

Oslobođenje: Interview with HR Valentin Inzko



By: Jelena Milanović

Oslobođenje: The Constitutional Court's Decision on January 9 has been published. How will it be implemented, or, can it be – as Mr. Ivanić said – bypassed?

Valentin Inzko: When it comes to the implementation of the ruling the BiH Constitution, Annex 4 of the Peace Agreement, explicitly states that decisions of the Constitutional Court are final and binding and accordingly, we expect all decisions to be implemented. Observance of the rule of law and abiding by the Dayton Peace Agreement, and in particular the constitutional and legal framework of BiH, are prerequisites for lasting stability and future development of Bosnia and Herzegovina.

Otherwise I would expect that the President of the country supports the institutions of the country.

Oslobođenje: Although the state had an obligation to adopt the Law on the Constitutional Court of BiH, we do not have it yet. What is your view of the proposal coming from the RS in which there is no more room for foreign judges?

Valentin Inzko: The Parliamentary Assembly has the possibility, not the obligation, to pass a law regulating different methods of selecting these three judges. They have not used this opportunity to date. However, it is important to

note that the law can only deal with the selection process and can only apply to the judges who will replace those currently serving once their mandate comes to an end at age 70. Also, the law cannot cover matters that are regulated by the Constitution or the Rules of Court.

The international judges on the Constitutional Court of BiH continue to play an important role and they continue to have my full support, as does the BiH Constitutional Court. This institution is a key pillar of the Dayton Framework and it needs to remain functional in order to uphold the Constitution which is in the interests of all in this country. Some of their decisions will not be embraced by all, but they are the law of the land and they must be respected. By the way, the establishment of the Constitutional Court and the appointment of foreign judges was accepted and consented to by the Serb side in Dayton. It is highly immoral first to sign and later to go back on this commitment.

Oslobođenje: For some time now you have been told from the RS to go home: how would you describe the OHR's role at this moment?

Valentin Inzko: The role of the OHR has evolved over the years and this was always the plan, to take Bosnia and Herzegovina to the point where it would no longer be necessary to have a High Representative. This is still the plan, but we are not yet there. The main reason we are not yet there is because the political class of this country has wasted a decade while also challenging some of the fundamentals of the Peace Agreement, and of course not fulfilling the clearly defined conditions for OHR closure, known as the 5+2 agenda.

A final decision about closure can be taken only by the relevant body, the Peace Implementation Council Steering Board, and this is not currently under discussion. How could it be when we see such open and concrete challenges to the Peace Agreement as the referendum that is being

threatened?

My Office will continue to facilitate progress, but we will not go back to an approach where the OHR was driving and delivering progress when the authorities failed to do so. Equally so, if any party proceeds with threats that challenge the Peace Agreement then these will need to be dealt with. We are not going to have a rules free environment where politicians trample over the Peace Agreement.

Oslobođenje: While Milorad Dodik is choosing a date for holding a referendum on the decisions of the Court and Prosecutor's Office of BiH, which Ognjen Tadić says is actually the question "Do you agree with the decisions of the High Representative", this same judiciary is conducting an investigation against the RS president. Will the OHR watch peacefully how the entity president takes over the powers of state agencies, including through the RS Police Law, instructing that arrest reports should be submitted to him?

Valentin Inzko: The referendum is unconstitutional and I have made this very clear, including in my submission to the UN Security Council. Law enforcement agencies are crucial in the fight against crime, including organized crime and corruption, and for delivering a safe and secure environment for BiH citizens. Effective and modern policing is an indispensable tool and therefore there can be no compromise when it comes to efficiency, professionalism and true independence from improper political interference in police work.

In addition to my assessment of the referendum as a violation of Dayton, all the 28 foreign ministers of the EU, the vast majority of the UN Security Council, Serbian Prime Minister Vucic and President Nikolic, have expressed opposition to the referendum. Shall we conclude that they are all wrong and only Milorad Dodik is right?

Oslobođenje: There has been much talk in the public lately

about (in)sincere statements by the Serbian Prime Ministers about BiH. Can anyone from a neighboring country control Dodik and do the politicians there have such intentions at all?

Valentin Inzko: I believe that Prime Minister Vucic and the Serbian authorities in general, as they have pledged on numerous occasions, will continue to respect the territorial integrity and sovereignty of BiH and the Peace Agreement overall. I also look to Serbia to support efforts to help Bosnia and Herzegovina to be on a positive track.

Oslobođenje: The question of filling the Serb Caucus in the Federation HoP is a problem troubling this government, too. Is your position closer to the view that this question should be resolved within broader constitutional changes talked about in BiH for years or that one should accept the solution of the Federation President Milan Dunović, i.e. to fill the Caucus in the third round?

Valentin Inzko: My view is very straightforward. The fact that a number of Serb delegates are missing in the House should not affect the ability of the caucus or the House as a whole to perform its important functions. It should for the time being function with the existing number of deputies.

At the same time, I firmly believe that the issue of ensuring full representation of Serbs in the House of Peoples needs to be addressed as a matter of priority. If there is the political will to do so I see no reason why we could not find a solution even if it requires changing the Constitution. My Office stands ready to assist the Serb caucus and the competent authorities in the Federation to do so.

Oslobođenje: In December, you recalled the sixth anniversary of the Sejdić-Finci judgment, pointing out that its implementation would be a proof of maturity of BiH authorities. Do you believe, then, that the whole talk about mega-cantons and the third entity and mutual accusations

between political leaders in our country are – to say the least – irresponsible?

Valentin Inzko: BiH needs to bring the country's Constitution and its electoral arrangements in line with the European Court's ruling and the European Convention on Human Rights. This ruling is about removing blatant discrimination from the system of governance and making sure that every citizen in BiH enjoys the same right to participate in public life. What is wrong with that?

At the moment the immediate priority of this country is to advance the Reform Agenda, but this issue remains and will need to be addressed in the not too distant future, along with other steps that could deliver major progress and a greater level of functionality.

The Federation also needs reform and the discussions that were launched several years ago should continue. There are different ideas out there and I see no reason not to talk about this and build support for steps that bring greater efficiency and functionality, but which also help to advance the reintegration of the country.

Oslobođenje: What hope can BiH citizens have in 2016, at a time when the Federation Prime Minister refutes his own statements and a minimum wage of 410 KM is now too high for him?

Valentin Inzko: I certainly welcome ongoing efforts by the leadership of BiH to make further progress on the Reform Agenda, especially those reforms necessary to advance the country's integration into the European Union. I hope that BiH authorities and institutions will speed up the delivery of reforms in all areas– including socioeconomic, rule of law, justice and public administration. This is what citizens want. This is what the international community wants.

Some of the reforms will be difficult, but they will also

bring new opportunities for the country and its people. There must be a sense of urgency, along with a change in the political dynamic, so the country and its many talented and hardworking people can reach their full potential here and not abroad.

2016 can be a year of progress toward Euro-Atlantic integration, growth and job creation if there is the political will to make it so. I hope this is the choice the authorities make because too much time has been lost on empty rhetoric and intentionally created crises designed to convince citizens that they are in danger and that they need to be protected by "their politicians." I think citizens have well and truly worked out that the biggest threat to them comes from precisely those who claim to defend them, when they decide to put their own narrow interests first.

2016 is a big year for Bosnia and Herzegovina and it is an even bigger year for the political class in this country. They need to prove that they can be part of the solution rather than the problem.

Oslobođenje: What is your view on the events regarding the General Hospital and the University Clinical Center?

Valentin Inzko: I am not aware of the details, but it seems to me that the University Clinical Center's Steering Board has made a rather unhygienic move. I hear the things are being resolved at the cantonal and the FBiH level, and I expect a fair solution to an issue that is important to many citizens.