

EuroBlic: Interview with HR Valentin Inzko



By Nedeljka Breberina

EuroBlic: How do you comment on the decision of the RS President and SNSD leader Milorad Dodik on postponing the referendum on the work of the Court and Prosecutor's Office of BiH? Has he done that under the pressure of the international community?

Valentin Inzko: I welcome the signals indicating the referendum has been put to one side. This is the right thing to do.

What would be good to see now is for the RSNA to follow up on this so the referendum is definitively off the agenda.

My views on this issue are well known: Republika Srpska can hold referenda on matters that fall within its competencies, which is also what the RS Law on Referendum states. However, the state judiciary and the powers of the High Representative do not fall into these categories and, therefore, such a referendum is not acceptable.

These are the facts. Stating them loud and clear constitutes no pressure. Let us hope that, finally, everybody understands them.

I am always the first one to argue that the judiciary, as one of the pillars of democracy, should be strengthened and

improved at all levels. When it comes to the Court of BiH and the BiH Prosecutor's Office, this should be done through state-level institutions and the structured dialogue.

EuroBlic: In the RS there have also been announcements of a referendum on the Republic Day, after the decision of the Constitutional Court of BiH. Will the OHR react in case of this referendum?

Valentin Inzko: I am fully aware that the decision of the Constitutional Court on the RS Day has been received with a lot of negative emotions in the Republika Srpska. I understand that. This is not the first decision of the court which has not been welcomed by everyone. In fact one could point to numerous decisions by the Court which have gone against the political views of the parties in the Federation as well, including cases where the views of the RS have been upheld by the court. So I don't expect that the decisions of the court have a political bias, because the history of cases just does not demonstrate this.

From the point of the Dayton Peace Agreement, which all sides have signed up to, the legal situation is clear. Dayton says explicitly that the decisions of the Constitutional Court are final and binding.

Again I want to be clear. This is not the first decision of the Constitutional Court that has not been welcomed by everyone, and that is normal. This happens in every country. But the fact remains, as in every other country, that whether you like it or not, decisions of the Constitutional Court are the law of the land, and they must be respected.

The Constitutional Court is a key pillar of the Dayton Framework and it needs to remain functional in order to uphold the Constitution which is in the interest of everyone in this country.

That said, a solution should be found that is acceptable to

all of the communities, while keeping with the court's decision, and a good start would be to begin consultations with other constituent peoples. I think this is definitely possible if there is good will on all sides to resolve this issue so that this country's leaders can focus on concrete problems.

EuroBlic: Does BiH need the Law on Constitutional Court that foresees the departure of foreign judges from that institution?

Valentin Inzko: Again the legal situation here is quite clearly spelled out in Annex 4 Dayton, the Constitution. The BiH Parliamentary Assembly has the possibility, not an obligation, to pass a law regulating different methods of selecting international judges. They have not used this possibility to date.

However, it is important to note that the law can only deal with the selection process and can only apply to the judges who will replace those currently serving once their mandate comes to an end at the age of 70. Also, the law cannot cover matters that are regulated by the Constitution or the Rules of the Court.

Also, your readers should know that the establishment of the Constitutional Court and the appointment of foreign judges was accepted and consented to by the Serb side in Dayton.

The international judges serving in the Constitutional Court of BiH continue to play an important role and they continue to have my full support, as does the BiH Constitutional Court.

EuroBlic: RS President Milorad Dodik claims that one day the RS will become independent. How realistic is that?

Valentin Inzko: Once again, I will stick to the facts: the Dayton Agreement does not foresee secession and the entities do not have the right to independence under the Peace

Agreement. The situation is clear and we should instead focus on making the country work more effectively.

EuroBlic: Russia keeps having dissenting opinions when it comes to the key conclusions of the PIC. What is your comment on that?

The truth is that sometimes we do not have the same opinions on how to resolve certain issues or move forward. The important thing, however, is that no matter how different our opinions sometimes may be, we share the same goal and have the same vision: a stable and prosperous BiH. I value very much the contribution that Russia has made through its engagement in the Peace Implementation Council. We all want Bosnia and Herzegovina to succeed.

EuroBlic: Does BiH still need the High Representative?

Valentin Inzko: The plan of the international community has always been to take BiH to the point where it would no longer be necessary to have a High Representative. That plan has not changed, but we are not there yet. Apart from the fact that the clearly defined conditions for the OHR's closure, known as the "5+2" agenda are not yet implemented, we keep seeing challenges to some of the fundamentals of the Peace Agreement. It is hard to expect that in such conditions, the only body relevant to make a final decision on the closure of OHR – the Peace Implementation Council – would in fact make such a decision.

EuroBlic: Is the application of BiH for the EU "credible" if the High Representative of the International Community is still active in it?

Valentin Inzko: The presence of the OHR in no way hinders BiH's progress towards the EU.

Submission of the application represents a historic step for this country and, as someone who firmly believes that BiH

citizens deserve to be members of the EU family, I wholeheartedly support it. But we have to be realistic: this is only the first step in what will be a long journey, and the country will need all the help it can get.

My Office will continue to facilitate progress, at the same time making sure that the Dayton Peace Agreement is fully respected.

EuroBlic: Representatives of authorities in the RS claim that the international community has a list of RS officials to be removed. Is that true, who is on that list and why?

Valentin Inzko: This cheap propaganda for the masses is not worthy of an answer, but I don't want to be accused of not answering the question so let me be clear: There is no list. In general I would encourage politicians not to try and portray themselves as victims because they are certainly not that.

EuroBlic: What is your comment on the claims of RS authorities that the representatives of the Alliance for Change are the "servants" of the OHR?

Valentin Inzko: Ridiculus, to put it mildly. It is a pity that so much energy and time is wasted on statements that are so groundless that they are ridiculous. You only need a bit of common sense to see that.

EuroBlic: You received thousands of postcards from the RS requesting you to leave BiH. How did you experience that personally?

Valentin Inzko: I firmly believe that everybody has a right to express their views and I do not mind being the target of criticism, even when it is in bad taste. However, this SNSD-paid exercise went one step further than that, targeting me and members of my family, and that has nothing to do with the work of the High Representative. Some of the postcards

contained death threats against me and my family. That crosses a line as it would do for any parent.

EuroBlic: It was stated by your office that some of them contained death threats. Did you forward them to the competent institutions?

Valentin Inzko: Yes I did. The case is now with the relevant institutions. Whether it is against me or any other person, death threats are unacceptable and a very serious matter.