

Interview: Miroslav Lajčák, High Representative for BiH/EU Special Representative: “The Crisis in BiH Has Nothing to Do with Kosovo”



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The Slovakian diplomat Miroslav Lajcak, the actual High Representative in BiH, has gained his knowledge of the Balkans through several-year schooling in Moscow.

“In Bratislava I graduated from Law School, then I went to Moscow where I obtained my doctorate. In the old system, if they wanted to become diplomats, the Czechs and Slovaks would go to Moscow for training. I attended courses in history of international relations and became a specialist for the Balkans, the history of the Balkans, the theory of international relations, political economics, protocol... Quite a few of those things help me deal with diplomacy as a science”, Lajcak said in the interview for “Nezavisne novine” and Zagreb “Globus”.

Speaking on his diplomatic and political experience so far, Lajcak said he first saw the collapse of a system in Moscow, and then he saw the collapse of a system in Prague, in Czechoslovakia.

I returned from Russia to Czechoslovakia in 1991. During that time, my country fell apart. That is when I saw a new civil service in Slovakia, its state institutions, coming into existence. Not only did I see it, but was a part of it myself. Then I passed through the agony of European integration, including four years when we in Slovakia were out of everything, when they called us a black hole in Central Europe...

NN: Practically everything was falling apart wherever you were. Today you are in BiH; is what we have on the scene here a country falling apart or being composed?

LAJCAK: This is a country that must form its institutions while still facing consequences of the past. And it must define its identity.

NN: All sides here defined a clear standpoint. The standpoint of the international community reminds me of a parent-child attitude. I feel I should tell my children what is good for them, while there are those who say we should not be telling our children what to do, but they would figure it out by themselves.

LAJCAK: That doesn't help. You must keep telling. That's a way for them to understand that what you say is good for them.

NN: Is that the key point?

LAJCAK: At a certain point of time you have to do that, and then they ought to take responsibility. When you have a feeling you can't do it any more and that they learnt it, then they can go. Or, it doesn't make sense for you to keep doing it as otherwise they will never get it. So, we are to reach a

point when they are to take the responsibility.

NN: Isn't then the presence of the international administration in BiH discouraging? It has been present for as many as 12 years here, and the gap between BiH and the countries of the region is only increasing.

LAJCAK: This is a special experiment. The presence of the international community has created an interesting unique relation of mutual co-dependence. Sometimes the same politicians who criticise the influence of the international community use the very same international community to make some tough decisions for them so they could hide behind the international community.

On the other hand, what matters is the scope in which the international community operates. As for me, it should be an arbitrator, and not hassle the political system. That means the arbitrator has his yellow and red cards, just like in football, while he does not dictate the game, but he intervenes every time there's a threat the game could go wrong and turn into a conflict.

NN: So, that's what it's all about here? That precisely is the problem, that the arbitrator is quite biased, just like in football.

LAJCAK: The problem is that in this area no one believes in the word neutral, for everyone has been either theirs or ours. If I say I am neutral, then it is understood as if I were theirs, only didn't want to say so. So, that is the problem. One always looks for partiality, always looks for the guilt, everything is seen from the negative perspective, and not from the common positive ground. I state this to be a fact.

NN: There are experiential reasons with these people for an attitude like that.

LAJCAK: There are a number of reasons, but the one, the other

and the third side share that same one. That's the problem. And the problem is also in the habit to state the truth, but only the part of the truth as suits oneself. So, I can't say you are not telling the truth, but the problem is that everyone states his part of the facts, instead of agreeing on what the reality is.

NN: Well, how then do you see the completion of the High Representative's mission? What is the moment for his mandate to cease?

LAJCAK: I believe that would be the signing of the Agreement on Stabilisation and Association with the EU or getting the candidate status.

NN: And you can achieve this within your mandate?

LAJCAK: I think I can. There is no issue or problem without a solution in BiH. Just, there is a poisonous atmosphere. The atmosphere here is grave, so many hard things are spoken and you read of them in newspapers. That is why people do not believe there could be a positive solution.

I saw six political leaders in Mostar being really happy when they reached the agreement on that Declaration. The people are already used to everything being revealed, to everything happening impulsively, to the fact that everybody is progressing, only BiH is not progressing.

NN: Let us be concrete... What is a true problem about the police?

LAJCAK: This country has accepted that the police reform is a condition for signing of the Agreement on Stabilization. That was voted for by the three Parliaments, and now the European Union, a well-intentioned institution which it essentially is, wants that to be fulfilled. It expects that. Nothing has been done in that respect, or to be more precise, only negative things have been done. However, EU has clear rules of the

game. If there is no police reform, then there is no signing of the Agreement...

NN: But, what does that reform mean in substance?

LAJCAK: The police reform defined in three European principles. However, that area is flexible enough to be able to reach agreement. There is no willingness of the political leaders in this country to agree on how to interpret those three European principles in a common way.

NN: You have mentioned the Mostar Declaration. It is nothing else but an abridged version of the agreement between Dodik and Silajdzic. How come that that agreement is not acceptable, and the Mostar Declaration is?

LAJCAK: Do you know why?

NN: Because there are only two signatures there, and here there are six of them. Only because of that?

LAJCAK: Not only because of that, but it is, nonetheless, a key difference. The political legitimacy of six signatures is completely different from the legitimacy of only two.

NN: What do you concretely reproach to Dodik and Silajdzic?

LAJCAK: Nothing. In my view, it would have been logical for them to have come forward and gone to their political partners after signing the agreement and said: "Here, we have agreed about this and we propose that you join us".

NN: Did it not happen?

LAJCAK: It did not happen. They signed it and said this is it, take it or leave it, and what was the reaction of other political parties. It means, they should have fought more for the agreement to get political legitimacy. Any document with only two signatures has no chance of passing through three governments.

NN: Do you really think that the Mostar Declaration would have been signed had you not been present?

LAJCAK: That is not important at all, what is important is that it has been signed.

NN: Important for the future of BiH?

LAJCAK: It is important that a serious process begins, to show that things can happen. I am here to contribute to that.

NN: And what is the essence of the problem in connection with the police? People in the RS feel that they will not be safe if the police is centralised. Is that true?

LAJCAK: The problem is that the police, as well as everything else, are being looked at in a context. In an atmosphere of distrust, any taking away of the control over the police is seen as the weakening of the RS from the point of view of the RS citizens. That is the first thing. And secondly, there is a fear that this is the first step towards the abolishment of vital institutions and they do not have confidence, they have their fears, and their negative experiences.

It showed that all which is a negative side today can not be a balance to the European perspective. The European perspective of BiH is too abstract today, which is why I need to work on this education, for the people to know what the European Union is in favour of, but without a strategic agreement between political leaders. Because, in an atmosphere of fear and mistrust you cannot agree on anything.

NN: This police reform is reduced to the police being centralised... In Macedonia, you are taking the opposite direction, towards the decentralisation of the police?

LAJCAK: I certainly do not want to go back to the ancient history of this matter. I will go just two years back. Nothing was imposed. The police reform was accepted by BiH and the

Entities, and they took over the commitment of finishing it in order to sign the Agreement with the EU, which is a relation of partnership. In two years, nothing has been done.

Nothing has been done here without the involvement, pressures of the international community and, despite the engagement of the international community, we arrived nowhere, that is why the process has been stopped. That is why the Mostar Declaration is a step forward that could mean the beginning of a new step, but only if this first step should be followed by a second one, a third...

NN: You are, then, expecting the local leaders to take initiative...

LAJCAK: I am really trying to animate and encourage the partners "here, come forward, give your proposal that is legitimate and has the support of all", because the European issues should not be matters of internal struggle. Quarrel about anything else, but about the European future. That is something you have to agree on.

NN: And then followed your measures that the RS political leaders saw as a punishment for the failure of the police reform.

LAJCAK: No. I have said many times that you can not punish someone who has not matured.

NN: Why did you not pass them several months earlier?

LAJCAK: What would have the reaction been had I passed them earlier? Do you think I would have been applauded? Because, two months earlier I invested all my efforts in our getting an open road to European Integration, because I chose to do so...

NN: Why did you not consult Spiric about the decisions on the CoM?

LAJCAK: That was my decision, my responsibility. Only I have

the Bonn powers. Spiric has his own opinion on how the CoM should function. But, things are not working that way; that the ministers are responsible only to the chairman, and not to the presidents of their parties. No coalition government functions that way. Of course that the ministers have to be responsible to the presidents of their parties, but the Council of Ministers has to function.

NN: Why did you not give the powers to the Chairman to discharge several ministers?

LAJCAK: In that case, the Constitution would have been changed. That would have been a brutal disruption of the Constitution of this country. Not what I did, that would have been ethnic composition. Precisely that would have changed the balance. That would have been unconstitutional.

NN: Spiric claims that you have now deprived him of all powers...

LAJCAK: You show me in which article I deprived him of all powers.

NN: He can be substituted by his deputy at any time...

LAJCAK: Not at any time, only if the Chairman should fail to convoke the CoM twice without an explanation. Which means, if he should be sick, or on a trip, so there would be no blockages. And even then, the two deputies have to agree in connection to it, and even in that case, nothing can be passed if there should be no votes of all three constituent peoples. Can it be that he should fail to convoke a session twice without an explanation? That would be blocking.

NN: Ok. In accordance with your measures and with the Rule of Procedures of the BiH Parliament, which you will probably have to impose, can the decisions of the CoM be passed without the representatives of the Serb people? Can they be outvoted?

LAJCAK: They can not if they are present, they can not be outvoted. If they are not present, only decisions that do not fall within the domain of the vital national interest can be passed. And, nevertheless, anything passed by the CoM, goes to parliament where there is again an institutional guarantee.

NN: Do you know what I think about your decisions? They were passed with the objective of preventing the Serbs from possibly leaving the BiH institutions when Kosovo gets its independence and of ensuring that BiH institutions could function then.

LAJCAK: To tell you frankly, no. This has absolutely nothing to do with Kosovo. I am interested only in BiH, which has lost a lot of time. You should not be looking for that point. And, secondly, to repeat once more, there can be no outvoting, you will not find a situation, a model by which anyone could decide on behalf of the Serb Deputies and against their will. That does not exist. Do not go looking for obstacles everywhere.

NN: But, the linking of the situation in BiH with Kosovo did not start here. That is both a European and a regional view.

LAJCAK: In my concrete activities, that does not exist.

NN: You do not pay attention to that, you do not care?

LAJCAK: I am not responsible for that. I say that BiH has its own problems and its own homework. And whether it wants to solve them or not has nothing to do with Kosovo.

NN: But, that is something that is being spoken about not only in BiH.

LAJCAK: It is logical that some politicians and analysts consider that. After all, it is a part of one region. Of course, no matter what, the solution for Kosovo shall have certain repercussions... However, BiH is not a hostage of Kosovo

in that respect. It has everything in its own hands, and we should not think about Kosovo in that context at all. BiH does not depend on Kosovo. Not a single issue is related to Kosovo. Somebody can try to misuse Kosovo if he/she really wants that, but BiH is not connected to the situation in Kosovo in any respect.

NN: I have to ask you whether the legal experts talking about your decisions can change at least a comma in them. I do not know what they are talking about if they cannot change anything.

LAJCAK: The legal experts are doing their best to remove all the misunderstandings. If they find something in the decision which is not right, which is damaging, then I would see no problem in changing that. I am sure that such a thing does not exist.

NN: One easy question for the end of the conversation. Are you considering the dismissals of Dodik and Silajdzic?

LAJCAK: I do not answer hypothetical questions. But I have said that I accepted my mandate fully and with the powers. However, I am a person who thinks in a positive way, and I want to use my mandate positively, and not negatively.

Constitution Reform

NN: Is BiH to face a broader story on constitutional amendments?

LAJCAK: That is logical, isn't it? We have agreed to have a meeting in November that would be devoted only to the constitutional reform and substance of those processes. All the politically reasonable political leaders are advocating the necessity of the Constitution for this country in order to have a functional state. It is logical that there are different opinions as to how that should look like. It would be good to get that process started. I am aware of that and we

are available.

That Constitution should be a domestic product, but the international community is ready to offer its expertise, but without anything being imposed. If they want my private opinion, that is my private opinion. If the political leaders think that they should follow this or that option, and they need legal analysis on some specific question, how they could do that, then we can say something about that, but final decision lies with them.