

Oslobođenje: Interview with HR Valentin Inzko

By Vildana Selimbegović

Oslobođenje: The Krajina case has been partly solved: are you satisfied?

Valentin Inzko: I welcome the decision of the FBiH Constitutional Court on a temporary measure enabling the Minister of Finance of the FBiH to remain in office until the case pending before the Court is decided on its merits. The decision highlights the need to ensure full functionality of institutions, which is something that the OHR has always advocated because institutions must be able to serve the needs of citizens.

By taking immediate action under difficult circumstances, the Court averted a serious crisis and showed that the institutions of this country have the capacity to resolve problems. I expect this decision and any future decisions of the Court to be implemented immediately.

All parties in the Federation now also need to ensure the proper functioning of institutions and to refrain from any actions that will undermine the basic functions of institutions.

Oslobođenje: You have worked intensively on this issue since the beginning of this year. However, it seems that only FBiH Prime Minister Nermin Nikšić was satisfied after meeting with you?

Valentin Inzko: The OHR was in regular contact with all parties throughout the crisis. My office and I personally met several times over the last few days with both President Budimir and Prime Minister Niksic, as well as with their advisors. We were also fully coordinated with other key

members of the international community, notably the IMF.

Let me be clear: our views had and have nothing to do with personalities or the question of who holds which position at what time. This is about having a functional government and institutions in place that can meet their most basic objective – to serve the needs of citizens. Authorities must ensure that institutions can function regardless of political developments.

Mechanisms must be in place to ensure that institutions remain functional when an office holder resigns or is dismissed, or when the relevant appointing authorities are unable to act. Of course, such mechanisms should not be abused to keep individuals in office forever.

In this concrete case, the Federation must be able to ensure the payment of salaries, pensions and other benefits and it must be able to service its external and internal debt., which is why a timely decision of the Constitutional Court on temporary measures was so important.

What is necessary now is for the FBiH government and parliament to look at ways to close legal loopholes and prevent a similar situation to re-occur in the future. This is important not only for the international reputation of this country, but first and foremost to ensure that the Federation can continue to serve the needs of citizens regardless of political developments.

Oslobodenje: Don't you think that it was pretty irresponsible of the Prime Minister not only to wait for so long but – boasting of a solution – literally to use every day of the Federation crisis to try to shift all responsibility onto President Budimir's shoulders?

Valentin Inzko: I believe that most of the responsibility for this latest crisis does lie with the President, who knew well that, according to the law, there was no one to replace the

Minister in signing payments or in coordination bodies like the Fiscal Council. He designed his decision to have the immediate effect of stopping payments in the Federation and the potential of creating the biggest crisis possible.

The Prime Minister did the right thing in addressing the FBiH Constitutional Court to assess the legality of the President's decision and allowing some time for the President to reconsider his decision or, in the absence of a reaction by the President, for the Court to review the possibility of interim measures. I do not believe that the Prime Minister can be blamed for the most recent deadlock.

Oslobođenje: It is interesting to note that the Federation President Živko Budimir persisted in his decision, despite all, dare I say, well-intentioned suggestions made by yourself and other representatives of the International Community in BiH. Where was the problem?

Valentin Inzko: After extensive efforts, by myself and other members of the international community, to facilitate a resolution of the dispute arising out of the decision of the President, it was clear that we were unlikely to see a decision taken within the political arena that would bring the current crisis to an end, for example with the appointment of a new Minister. We also outlined the serious consequences and the lack of comprehensive legal options to fill the vacuum the President created.

We repeatedly called on President Budimir and all parties to take immediate action to avoid significant damage to the public finances of the Federation of Bosnia and Herzegovina and the country as a whole. By persisting in his refusal to annul or amend his decision under such circumstances, President Budimir was most responsible for the possible impact of his decision on citizens.

Oslobođenje: Did Budimir present to you his solution to this

blockage, except of course the possibility of appointing a new minister, of which he speaks publicly, which is absolutely not feasible having in mind the current relations within the Parliament of the Federation of BiH?

Valentin Inzko: Given the questions about the legality of the President's decision, it was clear that there was no possibility of agreeing on a new minister. The proposal put forward for an interim solution on budget payments by the FBiH President was rejected by the FBiH government on Tuesday, not least because of a negative opinion of the government's Office for Legal Affairs. In simple terms, he proposed solutions that were not implementable under the current political circumstances and did not provide a comprehensive solution. I believe that this was a part of his game to shift the responsibility for his action to others.

Oslobođenje: The Federation Constitutional Court has a problem with a shortage of judges again. Did you use the opportunity to remind the Federation President of the obligations of that sort, too?

Valentin Inzko: I expect to see the nominations in the next few days because this is what the President and the two Vice Presidents undertook when I saw them last month.

I have met multiple times with the President and the two Vice-Presidents of the Federation to urge them to take all necessarily steps to ensure a speedy appointment of the missing judges. Given the current disputes in the Federation, the need for fully functioning institutions – especially the Constitutional Court – has never been greater.

At our last joint meeting on 19 December, President Budimir and Vice-Presidents Kebo and Pudaric committed to move forward on this issue without further delay so that nominations could be submitted to the FBiH House of Peoples at the beginning of January. I also explicitly asked the President and the Vice-

Presidents to continue the practice established during the last nomination process of reviewing candidates together so as to come forward with an agreed proposal.

However, instead of working with his Vice-Presidents to agree a list of candidates for the FBiH Constitutional Court, President Budimir took the legally questionable decision to dismiss the FBiH Finance Minister on 3 January, further complicating an already difficult situation in the Federation.

Oslobođenje: Presumably out of desperation, in which we all live, I made a very bold public proposal that you should penalize all actors with caretaker mandates, although I know that this is not feasible. However, we are all paying the price of this bizarre political game. What should be done?

Valentin Inzko: The current situation in the country and the Federation has been created by the actions of political parties and the holders of executive offices. They must take responsibility for their actions and possible consequences and resolve the situation.

I hear over and over again that I share the blame for the current situation in the FBiH since I intervened in the process of government formation three years ago, and that I, therefore, also have a responsibility to resolve the current crisis. I strongly disagree with this claim. Following the general elections of 2010, two political parties severely violated the Constitution of the Federation of BiH by not appointing delegates to the FBiH House of Peoples for six months. My decision followed a comprehensive mediation effort by the international community and enabled the establishment of a functioning government. It is therefore wrong to claim that the decision of the High Representative is the source of all problems. This is not about avoiding responsibility but about facing the truth of what has been going on in the Federation over the last three years.

All of the major parties have, at times, taken actions that contributed to the crisis and sought to undermine the institutions of the Federation. They all need to stop.

Oslobođenje: We are only at the beginning of the election year and we can already see that the campaign is under way and many wonder rightly what else is in store for us before October?

Valentin Inzko: I understand that political parties already have their eyes set on the general elections this autumn, but this does not absolve them of the responsibility to find solutions to the many issues before them. Most immediately, for elections to take place, the BiH Election Law must be amended in line with the ruling of the BiH Constitutional Court on place names. I hope that the parliamentary assembly will stop playing games which only drag out this process. The citizens of Mostar must also be allowed to vote in local elections as soon as possible. Finally, the international community wants to see progress on the implementation of the Sejdić-Finci decision. It has been over four years since the ruling of the European Court for Human Rights in this case, and it is a scandal that political leaders and parties have still not been able to agree a solution.

Some politicians may believe that they can divert the attention of voters from prevailing economic and social situation and their own performance and failures over the last three years. Let me be blunt: that simply is not going to work. The voters of this country will see through this. It goes without saying that there is no need for people to be alarmed or for them to be living in fear, the conflicts of the past are behind us and they are over. What must change is the way politics is conducted in this country and that is going to have to change fundamentally.