni is another good example of how problems can be resolved through dialogue. This positive attitude now needs to be turned inwards to Bosnia and Herzegovina itself. This generation of politicians needs to prove they are capable of working together to tackle problems and to take the country forward.

Večernji list: Will the Election Law be amended? If this is not done, on the next elections the Croat parties will fight to win as few votes as possible. Because such parties will be the most desirable for Bosniak and Serb partners?

Valentin Inzko: I think we can agree that the Election Law has areas where it needs to be improved and, at the same time it is not possible to change it in isolation because some parts of it relate directly to the BiH Constitution and to the Peace Agreement itself. Changes to the Election Law will need to be addressed through the required majority in the BiH Parliament with the full participation of Croats.

Večernji list: Does it not seem to you that the key for resolving the Croat issue in BiH is the key for resolving the crisis in BiH?

Valentin Inzko: There is no single issue which if it is resolved will solve all of the problems facing BiH and its citizens. That said, I recognise that on top of the difficulties that Croats face as citizens along with all the others who live here is a question about the equality of the three constituent peoples and Others when it comes to institutional arrangements. This is something I will be discussing with the incoming State Government. I want to take this opportunity to express in clear terms to Croats in Bosnia and Herzegovina that I am aware of the concerns that many of them have raised.

Večernji list: Why is the international community exercising strictness on the numerically smallest people? Your countryman Petritsch punished Croats and took away from them three of a total of eight ministries in the Federation. Now there are efforts to take some more from these crumbs (five ministries)?

Valentin Inzko: Do not allow yourselves to be drawn into a conspiracy theory of an ill intentioned International Community. Our engagement in this country speaks volumes about our intentions: just look at how much human, financial and material assistance has been provided.

Večernji list: You announced that you would deal with the 'Croat issue'. How do you intend to do this?

Valentin Inzko: Once the State Government is formed then I think the door will be open to address some of the issues that have been raised. I do not think that it will be for the International Community to come up with answers but we are there to help your leaders consider these issues from different perspectives. The kinds of issues that could be addressed include return, and cultural and education issues. It will be important to hear views from across BiH included as well as a broad cross section of society including cultural institutions, trade unions, business people, academics, local, mid-level and State Government, returnee and Diaspora groups, the church and of course, political parties. Croats live across Bosnia and Herzegovina and it is important that they all have a chance to get involved, regardless of their party affiliation.

Večernji list: There is a general impression that "the Sarajevo street-political circles" are laying claims on BiH. Apart from political leaders, the entire administrative staff is a service to the state, Federation and internationals. Are you aware of the extent to which they indoctrinate the international community?

Valentin Inzko: That is nonsense. We are not reliant on what people tell us – we know only too well what is happening. What concerns us is the time BiH is losing. Your country is falling behind. Your people are being actively held back by the politicians they have elected. What other conclusion can we draw after more than nine months without a government. This was also reflected in the EU's progress report on BiH last year; BiH only has a short time to turn this around before the next progress report. But, this is something that ordinary citizens know better than I, every day they suffer the consequences of the failures of this generation of politicians; low pensions, unemployment, corruption, bloated administration, and so on. You need to ask: What did the last Government do to build highways? Or open up airports? Or make full use of BiH's hydroelectric power potentials? Where are the new jobs coming from? Where are the concrete results we need to see when it comes to corruption? This country needs to start moving forward and then together we can work a little miracle in BiH . That is why it is so important that Governments are in place at all levels, and the country starts to move forward again.

Večernji list: Why are there no Herzegovinians in the most senior government positions? Three members of the Presidency and the state Prime Minister – they are all from this same area?

Valentin Inzko: Are Dr Covic and Dr Ljubic not in key posts in the House of Peoples and the House of Representatives? Is not Mr. Budimir the President of the Federation? I firmly believe that an effort should be made to ensure the different parts of the country are represented in State Government and this is something that the parties that make up the new Government will have a chance to address.

Večernji list: What is the future of OHR, especially in light of the imminent arrival of the new Head of EC mission and EU special envoy?

Valentin Inzko: The post of the High Representative, together with his Office, will remain in place and carry out his mandate under the Dayton Peace Accord. My other function, as EU Special Representative will go to a Dane, Peter Sorensen. We have met and he has excellent knowledge of both BiH and the region. We will be working closely together with one aim; to see BiH as a stable country, irreversibly on the road to EU membership. But, while we are committed to helping your country move forward, we cannot do the job for the politicians you have elected. The responsibility for taking the country forward is firmly in their hands. I can't deny that I am unpleasantly surprised by how lightly they take this responsibility giving the 500,000 unemployed and the hundreds of thousands of families living below or close to the poverty line.

Večernji list: Until when do you plan to remain in your current position? Will you be the last High Representative of the International Community in BiH?

Valentin Inzko: I would like to be the last High Representative, and when institutions are ready to resolve the problems the country faces then it will be time for the OHR to close, but that moment will be determined by the Peace Implementation Council, not Valentin Inzko. Clearly we are not there yet.

Večernji list: How do you plan to spend your summer vacation and where?

Valentin Inzko: In Drvenik – just like the last sixteen years.