

Oslobodjenje: Interview with HR Valentin Inzko



By Edina Kamenica

Oslobodjenje: Many believe that already the day after the decision on referendum was adopted the OHR, in accordance with its authorities, should have annulled this decision, but also sanctioned those who adopted it. What is your comment? Why didn't you do that, Mr. Inzko? Isn't that your explicit right and obligation in accordance with Dayton?

Valentin Inzko: At this moment I can only say that we are reviewing the RSNA decision on holding a referendum about the 9 January as RS Day. I should also note that the decision has not yet been published in the official gazette or entered into force, as it is pending with the RS Council of Peoples.

While holidays are clearly a sensitive issue in Bosnia and Herzegovina, the Rule of Law must be respected at all times. All authorities in BiH, including the RS authorities are duty bound to implement final and binding decisions of the BiH Constitutional Court. Attempting to circumvent this duty by referendum or any other means will not release the authority concerned from this duty that is clearly set out under the Peace Agreement.

Oslobodjenje: What is in general your position on this decision on referendum, but also the decision on the adoption of the Law on Census in the RS? Aren't both decisions typical examples of a breach of the constitutional and legal system of

BiH?

Valentin Inzko: As I said earlier, Director Jukic (Velimir, director of the Agency for Statistics BiH) was acting in accordance with the law and within his mandate and his decision is valid. Moreover, the Constitution obliges the entities to comply with the decisions of the institutions of BiH. The leading people from the statistical agencies and their staff did a fantastic job. They worked and acted based on the law, which was adopted years ago with the consent of all sides.

More fundamentally, the results of the census are essential for the country's economic and social planning and as such the results will support the implementation of the Reform Agenda and the European integration process.

I find it shocking that certain politicians are raising a huge political issue over a relatively small fraction of the census, while at the same time they seem indifferent to the revelation that vast numbers of people have left this country, or about the high levels of illiteracy revealed by the census.

These and other trends demonstrate how essential it is for the authorities recommit to delivering reforms that will encourage young people to not only stay in Bosnia and Herzegovina, and to start families of their own. The census results must be a wakeup call for the political establishment to significantly accelerate the reform process so we can convince people to stay. We need faster reform results and we need them now!

Oslobodjenje: Isn't it the obligation of the OHR, or the High Representative, to protect against the anti-constitutional and anti-Dayton practice in our country?

Valentin Inzko: Yes, it is part of my mandate to ensure the Peace Agreement is being respected and I am looking at these latest developments from that perspective. The PIC has said very clearly that my mandate under Annex 10 and UN Security

Council Resolutions has not changed and underlined that the international community retains the necessary instruments to uphold the GFAP.

Having said that, in the first instance it is for the authorities in this country to ensure that the constitution and the law are respected.

I should also note that there are domestic institutions that have a key role in defending the constitution and the Rule of Law. The BiH Constitutional Court is such an important institution and that is why its decisions must be respected and implemented.

Oslobodjenje: What is your response to the ever louder claims in our countries that you, or the OHR, with its lukewarm reactions – and often even they are missing – encourage the moves that undoubtedly lead to the dissolution of our country?

Valentin Inzko: I don't agree with them. I have raised concerns very clearly with the UN Security Council when such moves have been made, and I will continue to be very clear about the territorial integrity and sovereignty of BiH, and the obligation to respect the Peace Agreement.

Dissolution of the country is an empty threat made by politicians seeking to divert public attention from the social and economic realities facing the citizens of this country on a daily basis. Voters want stability and growth. Yet all too frequently all they are being offered is protection from an enemy that in reality does not exist. Artificially created crises are precisely that – artificially created crisis. I think more and more voters are starting to see this. The old way of doing politics must change and it must change quickly.

Oslobodjenje: Who will protect the Constitutional Court of BiH in the present conditions, if not the OHR?

Valentin Inzko: The BiH Constitutional Court is a key pillar

of the Dayton Framework and its decisions must be respected and implemented in order to uphold the Constitution of Bosnia and Herzegovina and the Rule of Law, which is in the interests of everyone in this country. So decisions of the BiH Constitutional Court are not an *a la carte* menu where you respect and implement the ones you like and refuse to implement the ones you don't like. Let me be clear, it is a clear obligation on all the authorities in Bosnia and Herzegovina to implement decisions of the BiH Constitutional Court and this is absolutely non-negotiable. This obligation is at the core of the Peace Agreement and so is the Rule of Law.