

Interview: Valentin Inzko, EU Special Representative and High Representative in BiH



How is it possible to implement in practice the RS Government conclusions rejecting your Decisions concerning the extension of mandates of international judges and prosecutors in BiH?

High Representative's Decisions must be respected and implemented. This is a question of adherence to Dayton and resolutions of the UN Security Council. I am especially surprised that they are disputing a Decision concerning cooperation with ICTY. This cooperation must be demonstrated with actions, including compliance with Dayton.

If RS authorities persisted in plans to hold a referendum by which they would contest the High Representative's Decisions, it would represent both a violation of the Dayton Agreement and a direct violation of several UN Security Council resolutions adopted pursuant to Chapter 7 of the UN Charter. In accordance with international law, these resolutions supersede even international agreements. It is worth asking, in whose interest are people actually working when they dispute the rule of law, including international treaties and resolutions.

Decisions of the High Representative can be observed and implemented if there is political will for that. On the other hand, if someone wants to use this issue as a pre-election

tool for winning cheap points, then no one can stop the RS Government from wasting its energy on that. So far there has not been a single Decision of the High Representative that was not implemented, regardless of who might have complained about it, how strongly and for how long. Therefore, this Decision too will undoubtedly be upheld. Anything else would lead to anarchy and most serious violations of the legal system. No one could endure political accusations of being responsible for creating such a situation for a long time, without suffering consequences. Otherwise, legal anarchy could result.

I will be meeting with RS officials today, and I will convey to them the message of the International Community that it unanimously supports my Decision, and that there is no alternative to the rule of law. Confrontation will simply bring no benefit. The decision to extend the mandates of internationals in the War Crimes Department was also made because it is necessary to support the strategy for the closure of the Hague Tribunal, and I am sure that Prime Minister Dodik agrees with me that cooperation with the ICTY is of essential importance. Cooperation with The Hague must be demonstrated with actions – in this case compliance with and implementation of Dayton – and not just with words.

Have you forwarded the inventory to the governments in BiH? How do you comment on suspicion coming from the RS regarding the inventory's authenticity?

As I said at the Press Conference yesterday, our Team completed the inventory. I delivered it to the Council of Ministers yesterday and I am going to deliver it to the governments of the Entities and Brcko District in the forthcoming period of time. We have done a huge and significant job in a short period of time. I therefore reject any criticism.

How can somebody complain about materials he has not seen yet, materials that are voluminous as they consist of more than 1000 units? Secondly, RS Prime Minister Dodik and Federation Prime Minister Mujezinović agreed that this task should be completed within their respective Entities. Responsible institutions in the Entities opened their doors to our teams. So, those who question the materials question the institutions of the Federation of BiH and the RS as well as the people who work in those institutions.

Had the Council of Ministers' Working Group had the necessary support, we would not have done this job.

I hope this "blank" suspicion does not mean that some are beginning to seek an alibi in order to reject an agreement on the apportionment of property. I am saying this because I am aware that, by identifying a solution on the property issue, the politicians would be left without a trump for their endless political games in this pre-election period. I am not sure if that is something they really want. I believe that those who are the loudest in advocating OHR closure must be most interested in resolving the state property issue.

In short, the inventory will be delivered as promised. In addition, as has been stated before, local political leaders now have to agree on the distribution of the property. The OHR will not impose solutions because it was not the intention behind this inventory. The inventory is simply a technical job of compiling information that is publicly available in cadastre offices and land-book registry offices.

Has the OHR completed an investigation on schemes that show criminal connections among the Bosniak leadership?

The investigation is ongoing and that is all I can say. In any case, we will publish the results once the investigation is completed.

4. How do you view the fact that SNSD leader Milorad Dodik and HDZ BiH leader Dragan Čović are bringing their political points of view closer together and how do you view Croats' demands that they should be able to establish their own entity or a federal unit within BiH?

I have noticed a great level of agreement between Mr. Dodik and Mr. Čović. I wish everybody would agree with everybody else. I wish politicians would seek solutions for problems in this country, seek compromises that would drive this country forward on its path to EU and NATO and that would help improve the living standards of citizens. Making agreements between two peoples at the expense of the third is never good, especially in Bosnia and Herzegovina.

With regard to constitutional arrangements, especially in terms of territorial organization, my position and the position of the international community is clear: we will not impose solutions but we will facilitate domestic dialogue that must identify solutions, by consensus and compromise, to everybody's satisfaction because there isn't any other way. So, Bosnia and Herzegovina is the only place where it takes three to tango.

Do you believe that a decision on the OHR closure will be made in March? What else do BiH authorities need to do in order for this to happen?

It is very simple: everybody should do their job. The job of local political forces is not to engage in the interpretation of Dayton, but they have to work on fulfilling the 5+2 agenda that was defined by the Peace Implementation Council in February 2008 as a task that the local authorities have to complete if they want the OHR to close. I am primarily referring to the resolution of the state property issue and a positive assessment of the situation in BiH by the Peace

Implementation Council Steering Board based on full compliance with the Dayton Peace Agreement. The emphasis is on full compliance. It is in no way an approach whereby somebody takes from Dayton what suits him and forgets about the parts of Dayton that do not suit him. The decision on OHR closure will be up to the Peace Implementation Council.

Can BiH join the EU with the OHR?

The EU position is clear. BiH politicians are aware of this position and there is no need to repeat it. It needs to be added that the OHR cannot take BiH to the EU and NATO. Only local politicians and local institutions can do that.

I hope politicians of this country are going to understand that Bosnia and Herzegovina is lagging behind. Everybody is moving forward – Croatia, Montenegro, Serbia and Macedonia, it is only BiH that stands still. Politicians finally have to tackle essential problems in this country, so BiH can move forward. There has been enough of nationalism and populism. At the end of the day it is up to the electorate to choose politicians who can improve their living conditions, integrate BiH in the international community, advance the economy and so on.

Voters should use their Bonn Powers at the next elections and change the situation. Let me say, to remove any doubt, it is necessary to keep the awareness that the Dayton Agreement will continue to exist even when the OHR is gone and it will have to be respected.

Which topics are you going to discuss during you meetings with RS officials in Banja Luka?

We will talk about the implementation of my Decisions and

reforms that will lead BiH forward on the EU path. It is time to implement the reforms and BiH should move on as other countries in the region have already done. Confrontations with the international community should be given up. It is now time to cooperate with the international community in the interest of the entire country and its citizens.

Your readers should ask themselves if there is any logic in the policy of some in BiH who look for a confrontation with the international community but want to become a part of this international community at the same time. I do not see logic there and I believe such policy is wrong.

How will you react if the Federation Parliament refuses to remove Chairman of the House of Representatives Safet Softić?

The OHR has encouraged attempts aimed at resolving the issue of representation of constituent peoples in the Entities on several occasions. This was also the point of my recent letter to responsible authorities in the Federation of BiH in order to encourage them once again to resolve this issue. It is up to the Federation authorities now and we have to see how they intend to resolve this issue. I hope they do not see the Constitution as something that is on-again, off-again. That would be a very dangerous message. If the Federation authorities choose not to resolve this issue they will not have a problem with me but with their own Constitution and at the end with the rule of law, that is, the failure to observe the rule of law. Such political attitude does not have anything in common with the EU, so I hope the responsible politicians will sit down and resolve this issue.