

Interview: Christian Schwarz-Schilling, the High Representative for BiH: “Dodik Accepted Police Reform a Long Time Ago”

Dangerous statements by Đerić and Špirić – Citizens will recognise political games – I told them in Banja Luka to let professionals do their job – The majority must have rights too

I will represent the EU countries in the process of reform of the BiH Constitution

Oslobodjenje: Do you really believe that local politicians are ready to take over this country into their own hands and that they will not lead it in the wrong direction?

Christian Schwarz-Schilling: I will make a final judgement after the elections.

Oslobodjenje: Constitutional reform will be one of your priorities, but what else will be a part of your job this time next year, if OHR closes down?

Christian Schwarz-Schilling: I am Special Representative of the European Union, that mandate is likely to be extended next year. A part of it will be to coordinate the process of constitutional reform on behalf of the EU member countries. Of course, we will do that in cooperation with the U.S.A. and other countries.

This week the High Representative **Christian Schwarz-Schilling** sent a clear and unmistakeable message to politicians from Republika Srpska that he would not tolerate obstructions in the reform process, and that such a situation may effect the final decision on the closure of OHR to be made by the Peace Implementation Council in February. Despite the increase of ethnic tensions, especially after the explosion on **Alija Izetbegović**'s grave, Schilling still believes that everything will be different after the elections.

Oslobodjenje: After the increase of tensions and recent incidents; the explosion on Izetbegović's grave for example, are you concerned for the future of BiH after the elections?

Christian Schwarz-Schilling: With regard to the explosion initial reactions were very moderate and aimed at reducing tensions. I was particularly impressed with Bakir Izetbegović's reaction, especially since he is a family member and you could have reasonably expected that emotions would prevail there. Even some senior officials from Republika Srpska, for example president Dragan Čavić, also made moderate statements. However, we saw statements with another intention too. I was especially disappointed with Zoran Đerić's comments, insinuating that this was only an attempt by Bosniaks to draw attention away from the sufferings of Serbs during the "*Storm*" operation. And Nikola Špirić, too, who allegedly blamed Bosniak extremists for the attack and started digging out some conspiracy theories from the 1994 massacre at the Markale market. The people who made those statements did not provide any evidence to support their claims, so the only possible conclusion is that they only wanted to inflame ethnic intolerance. This is a serious problem, especially when such statements are coming from senior representatives of the Parliament or other BiH institutions. By making such statements they are only damaging the reputation of the institutions they work for. This could be extremely dangerous. I intend to talk to them personally, because these are

potentially dangerous situations.

Oslobodjenje: So, are you worried that extremist forces might win the elections?

Christian Schwarz-Schilling: No, I am not worried. These are individual, isolated voices who are making accusations without any evidence to support them, and only to draw attention to themselves. The police and prosecutor's offices should do their job and conduct a full investigation. I do not think this will change the perception of the public, who can certainly tell when politicians are playing pre-election political games. However, politicians of this country should know, I expect them to know, that the incident on Izetbegović's grave is too serious a matter to be used for political purposes, because it is something that could potentially jeopardise stability.

Oslobodjenje: Is it true that you told Prime Minister Dodik, at the meeting in Banja Luka , that you would not tolerate delays in police reform and that the closure of OHR, planned for next year, could also be postponed?

Christian Schwarz-Schilling: I did not connect it only to police reform. I will not renounce my policy of full local ownership, but I must show to politicians the consequences of not delivering on their obligations, or not implementing reforms or passing the necessary laws. The Pharmaceuticals Law could still be passed, but there are other laws, such as those governing banking supervision, higher education, obligations, salaries... If we see a pattern of continued obstructions of these processes, for example if the process of constitutional reform does not continue after the elections, if there are problems with establishing the government after elections because of the extremist voices that might appear in light of these tensions, if the SAA is not signed because of the problems with police reform...

I want the consequences of all this to be clear to everyone; a complete on block the way to Europe. And since most obstructions come from the RS, it was the right time to visit Banja Luka and tell politicians that they are responsible for obstructions. They must know this now. Because, when the International Community decides on it's future steps at the PIC meeting in in February all this will be taken into consideration.

When it meets in February the PIC will decide whether the situation is mature enough for OHR to close down. Politicians' actions are very contradictory; on one hand they want OHR to close down and leave, so that they could assume full control, but by acting the way they do this becomes harder to accomplish, because the possibility remains for the PIC to change or modify its decision.

Oslobodjenje: How would you comment Prime Minister Dodik's statements after the meeting, namely that police reform does not have to happen, or the signing of the SAA, if the RS Ministry of Interior is not preserved?

Christian Schwarz-Schilling: I made it very clear that the Directorate would not make a final decision on the existence of the MoI. There are many responsibilities and competencies that such a ministry could have. However, Prime Minister Dodik repeatedly said that he respects and accepts the three principles of police reform. And they are clear. First, police must be managed at the state level, while police forces are organised at municipal level i.e. regions established on the basis of efficiency.

The purpose of this reform is not to abolish the MoI, or the Entities. They are political questions, that have nothing to do with the Police Reform Directorate and the professional part of the work. I urged them... I told them; let the professionals do their job. Let them finish the professional, technical part of the work, prepare their recommendations and

reports – what you are talking about is exclusively a political issue that we can deal with later. I made it quite clear that political negotiations will not start until the Report is finished. Because, if the Directorate is unable to finish its part of the work before the elections, then political negotiations cannot begin before next year. However, not everything is bad news, it seems that the meeting with Dodik in Banja Luka may have had some positive results. I got feedback from general Coppola that the last meeting of the Directorate was constructive, and that they are starting to work without obstructions, and there were some innovative proposals.

Oslobodjenje: You said that the closure of the OHR next year would depend on whether extremist parties win. Which parties do you consider to be extremist?

Christian Schwarz-Schilling: I would not put the so-called national parties, like the SDA and HDZ, into this bracket. They are big parties that include many politicians and people with moderate positions. Let me give you an example; in the late 90's the SDA and HDZ were successful in bringing back refugees into Central Bosnia – this was their initiative in areas like Teslic or Travnik. The HDZ has very extreme representatives in Mostar, and yet one could work with them on resolving these issues. The point is that it would be wrong to point fingers at any party and say that they are extremists, because there are individual and regional differences.

I do not want to give an assessment of individual parties, but an extreme party is for example Seselj's party, and the SDS as it used to be, and yet it would be wrong and unfair to assess the whole party as such because things have changed there too. But, if after the elections we had extremists from within the SDA, HDZ or now the HDZ 1990 in power, extremists taking up strong positions in those parties, and were that to be put together with the ideology of Mr. Silajdzic who says nothing can be done unless the whole picture changes – and so

no progress is achieved, then that could definitely completely halt the whole process.

But, if the representatives of the SDP, which we know is the liberal force in this country, were more present, in cooperation with the more moderate forces in the SDA and HDZ, and even if within Silajdzic's party they made an effort to deal with issues more pragmatically, and not only through abstract visions of the future, if they focus on what can be done...then I would not necessarily be a pessimist. I believe that that could be successful. Of course, we will see what happens after the election. There is the question of constitutional reform, for example. We expect it to continue after the election; perhaps with the old package, or perhaps a new one – that is not important now – but it will mean that we will very soon see who will react and how.

Oslobodjenje: The recommendations of the Parliament of the Council of Europe seem to speak in favour of those who opposed the constitutional changes. Do you believe they should be incorporated into the new Constitution?

Christian Schwarz-Schilling: I must correct you slightly: The Council of Europe said that they supported the initial package as a first step – even though changes needed to be made. They did say changes would have to be made, but they also said that they would support the adoption of the initial package, regardless of the shortcomings or mistakes in it. I believe that it is important to stress that message. But, regardless of whether they support the first phase or not, one needs to pay attention to those principles, because only if they are taken seriously one can start discussing further reform.

Oslobodjenje: In the discussion so far intellectuals have opted for a more civil state, in which the rights of individuals would be stressed more than the national rights, but in the RS that is being interpreted as an attempt of the Bosniak majority to create a state that suits them. What is

your position?

Christian Schwarz-Schilling: Individual rights are indisputable and they represent the highest principle in the whole of Europe and the international community. They are the beginning and the basis of all talks. If you take a look at everything that happened during the last century, you will see that it all boils down to human rights violations. You cannot resolve problems until you resolve that one.

Of course, the whole of Europe has something that is called historical development. There are groups linked with common language, religion, historical and cultural traditions and of course, they want to keep those rights in the countries they live in – and it is their legal right to protect that part of their heritage.

But there is a limit there too: if group rights violate the rights of an individual, groups have to withdraw, they must not cross the line and violate individual rights. That is why it is important to comply with the principles of the Council of Europe, which states that group rights exist, but that they cannot contain mechanisms to block processes or be opposed to one another.

A democratic society also upholds the rights of majorities, just as it does the rights of minorities. In this country that is the problem, there is so much emphasis on the rights of minorities, they are set so high so that the majority cannot do anything. The mechanisms are such that only the rights of minorities are in the foreground.