

Interview: Julian Braithwaite, OHR Communications Director: “BiH must form State-level ministry of defence”

We have welcomed the decision on the part of the president Cavic to disband this “wiretapping and surveillance unit”. We believe that it is of extreme importance for SFOR to get involved in that process. This raises a whole series of additional issues. If Cavic did not know anything about it, then the question is: why didn't he know? Why didn't Mr. Sarovic know? All this poses the question of existence of intelligence services which are beyond democratic control. We are of the opinion that the best way to tackle the resolution of this issue is precisely to establish a single supervisory State-level structure

Highest-ranking officials of the Ministries of Interior of Serbia, the Federation of BiH and Republika Srpska have recently talked in Belgrade about close links of criminal organisations in this region. It is no coincidence that the meeting was held after the murder of Serbian Prime Minister Zoran Djindjic. What significance does the already announced fight against crime have for this region?

Julian Braithwaite: I frequently say that there is no single economic space in the Balkans, no single judicial space, but there is a single criminal space. The only community that is functioning impeccably, regardless of the inter-state borders, is the criminal community. These people – criminals – avoid arrest, obstruct investigative actions, and act efficiently throughout the Balkans, whereas law enforcement agencies act within their national borders. So far there has been no efficient co-operation between the Ministries of Interior, they have not been involved in an efficient fight against crime in the region. That is why the High Representative intercedes in favour of greater co-operation of law enforcement agencies, police, intelligence services, prosecutors, courts and judges in the whole region.

Ljiljan: If such co-operation in the region had occurred, do you think that the assassination of Mr. Djindjic would not have happened?

Julian Braithwaite: This question is an interesting one. We can speculate on that. However, it is clear that these criminal groups operate efficiently in the whole of the region. I suppose that they have created the environment, which facilitated those who committed the assassination of Djindjic. However, there is another systemic problem, if you will, that led to the murder of Djindjic. This is a danger when law enforcement agencies, intelligence services, security services act and exist beyond transparent and efficient democratic control. You have seen that in Serbia, you have seen that from the information following Mr. Djindjic's murder. All this suggests that those involved in the crime are members of security and intelligence services and that they have created a kind of a parallel network. They were able to organise that murder. There are also similarities with the situation in Bosnia and Herzegovina.

Ljiljan: What is your comment on the statements made by Mr. Dodik regarding involvement of criminals from Republika Srpska in the assassination of Djindjic? What would be the motive for criminals from that Entity to murder Mr. Djindjic?

Julian Braithwaite: I fear that we might start speculating, it would be good if Mr. Dodik would say what he has not said publicly. I advocate the theory that a criminal network that was established in the course of the war exists throughout the area. These groups are threatened by the normalisation of the situation in the region, primarily the establishment of an efficient judicial system and close co-operation of democratic states in the Balkans. And therefore, the process of democratisation and normalisation in Serbia poses a threat to the criminals on either side of the Drina.

Ljiljan: Are criminals in Serbia and Montenegro, as well as in Republika Srpska, protecting war criminals from being apprehended?

Julian Braithwaite: This reply might be illustrated. Mandic was placed in custody on Sunday night. Prior to that, the International Community i.e. the High Representative imposed financial sanctions on Mr. Mandic on suspicion that he protected war criminals. It would be reasonable to assume that those who are protecting those indicted for war crimes are also connected with organised crime. When Mr. Mandic is in question, the court will make a judgement as to whether he is guilty or not; also it is reasonable to assume that many of these criminal groups were established in the course of the war, that they are connected with parliamentary groups that are directly or

indirectly under the command of those that the Hague Tribunal has sentenced. Friendships forged during the war are in question. This is one reasonable assumption.

Ljiljan: Does that mean that the war criminals Radovan Karadzic and Ratko Mladic, if it wasn't for these organised criminal groups, would have already been in the Hague?

Julian Braithwaite: We hope that the activities being carried out against organised crime in Serbia will destroy that network offering support to Radovan Karadzic and others. Also, the decision of the European Union introducing a ban on the issuance of visas to those individuals offering support to persons indicted for war crimes is welcome. These are the same methods that we used to disrupt the support extended to Milosevic, at one time.

Ljiljan: Stambolic was killed three years ago, and recently those who committed and those who ordered the murder have been discovered. Now everything has been uncovered, the conclusion is that this whole organised network was linked to Slobodan Milosevic...

Julian Braithwaite: A shocking discovery is in question. I think that it only shows what kind of a man Slobodan Milosevic is. Stambolic was Milosevic's godfather, at one time he helped Milosevic as a politician a lot. And he was kidnapped in broad daylight. Namely speaking, Milosevic allowed for his godfather to be arrested in broad daylight, and he could have prevented this crime and captured those who intended to do that. All this speaks sufficiently about Mr. Milosevic.

Ljiljan: Are these activities that are aimed at suppressing organised crime in connection with the efforts for BiH to start functioning politically as a normal state?

Julian Braithwaite: Paddy Ashdown has been saying from the outset that organised crime represents the biggest obstacle on the road to the normalisation of BiH. This feeds corruption, undermines the customs system, undermines the tax system, deters legitimate investors in this country, both domestic and foreign, and corrupts judges within the judicial system. And if there is to be an honest and good judicial system, a good and honest government, if you want to be sure that the tax being collected and that you pay goes to adequate pension funds, then you have to get rid of organised crime, you have to tackle organised crime. I do not want you to get the impression that I am saying that organised crime in BiH is of a volume greater than in other countries in the region, it is clear that there are certain consequences originating from the war. BiH is no exception.

Ljiljan: Did this happen also in other transition countries?

Julian Braithwaite: It did. That's a consequence of all transition processes. And that is a consequence of transition from the state of war to the state of peace. If we look at Western Europe during the 1950s there was criminality, corruption. For a time during the 1950s drugs connected all criminals in Europe. Thus, Bosnia is no exception, it's now become a problem, which was expected.

Ljiljan: We are interested in your opinion on the wiretapping affair?

Julian Braithwaite: I can confirm that we have information according to which the OHR was bugged. SFOR was also the bugging target. Other international organisations were also bugged, as well as embassies in BiH. Here we have in question systemic, long-term and serious violations of the Dayton Agreement, in particular the violation of the instructions given by the commander of SFOR. We have welcomed the decision of President Cavic to disband this "wiretapping and surveillance unit", we believe that it is of extreme importance for SFOR to get involved in that process. This raises a whole series of additional issues. If Cavic did not know anything about that, then the question is: why didn't he know? Why didn't Mr. Sarovic know? All this poses the issue of existence of intelligence services that are beyond democratic control, this had to be resolved. We are of the opinion that the best way to tackle the resolution of that issue is precisely to establish a single supervisory structure at the State-level.

Ljiljan: For years there has been talk about the war of the intelligence services in Bosnia and Herzegovina. After all the affairs that are associated with intelligence services, was it not possible to create a single service in Bosnia and Herzegovina? The existence of a supervisory structure is not sufficient.

Julian Braithwaite: I can tell you that the politicisation of security services that happened during the course of the war was continued also in the years after the Dayton Agreement. The services were used not for upholding the

law, but as a means for terrorising the population. This is one of the most serious and perhaps one of the most damaging consequences of the war. That is why the International Community has invested so much time and money into the training of the police service in BiH, first through the IPTF and now through the European Union Police Mission. One part of the security services not reformed in that manner, i.e. not supervised, is the intelligence services. The intelligence services were politicised and used both for ethnic purposes as well as part of the war machinery. And what we have seen from the spying scandal in Republika Srpska is the need for these services to undergo a reform process. And therefore we support the initiative of Prime Minister Terzić to establish a State-level inspectorate, which will mark the beginning of that process. These agencies would be then placed within an adequate transparent framework, which will be under democratic control.

Ljiljan: Is it a step forward or a halfway solution for the armies in BiH to have a joint command, but for us to continue to have separate armies? Many say that it is nevertheless a halfway solution, a Ministry of Defence could have been formed within the Council of Ministers.

Julian Braithwaite: Let's put it like this: if BiH wants to join NATO, it will have to have a single Ministry of Defence at the State level, and it will represent a single chain of command and will carry out the political and military control of the armed forces in BiH. This is what all NATO member states have. BiH will have to do this if it wants to join Partnership for Peace. That's what Lord Robertson said while he was in Sarajevo last week. However, according to the Dayton Peace Agreement, competencies over armed forces have been distributed between the BiH Presidency and the Entities. If BiH wants to join NATO, then these Entity-level competencies must be transferred to the State level. These are the types of issues that the Commission which was established by the High Representative will be dealing with as a result of the wiretapping affair. That commission's purpose is to work in that direction and its task is to come up with solutions by the end of the year and to present them at this juncture.

Ljiljan: Taking into account these global and integration processes in the world, do you think that BiH can under no circumstances be excluded from these processes, it is not for it to decide, it is not a question *if*, but *when* it will become an integral part of European associations, and thereby of Europe?

Julian Braithwaite: BiH is part of Europe and its future is in transatlantic associations, NATO, the European Union, the World Trade Organisation. As you say, it is not a question of whether it will, but when will it become a part of these. The answer is in the hands of the authorities and citizens of this country, the faster the reforms are undertaken, the sooner you will join these institutions. But there is no shortcut on the road to Europe. There are concrete reforms that need to be undertaken.

Ljiljan: The current economic situation is difficult for all citizens of BiH. Privatisation so far has been almost disastrous for workers, for financial effects were lacking, there is no foreign investment and thus no new jobs. The state is on the verge of social unrest...

Julian Braithwaite: The process of reform is painful. Let us look at Hungary, Poland, or even Croatia. On the one hand, new jobs have been created, whereas on the other hand, jobs are being lost. People who are working fast, who are creative, mobile, they are creating capital and they develop faster, faster than the people who are working and stagnating in the ruined state-owned enterprises. Many find it incorrect, in particular those who were raised in the socialist manner of doing business...The most important reform that BiH needs to undertake just like other transition countries is a reform of the very mindset. Reform must be carried out in our minds, and then all other reforms will be clearer to us.

Ljiljan: Are you satisfied with what the existing government structure has done so far?

Julian Braithwaite: The answer is that the new authorities practically have only been formed. The process of coalition-building took some time, but also the process of reviewing candidates. A lot of time was spent on the establishment of the new civil service, that is to say, on trying to maintain earlier ways of doing things. And on the other hand, we have achieved real moves forward in the work of the Council of Ministers in the economic field. You already know that almost 50 proposals by businesspeople from BiH have been adopted by the Council of Ministers and in both Entities. Each of these reforms was a reform for which businesspeople from this country said: if this reform is adopted, it will be easier to do business, to export from BiH.

Ljiljan: Why hasn't a new director of the FOSS been selected yet?

Julian Braithwaite: There was a considerable debate in the media about that. I would not want myself to go into

speculations on that.

Ljiljan: The SDA had its candidate, but he did not pass the review. The problem is that the OHR has not informed the public about the reasons for the rejection of this candidate, or about his alleged guilt...

Julian Braithwaite: I'd rather not comment on that. There has been enough speculation in the media.

Ljiljan: How come we have one state of BiH, and three state-owned telecommunication operators? The Dayton Agreement has left room for the formation of a public corporation at the State level, so these issues would be resolved at the State level. The "Eronet affair" would not have occurred...

Julian Braithwaite: Let us first address the issue of the Dayton Agreement. The Dayton Agreement does not say that this must be done as you say. It has been said therein that this is one of the possible options. But, I'll go back now to the issue of the licence. This is an issue that is being dealt with by the Communications Regulatory Agency and the Council of Ministers. And as far as we know, in line with what the Council of Ministers has done, the regulatory agency had a task to issue a licence for Eronet, once it became publicly owned in part. However, the CRA does not decide on its own who gets a licence, nor does it decide about the amount of funds that must be paid for such a licence. It is the Council of Ministers that decides on that. As far as we know, the CRA has carried out its part of the job and it is now up to the Council of Ministers to decide what to do next. I would not want to comment on the Eronet case. However, what one has to keep in mind is that it is best for consumers to get a better and cheaper service, especially given the fact that there are several competitors in the market. The more liberal the market is, the more investment you get. How to achieve the objectives of liberalisation and competition – this is the issue on which a decision will be made by the Council of Ministers.

Ljiljan: And a public corporation?

Julian Braithwaite: I am not sure that I am right. However, as far as I understand the information I have, a study concerning that possibility was done, but it was allegedly rejected. All this should be checked out with the European Bank for Reconstruction and Development, I think that they might give a reply to that question.

Ljiljan: Taking into account that you are familiar with political difficulties in BiH, as well as with the economic ones, are you an optimist when Bosnia and Herzegovina is in question? If so, what is that optimism based on?

Julian Braithwaite: I am an optimist. BiH must, as well as all the countries of Central Europe, become a member of the European Union and NATO. If we look at the map of the European Union, it can be seen that the European Union is increasingly being expanded within the Balkans. It is only a matter of days before Hungary and Slovenia join the European Union. The real answer to the problems of BiH is the European Union framework, for the national issues of BiH will be diluted within that context, BiH will be an EU member state together with Croatia, and ministers from Zagreb and ministers from Sarajevo will be working together in Brussels. BiH will be a member state of the EU, but so will Serbia. And Sarajevo and Zagreb will find out in Brussels that they have common interests. They will have common views on economic issues, for the economies of this region have similarities between themselves and it is unthinkable in that context for inter-ethnic violence to occur, the kind we saw in this region ten years ago. They say that every 30-40 years ethnic conflicts occur in the Balkans. However, what is important is that all the countries of the Balkan region, in 20 or 30 years, will be within the EU or NATO. Therefore I am confident that history in this region will not be repeated.