

Interview with HR/EUSR Valentin Inzko



Q Dear Sir, what Republika Srpska and its political leadership may expect to happen, that is are they going to be punished in the light of the announced call for a referendum in RS regarding the work of judicial institutions in BiH?

There is a small window of opportunity for the RS leadership to reconsider whether the course of action they have chosen is really in the interests of the citizens whom they represent.

The International Community has made it unmistakably clear in the last few days that it will not allow a State competence like the BiH Court and Prosecutor's Office to be dismantled or in some other way limited by either one of BiH's Entities. This would directly undermine the Dayton Peace Agreement and thus the State of Bosnia and Herzegovina. If you ask the public in BiH whether they uphold the Dayton Agreement the majority would say yes, because it is this agreement that has ensured peace in this country since 1995. That agreement outlines the responsibilities of the State and of the Entities. The conclusions and referendum adopted by the RSNA on 13 April suggest that the RS can take decisions on State level matters, but it cannot.

Bosnia and Herzegovina has its own institutions with clear competences to deal with State level matters. Imagine the reaction from the RS if the State were to adopt conclusions and hold a referendum on issues that under the Dayton

agreement belong to the RS!

The fact is that the Entities did not have to give BiH the right to a State Court and Prosecutor's Office; the State has these rights under the Dayton Peace Agreement. That is why these institutions operate in line with Laws adopted by the BiH Parliament, and not the RSNA or the FBiH Parliamentary Assembly. When these laws were passed in the BiH Parliamentary Assembly, not a single deputy from RS – including the SNSD – voted against. Also the entity veto was not used then.

Additionally the BiH Constitutional Court – which is a Dayton institution – has explicitly and unequivocally upheld the constitutionality of the State Court.

As High Representative I have a duty to ensure that the Dayton Peace agreement is upheld. The international community takes the same view and it will not allow attempts at undermining the state judiciary succeed.

Q Is the OHR going to make a particular analysis of the work of judicial institutions in BiH to the work of which Republika Srpska, however, has many complaints?

I am aware that the RS has expressed its concerns, and clearly it is in everyone's interest to see the Rule of Law strengthened and criminals, no matter how powerful, well-connected or influential, brought to justice. People in this country are tired of corruption. I believe they want to see all war criminals tried and punished for their acts. I believe they want to see more law, not less. Attacks against the State Court weaken the fight against crime, whereas strengthening the State Court will also strengthen the fight against organized crime.. BiH needs to increase resources it dedicates to state judiciary, make sure that Entity and Canton law enforcement agencies fully support the State judiciary, and properly punish criminals. If the RS president, government and

parliament wish to fight corruption and organized crime, then they should work to strengthen the State Court and Prosecutor's Office, and then they will have my full support.

Attacks on the judiciary make life easier for criminals and make people insecure. Let me be absolutely clear: there can be no negotiations whatsoever on competencies given to the State by the Dayton Peace Agreement. If parties wish to renegotiate competences, then they must do so through a constructive constitutional reform process.

Q Are you, as the High Representative in BiH, willing to come to the RS National Assembly and to explain before the delegates why the referendum is not a good solution and to offer a way out of the newly created political dispute?

The problem is not about a referendum being a good or bad solution. The problem is that an entity referendum on the competencies of the state is not a constitutional solution!

Had I been asked, certainly I would have addressed the RSNA. However, I was not. I tried to alert the RS political leadership ahead of time to the threat their move poses for the State of Bosnia and Herzegovina and to the country's progress towards the EU.

Before BiH can get additional funds and expect more investment, the country must be able to show that it is able to provide effective rule of law through an institutionalised judicial system in order to move towards European and Euro-Atlantic integration.

BiH is in urgent need of compromise and mutually agreed reforms in numerous areas if the country is to move toward becoming a prosperous and stable EU member state. Politicians must finally take care of what BiH citizens really need – jobs, education or health care – and address these concerns

properly, leaving behind party or ethnic differences .

Q How many persons from Republika Srpska, in line with the OHR data, are still under the ban of political activities or under the suspension?

71 persons from the RS are still under sanctions; of those, 58 are related to the ICTY.

Q How many persons may be expected to get a pardon, at all, or whether the majority of the punished persons will be, sort to say, pardoned in the forthcoming period?

I am constantly reviewing these measures and as soon as it becomes possible for me to act, I will, probably in the upcoming months.

Q What are the main arguments you and the OHR take into consideration when passing decisions to grant a pardon to persons banned from political activities in BiH?

A decision to lift a ban takes as much consideration and consultation as a decision to put one in place. I have to consider whether the reason for applying sanctions has been removed or indeed whether the person may still pose a threat to the institutional integrity of the State or the implementation of the Dayton Peace Agreement. This is my mandate and I take it very seriously.

Q Besides these answers I also need to hear your position with regards to the Council of Europe whose member BiH is and yet it still has no appointed representatives into the Council of

Europe's Parliament. How do you see the situation that BiH is the only member state of the Council of Europe which has no appointed representatives into the Council of Europe's Parliament?

I regret very much that more than six months after the general elections, BiH has not appointed a new delegation to the Parliamentary Assembly of the Council of Europe. The consequence is that BiH cannot participate in the work of the Assembly and it will not be represented in the Monitoring Committee that supervises the fulfilment of BiH's obligations since its accession to the Council of Europe in 2002. It is just another example of the irresponsibility of politicians who consistently place their party and personal interests before those of the country, the peoples and the citizens.

Q How much does, in your opinion, this situation with slow formation of authorities in BiH affects BiH's perception in international arena?

BiH has already fallen behind other countries of the region in the EU accession process. By their intransigence and bickering over posts and positions, certain BiH politicians are placing the country further at risk of losing credibility and drifting into isolation. I call on all parties to show reason and responsibility and deliver with the appropriate sense of urgency what citizens – their voters – are entitled to: The forming of authorities that have the capacity to deliver substantial and meaningful reforms in the next three and a half years. We have no more time to lose.

At the end I would like to wish to all Orthodox believers a blessed and happy Easter. Christos voskrese – voistinu voskrese.