

# The Bonn powers will remain also after February



A referendum in the RS is an anti-Dayton act that spreads fear and represents an unnecessary expense in order to get an already known answer, Raffi Gregorian, Principal Deputy High Representative of the international community to BiH, assessed.

He is not sure about statements by the prime minister of Republika Srpska Milorad Dodik that the subject of the referendum will not be secession and the status of this entity.

Gregorian claims that BiH has been at a standstill for almost four years and that there are constant obstructions of the state projects, but also of the High Representative's decisions, coming from the RS. To those who want him to leave BiH, Gregorian wishes luck in these efforts of theirs, but also says that they are spending money in vain on lobbying against him. He says that he does not have a personal problem with Dodik, but that Dodik is the main culprit for the OHR stay in BiH and he does not expect that the Peace Implementation Council (PIC) will give up the Bonn powers of the High Representative in February.

**NN: What's your assessment of the current political situation in BiH?**

**GREGORIAN:** Almost four years have been spent in vain in efforts to move towards the EU and NATO. Regardless of the fact that in February 2007 the start looked promising, the current government has managed to achieve very little and this is even more obvious when compared to the success of the previous government. It seems to me that the reasons for such

a situation are intentionally targeted and totally unnecessary. When Milorad Dodik took power in March 2006, and was later reelected in October that year, we did not expect that we would have such problems with the RS. On the contrary, the international community felt a huge relief and a feeling that we wouldn't worry about the RS any more. To everyone's surprise, what happened was quite the contrary. We do not understand why BiH is not making progress. The previous government carried out reforms of defense, tax system, public administration, judiciary and intelligence services. The only thing that was left for this government was a certain strengthening of state structures, which would make it possible for the country to access the NATO and EU more easily. That is, the establishment of two new ministries at the BiH level – ministry of agriculture and that of science and technology. Of course, none of these would have exclusive competencies. These are things that are necessary for the entry into the EU and for getting money from European funds. Did anyone speak about these matters in the previous years?! Farmers from the RS cannot export their products in line with the EU standards because there are no institutions at the state level that are competent for this. We do not know why they are quarreling either. Is it because of the competencies written in Dayton or they want to go back to a time before Dayton? A lot of time has been wasted, the political situation as well as psychological pressure have been exacerbated. It is not clear to us why BiH still has both military and civilian missions for peace implementation, and the conditions for their cessation should be fulfilled by BiH authorities. The political instability, that required us to remain here all the time, is something that frightens potential investors, and the negation of international obligations and the rule of law deters investments.

**NN: What was so surprising for the international community regarding Dodik after 2006, when he was speaking about a referendum before those elections as well?**

**GREGORIAN:** In August 2006 the then High Representative Christian Schwarz Schilling warned Dodik that he might be sanctioned if he continued to speak in that way. At the time Dodik said that he was saying that only because of the elections and that it would not be continued afterwards. Schwarz Schilling had decided, at the time when I was not yet in this function, that he would remove him, but six weeks after that, the PIC, being seriously concerned about that behavior of Dodik, decided to extend the OHR's mandate. This happened three years ago, and the person that is the loudest in his calls to close the OHR is the most responsible because it did not happen. This is how the whole world sees the current situation in BiH.

**NN:** The Russian ambassador Aleksandar Bocan Harčenko said that he would intercede in favor of abolishing the Bonn powers at the PIC session in February. He assessed that "if there had been no OHR decision on international prosecutors and judges, there wouldn't have been any talk about a referendum?"

**GREGORIAN:** Well, you said yourself that the story about the referendum has been ongoing for four years, so in this context the Russian ambassador is wrong and it is not true that there wouldn't have been any talk about the referendum if the High Representative had not issued these decisions two months ago. The Russian ambassador did not share these opinions of his with the OHR and PIC so we can be guided only by what the PIC decided. This view is known and there is agreement within the PIC that is in accordance with positions of the High Representative, which is that a call for referendum would be an anti-Dayton and illegal action. I am reminding you of the fact that the Russian ambassador was present at the press conference on December 14, at which the PIC gave a unanimous support to the High Representative for use of the Bonn powers. As I understood at the time, the RS prime minister accepted the decision on the extension of

mandates of international judges and prosecutors. I hope that we will speak about this at the PIC and within the OHR, rather than discuss this via media.

**NN: How many persons are there in Ratko Mladić's support network and do you suspect all those that are still on the OHR's list of removed officials?**

**GREGORIAN:** It is difficult to say the exact number for it changes depending on who is in the country and when. Mladić has relatives in BiH, and there are other people who are willing to offer different kinds of assistance, both in BiH and Serbia. Two weeks ago the Council of ministers of BiH renewed sanctions pronounced against the supporters. BiH authorities are aware of the existence of these supporters so I am surprised by the statements by some representatives of the authorities saying that they do not know anything about this. PIC made it clear to everybody about the existence of this network and that they expected measures against these people. We are very satisfied with cooperation with both the state and entity authorities, but this is not enough otherwise Mladić would have been in the Hague already. We know that approximately 80 percent of cases of fugitives are solved through family members. If BiH authorities worked more on measures against the support to Mladić, then they would make the job easier for the authorities in Serbia to arrest him. For those who were removed due to other reasons, the review process continues and from time to time the High Representative issues decisions on lifting the bans.

**NN: Is the international community responsible for the fact that reforms are stalled in BiH and that in European institutions it is ranked side by side with Congo and Liberia? In those institutions they have the highest regard for the opinion of international officials, including yourself?**

**GREGORIAN:** Of course the international community has responsibility here and we are the partners of BiH in a number

of reforms. Regardless of the comments that claim to the contrary, with the help of the OHR BiH has managed to achieve certain success in Euro-Atlantic integration. It is not true that the Council of Europe Parliamentary Assembly makes decision solely on the basis of opinions of the international community. Rapporteurs of the Council of Europe come to BiH and meet with a number of BiH officials and institutions. In the past it happened that the RS representatives did not take part in these meetings because they didn't want to. They have a chance through the BiH delegation in the Parliamentary Assembly to give their comments and that was the situation this time too – they gave comments and proposed amendments. There is a possibility for the RS representatives to influence those conclusions, but if they don't use the chance, then it is somebody else's fault.

**NN: What do you mean by the 'rule of law'?**

**GREGORIAN:** That everyone is equal before the law and that they must respect the law; that there should be no conflict of interest, so, for example, if you are the director of a bank you cannot grant loans to the members of your family. If you take on a legal obligation, you should meet it. If you commit to meeting certain requirements in accordance with the obligatory Brčko arbitration, then you should meet them too. Unfortunately, it seems that the rule of law is more of a suggestion than a firm obligation. It is like that in the whole country.

**NN: Does the rule of law mean that the parliaments should adopt and implement laws?**

**GREGORIAN:** If those laws are constitutional and lawful, yes, but if they are not, then not. If you make a decision that is contrary to the Dayton Peace Agreement and not in line with the resolutions of the Security Council, then that is not a part of the rule of law. If an obligatory international agreement clearly states that the High Representative is the

final authority to interpret the Dayton Agreement, then it is not the rule of law if someone else says that what he is interpreting is not right. For example, the claims that migrations and asylum is something that falls within the competences of the RS, and in Annex 4 it is stated that is not the case, then I don't think that that is the rule of law.

**NN: The OHR has already stated that the Law on Referendum in the RS is non-constitutional, although it is only in the procedure. What was the basis for that assessment?**

**GREGORIAN:** The High Representative said that conducting a referendum on the Dayton Agreement was an anti-Dayton act because it exceeds the competences of the entities and that interferes with the obligations and responsibilities of the state of BiH, so that rejecting the obligatory decisions of the High Representative means rejecting the authority of the Security Council. It seems very odd to organise a referendum on that issue when the RSNA has already made a decision on it. Having in mind the financial situation, that would mean a loss of seven million KM in order to get an answer that the RS Prime Minister already knows. And all that in order to ask a question that is anti-Dayton.

**NN: How do you know what is the question, if it is not defined in the proposed law? Dodik said for the BHT that there would be no referendum on secession and the status of the RS?**

**GREGORIAN:** He said that it was not on the agenda, whatever that means, but for the last four years we could see numerous statements that show the contrary. It is interesting that Dodik decided to give an interview to the BHT, and not the RT RS. He says that no one watches the BHT and that in the RS everybody watches the RT RS, but if that will help ease the tensions in BiH, then I support it.

**NN: Is it a problem that Dodik talks to the BHT, and earlier it was a problem that he didn't? Do you weigh everybody's**

**words as much as Dodik's? Do you have a personal problem with him?**

**GREGORIAN:** No, I don't have a personal problem with him. I just wonder who he wanted to send the message to, those from the RS or those watching the BHT.

**NN: Maybe he sent it to you?**

**GREGORIAN:** Yes, that's the impression we have because he addressed us and those who watch the BHT, instead of telling the RS citizens that he had no intention of conducting a referendum. I repeat, I welcome the fact that he is trying to ease the tensions and if he remains consistent to that message, that would be good. I want your readers to understand that there is a great percentage of population in BiH who see this question of referendum completely differently than those that are planning and proposing it. They see it as provocative and they are scared because of the known history. Everybody must have a feeling for different way of thinking too. For some people this is not about the question that is posed, but the fact that a referendum is being organised. How would you in the RS feel if one organised a referendum on abolishing the RS? I can assume what your politicians would say about it. If within the referendum you ask if you support the Dayton Agreement then there is a theoretical possibility that the answer be no. Where would that lead the RS? This is a decision that is not helpful for anybody, not the least the RS.

**NN: Do you care about the feelings of all people in BiH? When you speak about history, then surely you also take into account the fears of Serbs who are still summing up the consequences of the last referendum that was held here?**

**GREGORIAN:** I am aware of the fact that Republika Srpska was formed three months before the referendum on independence was held in BiH. Having that in mind I believe that all have the responsibility not to do things that would relive certain

memories. In a country like BiH, having in mind its recent history, it is easy to destabilise the situation and scare people. What is difficult is to resolve the problem of economy and of jobs. I would like us to hear more of the other kind of rhetoric when Dodik used to say that he would make the RS a better entity.

**NN: Have you noticed any improvements since 2006?**

**GREGORIAN:** If you reduce salaries and pensions, then that's a problem. If in BiH everybody cooperated, these problems could be addressed. There is a lot of negative energy and time is wasted on non-existing political problems.

**NN: You said that the move of the RT RS to initiate a test digital broadcasting and not pay the fine to the CRA was a part of a broader plan that ridicules the rule of law. What kind of a broader plan is it?**

**GREGORIAN:** I said that intentional non-compliance with the rule of law represented a part of an already existing pattern and an earlier practice of disrespect for the rule of law. In this case the RT RS Director of sent us a letter in which he openly ridiculed the rule of law. As though the laws and decisions of the Council of Ministers, which is chaired by a member of the SNSD, can be ignored. There are many documented examples that they obstructed state-level projects. We had an example of the head of the state agency for electricity, who refused to implement a law because he claimed that the RSNA had made a decision not to implement the High Representative's decision. That causes a financial damage to Brčko and for that reason we might have to take some legal steps. In the case of Brčko that would create the preconditions for completing supervision, so that I do not understand what is the plan behind these legal obstructions, but they are present and recognisable.

**NN: Would BiH be a better country for you if it didn't have**



**the RS?**

**GREGORIAN:** (laughs) Cute! I am here and I work for the OHR on implementing and ensuring the respect for the Dayton Agreement. One state, three constituent peoples, two entities. For me that is not a problem. US Vice President Biden and UK Minister Miliband said that they did not have a problem with the RS, that it was a part of BiH. The thing is simple and all officials in this country take the oath that they would respect the Constitution, and it recognises a state with two entities. Sulejman Tihić was in the RSNA and said that he accepted them and that he wanted to cooperate, similarly as Bakir Izetbegović, so that the problem is not in the existence of the entities. All people accept that regardless of what might be said about it in Banja Luka.

**NN: You are often asked when you are leaving BiH. Does that make you think that you are unwanted here?**

**GREGORIAN:** I know that individuals do not want me here. I have written instructions, orders, and I plan on complying with them to the full and I don't think I will be leaving any time soon. For people who would want me to leave it would be far cheaper and simpler to meet the requirements for ending supervision in Brčko, than to spend tens of millions of dollars on lobbying houses to get rid of me. They have spent twice the money in the attempt to get rid of me than is the award for capturing Mladić. And now they even get the support of Fahrudin Radončić in that. Well good luck to them – I am still here.

**NN: Do you miss Radončić? You were on the pages of Avaz quite often, visiting his towers, hotels...?**

**GREGORIAN:** (laughs) I did not open his buildings, I was merely visiting, but Nezavisne novine declared me the person of the year for 2005, and Avaz never did. So I know who my friends are.