

# **INTERVIEW: HANSJOERG KRETSCHMER, HEAD OF EC DELEGATION TO BiH**

Arresting one or two prime war crime suspects in BiH should be set as a precondition for BiH's accession to the Council of Europe, is a personal opinion of Head of the European Commission (EC) delegation to BiH Hansjoerg Kretschmer.

SARAJEVO, Sept 5 (ONASA) – Arresting one or two prime war crime suspects in BiH should be set as a precondition for BiH's accession to the Council of Europe, is a personal opinion of Head of the European Commission (EC) delegation to BiH Hansjoerg Kretschmer.

According to the senior EC official in BiH, no formal declaration has ever been made that the adoption of the election law is the only precondition for the accession to the Council of Europe, arguing instead that setting as one of the prerequisites the apprehension of one or two prime war crime suspects would increase the pressure on the RS authorities to do their best to arrest them. Kretschmer gave to ONASA its comments on BiH's chances for the accession and the reports on certain new conditions following the adoption of the election law, on corruption and lack of transparency allegations inside BiH, as well as on other hot topics.

**ONASA: We have recently been witnesses to numerous attacks and criticism against the international community. The latest in a series was included in the Transparency International report on the lack of transparency and corruption inside the international community. The EC has already refuted allegations pertaining in its role in the problem, arguing that the web site used as a source of information has not been updated. Do you believe that this is a sufficient argument for**

**the public to be persuaded that everything is all right.**

KRETSCHMER: First of all I would like to say that the main allegations which are made in the Transparency International report cannot be maintained, the main allegations being that the results of the tender which we conduct are fixed in advance. We are following strict rules in conducting tender procedures. The results of these tenders are not only checked by our financial departments, but also the results are fully transparent and public. Whatever we do here in terms of assistance delivery is subject to control by the European Court of Audit. So I consider this report in general, and especially the section which relates to our activities as a rather poor piece of work. Even so, I regret that the web page has not been updated regularly. But it was also indicated on the web page that its content is indicative, not necessarily complete.

**ONASA: Could you tell us specifically what is going on with those tenders mentioned in the Transparency International report, the tenders which were closed half a year or a year ago without their results being published?**

KRETSCHMER: I cannot give you any details for each individual bidder, who was the winner of the tender. This would have to be looked at in detail. If somebody has a wish to be informed in detail about individual tender procedure, we can provide that information.

**ONASA: So, you are ready to give those details to the public?**

KRETSCHMER: All tender procedures which are concluded here are communicated to all participating companies. We inform not only the winning bidder, but also the other companies which participated and which did not win of who has won the bid. All parties which have an interest in a particular procedure are fully informed and do not need to look at the web-page.

**ONASA: Does this mean that in this case, your web-page is not**

**a reliable source of information?**

KRETSCHMER: It is not reliable for it was not updated.

**ONASA: Another thing mentioned as disputable are unrealistic deadlines for the realization of the projects offered in tenders. It mentioned a tender for strengthening the common institutions, whose deadline for the professionalization of the common services is a year. The project has allegedly been established only a year after the unsuccessful completion of almost identical EC project. What is your comment?**

KRETSCHMER: If I correctly remember, the previous project ended in October 2000, and the new project started in the beginning of May this year. One can debate whether a project should run for a longer or shorter period. What is important here is that the strengthening of the work of the common institutions is undertaken, and this is a process that will not be finished within one year. In fact, it will probably take a couple of years until this is achieved. We have plans to continue the strengthening of the common institutions after the end of this project. In fact, our headquarters is planning a different way of delivering of the assistance in the future. But since this different way of delivery has not been ready in 2001, we wanted to bridge the gap between the previous and the future projects. In so far this is only a bridging project not to have a gap of one of one year or one and a half years.

**ONASA: To whom do you submit reports on the use of funds allocated to BiH?**

KRETSCHMER: First of all, we made a program of assistance for BiH. In fact, we are just in the process of finalizing a country assistance strategy which will run for a period until 2006 and on this basis we also establish multi-annual indicative program which will in this case run from 2002 to 2004. These documents which are consulted closely with the authorities of BiH as well as with institutions in the

European Union form the basis of the assistance which we supply. All the individual projects which we execute in the context of the program are then included in the regular reports which we send from here to our headquarters. Our headquarters and the European Court of Auditors can and regularly do verify whether all the funds have been distributed according to the rules.

**ONASA: Are they obliged to present the results of their control and audit to the public?**

KRETSCHMER: I know that the reports of the European Court of Auditors go to the European Parliament and they are also available to the EU Council of Ministers. I assume that they must also be accessible to the public.

**ONASA: Concerning the latest attacks on the activities of the international community, you have recently said that the accusations made against the international community additionally complicate the situation and repulse the foreign investors. Do you still think the same?**

KRETSCHMER: This rather severe criticism by the local authorities of the activities of the international community are a problem. This country is not yet functioning in the way that one would say it is self-sustainable without the assistance of the international community. Nobody disagrees that the assistance by the international community needs to continue in the sense of financial assistance, in the sense of technical assistance in the area of the economic reforms or the institution development, and I could mention many other fields.

So if in this situation the local authority criticize the international community in this severe passion, this, of course, will not increase the confidence of foreign investors in this country.

I do not want to say that the international community cannot

do things wrongly, but this should be then a reason to discuss matters between the international community and local governments. It should, certainly, not rise to the excesses which we have seen recently, which reproach corruption to the international community. Some paper said that the international community should go home and should let the country do it by itself. Now I am convinced that none of the leading politicians in this country would subscribe to this claim to send the international community home, but the objective is now to get away from this public severe criticism to a constructive cooperation. I have impression that we are on the right way here and that when the local governments have a problem they will discuss it with the international officials. Misunderstandings can be eliminated in this way and the solutions found.

On the other hand, I believe that this public cases of conflict between the international community and the local government carry the risk to divert the attention from the real work which has to be done by the local government to some issues which are also important but are not representing the entirety of the job which has to be done by the local authorities. There is a lot of work to be done, concrete work which is not necessarily very attractive to the general public. I am talking of the adoption of the specific legislation and of improving the functioning of the institutions or the continuation in the privatization process. Those are also areas that are complex and very difficult, and where unfortunately the progress has not been as quick as we would like it to be.

**ONASA: Can you claim and be 100 percent certain that there are no corrupted officials in the international community?**

KRETSCHMER: I certainly can say that I am personally fully convinced that the allegations leveled against certain representative of the international community are without any foundation.

**ONASA: The representatives of the EC and the BiH Council of Ministers have recently signed an agreement whose funds will be mostly used for the return of refugees. For which purpose will the rest of the money be used?**

KRETSCHMER: Our budget this year is around 100 million euro. The refugee return program was around 37 million euro. The rest will be used to finance the development of the institutions and the economic reforms.

**ONASA: Some media report that only 10 percent will be used for the development of the private entrepreneurship. Who has made that decision?**

KRETSCHMER: I do not think the figure of 10 percent is precise, I would have to verify the exact number. But, as I have said, every program we establish is in detail consulted with the local authorities, either the state authorities or the entity authorities. Before we product a project, we sign a financing agreement with the BiH Council of Ministers and that is basically the basis for our activities.

**ONASA: The EC has invested a lot of money into the reconstruction of the BiH Radio-Television. How much money has been invested and are you satisfied with the process?**

KRETSCHMER: So far, we have invested 700,000 euro into the reform of the TV BiH. That is a project that has just ended now and the main thing that has happened during the project is the creation of the BiH Radio 1. We are planing to extend another four to five million euro in this process in next two to three years. We consider that this country needs a functioning radio and TV service which would provide quality informative, educational and entertaining program to its population in the entire country. We have made in all EU countries very positive experience with such a system that exists in parallel with the commercial channel.

I know that local politicians have been very critical about

the process. On the other hand, reforming the RTVBiH is not an easy task. The decisions of the High Representative which are the foundation of this reform are rather complex and complicated because they want to take account of the particular situation in BiH with three constituent people which all required and wanted to have their share. Personally, I would have imagined a simpler structure which would have been easier to implement and also would probably be economically more sustainable. And maybe, in the future years things will naturally develop into a simpler structure, but now the people which have been in charge of implementing the reform had to apply and implement the decisions brought by the High Representative.

Also, I have the impression that perhaps not enough has been communicated about this reform. I understand that the staff in the RTVBiH are unhappy about the situation. Although I am not involved in this process I think that by communicating appropriate with all staff the situation would be somehow easier. Most reforms are painful and there will always be people who suffer from reforms because they lose their job or they no longer have a possibility to do what they did before, but one can make these things more acceptable simply by explaining them or communicating with the people in a more detailed fashion.

**ONASA: According to some information, the EC has suggested some projects for the RTVBiH, but they were rejected by the Office of the High Representative (OHR) in BiH.**

KRETSCHMER: I do not know about that.

**ONASA: So far, your assistance to media was only related to the RTV BiH. Will it be extended to other media as well?**

KRETSCHMER: The contacts about our future assistance have not been made, but I assume that the contracts will cover all elements of the public and radio broadcasting system, not only

the PBS, but also the Federation TV and RTRS.

**ONASA: What about the print media?**

KRETSCHMER: We have decided to focus our media assistance on the reform of the electronic media. In the past, we have given assistance also to other smaller private, independent media, also the print media, but since our overall budget is smaller now and since the public service RTV have such a high priority we intend to focus all our assistance on this sector.

**ONASA: These days, the issue of the BiH's admission into the Council of Europe is disputable. As an European official, can you say will BiH be accepted into this institution this year?**

KRETSCHMER: Of course I cannot say. This is a decision of the Committee of Ministers of the Council of Europe, and before it looks into the matter, the Parliamentary Assembly of the Council of Europe has to voice its opinion. Before the Parliamentary Assembly meets, the Political Committee and the Legal Affairs and Human Rights Committee of the Council of Europe give their opinion to the Parliamentary Assembly. The recent adoption of the election law was indeed a major step towards a positive conclusion of this process of acceptance. Among the members of the Council of Europe I believe that there are many who consider the election law as the main precondition for the admission, so the chances that BiH will be admitted relatively soon are big. On the other hand, there are some voices that perhaps some other elements should be fulfilled before. One of these elements which are also reported in the press is the issue of the arrest of some

of the major indicted war criminals. And I speak here in my personal capacity. I think this is a precondition which should not be neglected because after all the Council of Europe is an organization whose main mandate is the promotion of human rights and the rule of law. I think, from this point of view, the full cooperation of all authorities in BiH with the



International Criminal Tribunal for former Yugoslavia is a very important element. If there are important factors in BiH which are resisting or obstructing the arrest of the main indicted persons, then this is lacking credibility from the point of view of the Council of Europe, whether the country is willing to adhere to the principles of human rights and rule of law. What I am talking about is the attitude of the RS and its authorities.

Important progress has been made recently or is being made. And hopefully this law on cooperation with the Hague Tribunal will be adopted very soon in the National Assembly in Banja Luka. But that is not enough, because first of all this law is not really necessary for the cooperation with The Hague, and secondly the main thing is to bring the people who are indicted to justice. It would be my view that making the arrest of one or two main indicted persons a precondition for the Council of Europe accession would indeed increase the pressure on the authority in the RS to do whatever they can in order to arrest them. I am convinced that their arrest would change the political landscape not only in the RS, but in the entire BiH. That would particularly change the attitude of the RS towards the country as a whole which is one of the main problems we face at the moment when we talk about consolidating and strengthening BiH as a state. So I personally think one should not let this chance go unutilized. Maybe, this rather critical moment should be used to increase the pressure on those who can do something in relation to the arrest of these people, and therefore to make this arrest of one or two people a precondition for the accession. I think it would be for the benefit of the country as a whole.

**ONASA: The adoption of the election law has been mentioned as the only precondition for the admission. Of course, there are also human rights and common institutions strengthening, but why was the election law stated as the only precondition for the admission, while now the arrest issue is also brought up?**

KRETSCHMER: Formally, it has never been said or written in any document that the election law is the only condition. In the beginning there was a list of four major conditions with many sub-conditions which were put forward. But then, in the political process it turned out that the missing election law was an important stumbling bloc in the development of the country, and since the existence of the election law is also an element that has to do with the functioning of the institutions this election law adoption was added to the list. Initially, it was additional condition, but this election law was such a very visible element compared to the others, like functioning of the institutions or respecting the human rights, it happened that the political attention in the country and abroad focused more and more on the election law.

It also turned out that the election law was perhaps easier to achieve than conditions like the independence of the judiciary, because the latter element, which is also one of the four initial conditions, is something which will be achieved only after a lengthy process.

So, there was never a formal declaration that this was the only precondition but the political attention was focused more and more exclusively on the election law. With regard to the apprehension of the war criminals, I do not know whether in the initial document of the Council of Europe this was one of the sub-conditions in the human rights section. And putting this forward now does not mean that someone does not want BiH to become member of the Council of Europe, it is just a matter of assessment whether this opportunity now should not be used in order to make this ultimate step to achieve this arrest which, as I said, would probably have a very positive impact on the country as a whole.

But in the end, of course, this will be decided by the Committee of Ministers upon the recommendation of the Parliamentary Assembly.