

Interview: Christian Schwarz-Schilling, High Representative for BiH: “Dodik is a capable politician, but he is playing with fire”

The High Representative of the International Community in BiH Christian Schwarz-Schilling said that BiH politicians who give statements contrary to the Dayton Peace Agreement are responsible for delaying the transition of OHR into the Office of the EU Special Representative.

“I must note that Mr. Dodik greatly contributed to the estimate and current position of the international community, namely that the mandate of OHR must be extended” said Schwarz-Schilling.

“Certain things have happened recently which seriously affect the freedom of media. There are serious problems, and the international community is considering these problems very seriously and has therefore consequently reached this conclusion,” he said.

Schwarz-Schilling expressed his hope that the RS Prime Minister will be “realistic enough to consider and analyse his own political actions and behaviour, and not just to see and interpret events as a result of bad will on the other side.”

“Believe me, there is no bad will. It is a fact that Mr. Dodik is unnecessarily provoking certain reactions. It is completely

unnecessary," Schwarz-Schilling said.

NN: It has been a year since you assumed office as the High Representative. How would you estimate this period?

SCHWARZ-SCHILLING: I think that an extremely important year is behind us. The circumstances that I am referring to were not that good. I came here in a year of election campaign, and we all know what the campaign was like. There was also a delay in the work of the Parliament. Not one new law was adopted in this period, and, as you know, we all struggled for four months until the new government was established. Despite all that, I think it is quite clear that there has been a change of philosophy and attitude of the international community, because we gave much more responsibility in this period to domestic politicians and leaders. Therefore, they are the ones who assumed the leading role and responsibility, much more than was the case with my predecessors.

NN: It seems to me, that is the most difficult part of your mission, to make our politicians more responsible. To what extent, in your opinion, have you succeed?

SCHWARZ-SCHILLING: It seems to me that domestic politicians have done many things independently, with the assistance of the international community, but the international community did not have to assume full responsibility. Let me give you one example, the introduction of VAT. This is something that local authorities did themselves. The same can be said about the vetting process for ministerial functions. You know that this process is fully in local ownership for the first time. Then there are the negotiations for Stabilisation and Association Agreement. The BiH negotiating team has done an excellent job, just like other teams that participated in preparations for negotiations, and I can say that the international community was positively surprised and impressed with professionalism and efficiency with which they did their job in negotiations. Furthermore, BiH finally joined CEFTA, it

became a member of Partnership for Peace, these are all important successes and I think there are some in the international community who did not expect this. Of course, as a result BiH is now faced with many tasks and responsibilities, so we will see how the situation develops.

NN: You recently talked to senior officials of EU countries and you had a meeting with Javier Solana. What was their reaction to your opinions about the situation in BiH?

SCHWARZ-SCHILLING: I think they are also more realistic in their estimates of the situation in the country. They get my reports regularly, we have an opportunity to discuss everything and, of course, we come to certain conclusions. First such conclusion, as you already said, is that some progress has been made, but on the other hand we must realise that it was a very short period and there was not enough time for local authorities, politicians and institutions of this country to learn to act and govern completely independently and responsibly. I think that the international community must have more patience in regard to this learning curve.

In principle they all support the concept of local ownership, they all believe that domestic institutions must be fully independent and take full responsibility for policy development and implementation. But on the other hand, as we all had the opportunity to see and learn it is clear that the international community must have some kind of supervisory role. There are certain indicators that some domestic politicians now believe that, given this process of transfer to local ownership, the international community is not paying enough attention to the developments, not supervising, and is simply not acting. However, this is very wrong.

NN: Who are you referring to specifically?

SCHWARZ-SCHILLING: Let me give you only one example. You know that for months there was no agreement on percentages for allocation of VAT revenues, nothing happened for months, they

argued over percentages of coefficients that entities should get, and then I simply said that this situation must end – “you must make a decision by Tuesday”, and you know that they made a final decision after that.

There are other examples, like Mostar. In any event I often have to repeat, and remind local politicians not to give wrong statements, statements pertaining to the Dayton Agreement, statements about their opinions and possible future actions, measures they want to do even if they might be contrary to Dayton. In such situations we must be careful and warn them. I keep reminding such politicians that, with such actions, they are blocking, i.e. delaying the transition of Office of the High Representative into the Office of the EU Special Representative.

At the same time, taking into account the experiences of the past few months, the international community is now aware, given everything that has been happening, that the powers and mandate of OHR cannot be terminated just like that, and that there must be a longer time period for the transfer to domestic ownership. Therefore, this was my general conclusion, now after a series of talks with relevant officials. I think that the international community is on the same track and it has acknowledged my recommendations.

NN: So you probably expect that February PIC conclusions will be made accordingly?

SCHWARZ-SCHILLING: Yes.

NN: It seems to me that, with exception of Mostar, you did not use the Bonn powers?

SCHWARZ-SCHILLING: I think that is not entirely true. We did try to act as mediators. We mediated in negotiations between the Bosniak and Croat side, so after several months of difficult negotiations in the period when the City Council could not come to an agreement, we had to make a final decision. After everything that happened I made a decision on

arbitration, and we know that arbitration is final and binding, and there are no negotiations afterwards. As you will see, arbitration was accepted by half, they harmonised their positions on those issues, while the other half will have to be imposed. I also used the Bonn powers to pass amendments to legislation regulating the period of detention for Hague indictees. You know this was a problem, due to the complexity of the prosecution process, preparation of indictments etc. This was a recurring problem with many detainees who were transferred from Hague to Sarajevo. Therefore, they would have been able to get out of prison and since the local politicians did not implement this legislation we had to impose amendments to the law, extending the time of detention. So, as you can see, sometime I really do need the Bonn powers.

NN: At this moment the most attractive political figure in BiH, either in positive or negative sense, is Mr. Milorad Dodik. What is your opinion about him?

SCHWARZ-SCHILLING: He is certainly a capable politician but I think he sometimes plays with fire. Naturally, we always have to pass on him our positions, our concerns and we do not always get the real answer, sort to say. However, I have to stress that Mr. Dodik greatly contributed to the assessment and current position of the International Community, which is that the OHR's work has to be extended. Mr. Dodik declaratively advocates the opposite. He is one of those speakers who believe that the International Community should leave, that local politicians should take over the full responsibility. However, some things, which we may refer to as seriously pertaining to the freedom of media, have recently happened. So there are serious problems and the International Community deliberates on these problems very seriously and consequently it has reached such conclusion.

NN: If I understood it well you want to say that, while discussing the issue of the OHR's closure, the International

Community came to the conclusion that the time is not right and due «to some issues seriously pertaining to the freedom of media». What is it concretely?

SCHWARZ-SCHILLING: Independent media are one of pillars of every democracy. Media reform represents an essential part of the post-war reconstruction and recovery of Bosnia and Herzegovina but that reform has not been completed. Latest events, in Republika Srpska in particular, do not look encouraging. By that I mean political pressure the Government of Republika Srpska exerts on BHRT. However, considering that there are mechanisms to solve all the problems spectators or institutions have regarding the program I am convinced that this country has all necessary instruments to solve any complaint in this field. I fully support BiH institutions and their system for protection of media.

NN: What is the OHR's view regarding the future of PBS in BiH as one of EU requirements?

SCHWARZ-SCHILLING: Citizens of Bosnia and Herzegovina have the right to get impartial and accurate information through public broadcasters. PBS reform was stopped since the BiH Federation's Parliament did not adopt relevant PBS laws required to complete legislation in this field and for proper functioning of entire system. Hence I expect the BiH Federation Parliament to adopt harmonised PBS Law as soon as possible and in that way meet one of key conditions for signing SAA.

NN: During his talks with Sergej Lavrov Dodik commended your tolerant attitude towards BiH's reality but also asked Russia to urge for faster withdrawal of OHR. What is your opinion about that?

SCHWARZ-SCHILLING: I believe it is a double game, which cannot have constructive outcome, and Mr. Dodik is about to see that. He is a capable politician I believe that we may even say that

Mr. Dodik lacks experience in international policy and it could prove to be a very painful experience. Anyway, I hope that he would be realistic enough to review and take into account his political actions and behaviour and not only to observe and takes things as bad mood of the other party because, believe me, that bad mood does not exist. The fact is that Mr Dodik provokes certain reactions completely unnecessary. Completely unnecessary.

NN: Two key reforms are in front of BiH, police reform and reform of the Constitution. What is your opinion on whether BiH politicians will manage to agree on those reforms?

SCHWARZ-SCHILLING: I am very reluctant to give that sort of forecasts, prognosis, considering the many delays that we have suffered in last few months. As for the police reform the fact is that the RS had a year, which is a long time, to make constructive proposals on how to solve any outstanding issues. At least, they did not leave the Directorate during its work, as originally announced. Following the political agreement on police reform 5 Oct 2005, the Directorate worked intensively to harmonise its report. So, there was plenty of time to finish the job. The fact is that the Directorate prepared final report with three-month delay compared with previously established date. Anyhow we are glad that these things did not happen: that RS did not withdraw from the Directorate during the negotiation phase. But we are now faced with, so to say, a time gap. The technical part of the SAA negotiations has been completed. The only outstanding issue is the agreement on specific reforms at the political level, such as police reform. That problem is a concrete reason for the postponement of the SAA signature. Finally, I hope that now, after the formation of authorities, political parties and politicians will soon reach a final agreement on police reform. Given that the report of the Directorate is now ready, I hope that all those who might have objections or proposals will consider it and make their contributions very quickly, so that the

political agreement on police reform can be achieved as soon as possible. We hope that politicians will do their job much faster now that the authorities have been formed and that, as a result, the SAA Agreement will be signed during the first half of the year.

As for the constitutional reforms, I believe that a completely new approach is needed here, an impetus that will allow progress on this issue. I believe that constitutional reforms are necessary to, first of all, improve situation in the socio-economic field and as well as in many other areas. I think that biggest obstacle in this country concerns foreign investments and the creation of a functional single market inside the country. But it also concerns foreign markets. Look at the problems with product certification in this country. All of these issues arise because of these deficiencies. We often see that the Entities act as completely independent states and for this very reason the Constitution has to be changed in that respect.

NN: The USA still insists on the April constitutional changes?

SCHWARZ-SCHILLING: That is correct. We will see how much time will be needed since what is paramount now is to start the process, to move in the right direction and to take it in a completely different manner. I believe that it has to be an open and long-term process that will involve parliament, representatives of the scientific community, as well as domestic and international civil society representatives. It is going to be an open, comprehensive undertaking, which will must last longer to ensure that the constitutional reforms are adopted.

NN: Marti Ahtisari is expected to present a final proposal for the status of Kosovo on Friday. Is the future status of Kosovo going to have an effect on the situation in BiH?

SCHWARZ-SCHILLING: From a legal, international point of view,

the situation in Kosovo has no link with BiH. I am really sorry that Mr. Dodik is giving such statements about the RS, making a direct connection between the RS and the final decision on the status of Kosovo. This is simply wrong and leads peoples to wrong conclusions and in the wrong direction.

NN: You are not right there. Three nights ago Dodik stated on TV that, in the case of unrests, he would deploy the RS police to prevent any incidents related to the Kosovo decision.

SCHWARZ-SCHILLING: Why was then Mr. Dodik saying in the media that he might invite I do not know how many tens of thousands of people to demonstrate? I think that we will not need the police if politicians refrain from taking advantage of a particular situation for their own their political agenda.

NN: As far as I am aware, he was talking about protests in the context of his possible removal?

SCHWARZ-SCHILLING: We are speaking about peace and order in this country and everybody has to take on their share of responsibilities if they call for protests against peace and order. It is absurd to use this as a reason for preserving the RS Police. In line with the EC principles for police organization, we know that police competences should be vested at the highest political level, which is the State of BiH. I therefore think that it is not useful to cause harm to and constantly undermine the identity of BiH as a state, while permanently focusing and insisting of the identity of one Entity. It is by professing such views that Dodik endangers the position of the Entities, as he gives other politicians a reason to say "see, the Entities are wholly detrimental for the country".

So, it is often at times when such arguments appear that people start wondering about the possible abolition of the Entities, and that I hear emotional arguments in favour of abolishing the Entities, but nobody really wants this. The aim of the constitutional reform is merely to find a way to change

and improve the workings of the state and the administration, and this has to happen with consent of the entire country. We have been repeating this time and time again.

So regardless of all of this, we see that superficial games are being played on superficial issues that do not exist.

NN: Are you an optimist when it comes to the Council of Ministers of BiH in its emerging constellation?

SCHWARZ-SCHILLING: Yes, I am an optimist, especially following the statements by Nikola Spiric – I think there were encouraging and promising. In his statements Mr. Spiric said that he would stick to the parties' agreement even at times of disputes among the parties on the distribution of Ministries. It means that they had their priorities harmonized. He spoke about priorities and approaches and if he manages the Council of Ministers in the same manner we can be optimistic and expect reasonable results of their work.

NN: Thank you for this interview. Do you have a message for the readers of *Nezavisne novine*?

SCHWARZ-SCHILLING: The message is the following: all politicians must think about ways to improve living standards, provide employment opportunities, increase social care benefits for the poor. There are many poor people and many of them need help. They also have to consider ways to make this country more attractive to foreign investors and encourage small-scale entrepreneurs to start new businesses.

To achieve all this citizens of this country must see that there is good will and a spirit of cooperation between local politicians, that is most important – a positive spirit of cooperation and the way in which they treat each another.

This country is on its path to Europe, and Europe is setting standards, often very high standards. Europe first and foremost asks for a positive spirit of cooperation and enormous Sisyphean efforts – these are needed to bring the country to Europe. That is what has to be done, and not such

pathetic calls to the crowds or similar things.

I Have Asked for the Extension of the OHR Mandate for the Benefit of BiH

NN: You said that you had sent a letter to German Chancellor, Ms. Angela Merkel, on the 11th of January, informing her of your intention not to seek an extension of your mandate after the 30th of June this year. Why?

SCHWARZ-SCHILLING: I asked Chancellor Merkel to focus her efforts at keeping the Bonn powers after the end of June and not on the extension of my mandate. I did it because of my primary concern for the benefit of BiH and it is not the right time now to terminate the Bonn powers. It will take time before the transfer of power to local authorities takes root in practice, and Bosnia and Herzegovina must continue to achieve positive progress on its path to the EU and the EU has to intensify its engagement in this process to assist the integration to Europe. It is therefore important to secure a fresh start and for the whole process to be followed through by one person.

I still believe in the transfer of powers to local authorities, which was genuinely launched for the first time during my mandate. However, I do not believe the time is right now to remove the Bonn powers.

NN: You said that “the Bonn powers and OHR should remain in some format” after June, due to the situation in the region and BiH. What does the staying of the Bonn powers in some format actually mean?

SCHWARZ-SCHILLING: I am still talking with the members of the Peace Implementation Council on mechanisms that could best assist the ongoing transfer of powers to the BiH authorities, while protecting the progress that has been achieved after the

Dayton and enabling BiH to continue making positive progress on the path to Europe.

So far I have been carefully assessing the situation in the region and BiH, and I will continue to do so, in the preparations of the Peace Implementation Council at the end of February and my recommendations. I have publicly stated that there are a number of reasons that gradually lead me to the conclusion that the situation and the time is not right for the removal of the Bonn powers and for the OHR to close down completely.