

Interview: Miroslav Lajčák, EU Special Representative/High Representative in BiH: “Talk of referendum is unconstitutional”



Glas Srpske: Kosovo declared independence unilaterally. What consequences could that have for BiH?

Miroslav Lajčák: It was clear that the declaration of independence would have a psychological impact on the whole region. However, let me repeat: this declaration has no direct connection with Bosnia-Herzegovina, those are two completely separate issues. I categorically reject any attempts to artificially link Kosovo with BiH.

I also expect local political leaders to restrain from making any parallels and to focus their activities on the priorities of BiH, of course with full compliance with this country's Constitution and Peace Agreement. BiH is not and cannot be a hostage of Kosovo.

Any incident even if they have been limited would be counterproductive. I expect the police forces to control the security situation, and the politicians to play their part in

keeping things calm.

Glas Srpske: In the RSNA special session to be held on Thursday the deputies will take position on the unilateral independence declaration of Kosovo and adopt a Declaration of Stability and Permanence of the RS. How do you view that act?

Miroslav Lajčák: The Assembly is entitled to debate, but it should not go into any political adventures outside of the Peace Agreement and Constitution of this country and the Constitution of the Republika Srpska. Bosnia-Herzegovina is an internationally recognized sovereign state and its territorial integrity is guaranteed by the Dayton Peace Agreement. The Constitution of Bosnia-Herzegovina stipulates that BiH is a state consisting of two entities and that Serbs, Bosniaks and Croats are its constituent peoples.

Glas Srpske: Serb NGO movement SPONA demands that the RS parliament should declare independence, and if that doesn't happen, they are announcing that they would organise a referendum, invoking the UN Charter and RS Constitution. Your comment?

Miroslav Lajčák: BiH Constitution does not foresee a possibility of referendum and any talk of that is simply counter-productive.

Irresponsible individuals are trying to link Kosovo to Bosnia and Herzegovina. I reject these calls, BiH is not open to question, and I expect mainstream political leaders and the RSNA to speak and act in a way that upholds the constitution and the peace agreement.

The reference to the United Nations Charter has no grounds: the right to self-determination does not mean the right to secession as some would like to interpret it.

Glas Srpske: Announcements from RS say that the right of peoples in BiH to self-determination will not be retracted in

talks on future changes of the BiH Constitution. What is your position with that regard?

Miroslav Lajčák: Constitutional changes, and everyone agrees that they are necessary to Bosnia and Herzegovina, must be an upshot of a compromise among all parties and no one would be in position to accomplish its maximum goals. It was agreed in Široki Brijeg that the issue of constitutional reform would be left aside pending the signing of the Stabilisation and Association Agreement with the European Union. I believe that it was a correct decision. Our priority must now be the signing of the Stabilisation and Association Agreement.

Glas Srpske: How do you comment the fact that the BiH institutions do not have the original Dayton Peace Agreement.

Miroslav Lajčák: I wish not to speculate where the Bosnia and Herzegovina's copy of the Peace Agreement is. The original exists in Paris, where the Agreement was signed ceremonially in December 1995, and the text true to the original is on the OHR's web site.

Let me remind you of the fact; all this confusion could have been precluded if the BiH Presidency had the Dayton Peace Agreement translated in line with the criteria stated in the Agreement on establishing the text of the Annexes to the General Framework Agreement for Peace in BiH, in Bosnian, Croat and Serb languages. During last ten years the OHR kept urging the BiH Presidency to meet its duty in that regard, but in vain. I use this opportunity to call upon the BiH Presidency to meet its obligations in this respect.

Glas Srpske: Did you notice any differences between the versions of the Dayton Peace Agreement in the OHR's site and its original as it has been talked about as of late?

Miroslav Lajčák: First of all there is no conspiracy as the media suggested in last couple of days. It is a matter of a technical change which defines the issues that the BiH

Presidency adopts by consensus. An error was made in a cross-reference to the Article that deals with the BiH institutions.

Glas Srpske: The families of captured and killed soldiers and missing civilians of the RS are accusing the OHR that its representatives have never spoken to them, while on the other hand, they were receiving similar associations from the Federation of BiH.

Miroslav Lajčák: This simply is not true. OHR has always supported activities of such associations and their right to discover the truth about their dearest. We believe that the truth must be found. This is of key importance for the reconciliation process that Bosnia and Herzegovina needs. Justice must be done, and culprits must get the punishment they deserve. Thirteen years after the war, the past must not be an obstacle on the road to the future. OHR made it clear last week that it would continue to make appeals to the Federation Government to work on the implementation of Human Rights Chamber's decisions regarding the missing persons.

Glas Srpske: The SDA leader Sulejman Tihic has given up the Mostar declaration and police reform despite the promise given to the EU and Ollie Rehn. Does he have to bear consequences?

Miroslav Lajčák: It is clear that the SDA has changed its position and decided to step out of a process that they signed up to in Mostar and in Laktasi.

What is important is for Bosnia and Herzegovina to fulfil its obligations and implement reforms that are necessary for the signing of the Stabilization and Association Agreement and I hope that understanding as to BiH's road towards the European Union will be shown in the Parliament as well.

SDA has the right to its position, but it does not have the right to block the remaining parties in their intention to complete this issue. Otherwise, the biggest consequence is the slowing down of BiH on its road to the European Union and

signing of the Stabilization and Association Agreement, which will be felt by all citizens.

I note that police reform passed the first stages in Parliament. That's democracy in action. I look forward to its further passage.

Glas Srpske: The Peace Implementation Council at its session on 27 and 28 February will discuss the fate of the OHR in BiH. Do you think that the OHR should leave BiH after the signing of the Stabilization and Association Agreement. What else will be discussed at the aforementioned session?

Miroslav Lajčák: At this juncture I can only tell you that the Peace Implementation Council will review the overall situation in BiH. I wouldn't want to speculate on conclusions, let us wait for a few more days until the session is held.