

Interview: Donald Hays, Principal Deputy High Representative: "Some judges and prosecutors to be dismissed"

We hope to establish a modern judicial system within three years * UN departure will mark a significant reduction of funding

Working groups within the Cabinet of the High Representatives, whose formation was approved at the most recent session of the Peace Implementation Council Steering Board, are of a provisional character, like all other organizations of the International Community in BiH, believes Donald Hays, the Principal Deputy High Representative.

Hays, who was especially praised in the PIC communiqué for his work on the streamlining of the International Community, believes that the kind of work he has done is not so difficult if one approaches it with an open and fair mind.

Working groups

"We already have working groups for return and reconstruction, as well as economic issues, and we will also form working groups for the building of state institutions and reconstruction of the judicial system," – says this agile American diplomat at the beginning of the interview with our newspaper.

DA: Can decisions of the PIC on the formation of working groups be interpreted as measures of assistance and support aimed at strengthening state institutions?

DH: Yes, absolutely. This model of the state structure is relatively new and we believe that state institutions and services should be educated to operate in a modern way.

When we talk about the RRTF group, for example, I expect that the transfer of authority from it to the state and entity bodies will be finalized by the end of next year. First, we will transfer the rights on allocation of land, then reconstruction and property relations. This will bring an end to the RRTF.

DA: What about other working groups?

DH: There are two new working groups whose first meetings are expected to take place in the course of this month. They will have an important role in the reform of the judiciary and building BiH state institutions.

The judicial system is based on the rule of law and it is necessary to implement radical reforms in this area. The International Community will assume a more aggressive role. This will be followed by comprehensive reform of the prosecution service, the criminal system, the judiciary . . .

Reform of the Judiciary

DA: What does the “offensive strategy” you mentioned entail? Dismissal of judges and prosecutors?

DH: This is what will happen as well. There will be judges and prosecutors who will be told that they cannot continue working. The judiciary here is inhibited because of the communist and nationalist heritage.

That is what we noticed immediately, but we believed that we could cope with it by using some softer methods. Now it is clear that the reconstruction of this system and the creation of a modern western type should be implemented in a more decisive manner.

Certain criteria will be set and they, in conjunction with reconstruction and training, will decide as to who of all the people employed in the judiciary will stay and who will go. We are hoping that in three years time, we will establish a modern system in this field.

DA: The communiqué has also announced a 30 % reduction of the IC in BiH by the end of next year. What is this about?

DH: You see, the UNMIBH is leaving by the end of the year. This is a significant reduction. The annual budget of the OHR is only 1/6 of the UNMIBH budget. And, when they leave, we will have 1/3 of the sum they used to spend annually on police reform, which will be taken over by the EU. It is clear that the departure of the UN will mark a significant reduction of funds coming into BiH.

Division on four districts

There are 15 overlaps in the territorial structure of the International Community. Instead of this, we have now formed four districts – Sarajevo, Banja Luka, Mostar and Tuzla – OHR, OSCE and UNHCR have agreed that these four districts will tie the state together. Via these, we will work on the plan of return and reconstruction, economics and politics.

Status of Klein

I have known Ambassador Klein for quite some time now and we have a very good relationship. I have no doubts that he will at any time support a meaningful solution which will lead towards better political management.

He does not object to this concept and in his address before the UN Security Council, he said that the integration of all elements with the aim of building the rule of law is a positive initiative. One could say that he believed that this model is not aggressive enough. However, as in all other situations, the proposal is the result of compromise.