

Transcript of the PDHR's Press Conference in Sarajevo



Good morning everybody. Thank you for coming on such a beautiful day.

I wish there was a more upbeat reason for asking you to come here today, but basically I wanted to take stock for the people of Bosnia and Herzegovina on the effects of the recent visits of the Commissioner for Enlargement, Olli Rehn and the NATO Secretary General, Jaap de Hoop Scheffer, both of whom were here on Friday and both of whom were here related to issues of Bosnia and Herzegovina's further integration into Euro-Atlantic structures.

Both visits were obviously significant to this country. It does not happen very often, and certainly not on the same day. Both visits have probably left a vast majority of this country's citizens, who yearn to see Bosnia and Herzegovina in these Euro-Atlantic structures, disappointed and apprehensive, and according to a number of people I have been speaking to – local contacts – afraid of what is going on, of the talk of the war rhetoric, of the sabre-rattling. Therefore, they are concerned for their future. So, I basically have one message here, which is that we share the disappointment expressed by Commissioner Rehn, but we also reassure people that we are here to make sure that we continue forward movement and that progress is still possible.

However, as you are aware Commissioner Rehn on Thursday, just

before coming to Sarajevo, initialled a Stabilisation and Association Agreement with Montenegro, a country that has been independent for less than one year. That is quite unfortunate for Bosnia and Herzegovina both in terms of the optics and, I think, in terms of people's psychology. Bosnia and Herzegovina, the leaders and the people of this country who have been trying so hard and have accomplished so much in the nearly 12 years since the end of the war should have had an SAA initialled last Friday. They should have. Commissioner Rehn though was unable to initial an SAA after three years of this country's political leaders talking about and failing to agree on police reform and on an implementation plan. This was one of the main reasons why an SAA was not initialled, however he also mentioned the continuing concern about ICTY cooperation. There has been improvement in that area, but it is still not satisfactory.

What is frustrating though, and I think frustrating for the people of BiH, is their sense that there was a possibility of agreement just before Mr. Rehn came. And in fact there was a deal on the table as of Wednesday, which was in line with the three principles.

In particular there were eight issues, which are not worth going into any detail about at this time. But basically, what is police reform? What is being proposed? Most members of the public will never have seen, at this point, the report of the Police Reform Directorate. It basically proposes a policing structure, all of which is legislated and financed by the State, in which you have statewide police organizations like SIPA and the State-Border Police, and a series of local police bodies spread throughout the country that are responsible for community policing and, in particular, for enforcing local level laws – everything from issues dealing with dog catchers to public peace and order, but at the local level and connected to the communities that they are policing. At the higher levels you have these police organisations, like SIPA,

that are responsible for organised crime, terrorism, major transnational crime and going after war criminals.

There were other issues that were in dispute though – proposals made by some sides and not accepted by others and vice versa. Those amounted to some eight issues, and they had to do with things such as a local police body headquartered in Srebrenica, a police district around Sarajevo, also an issue about how many assistant directors of police there should be and what the name of the local police body should be. Ultimately, in my judgement, what forestalled an agreement on Wednesday was in fact the issue of the name, and it strikes me that that is a really bitter reason to lose such an opportunity.

The reason as to why the High Representative in a letter to political party leaders on 22 February said that if you accept the first principle – the first EU principle about police, which is all legislative and budgetary authority at the state level – the legal consequence of that is there are no entity or cantonal institutions of police. So, when I say that the deal on the table on Wednesday was consistent with the three EU principles that is what I am talking about.

You have seen in some of the newspapers describing an option whereby local police in the RS are an administrative organisation of the BiH Ministry of Security and that would also be the case for Brčko District and local police in the Federation. So, when an issue like the name, which is in the Constitution of Bosnia and Herzegovina and mentioned in the General Framework for Peace, is the reason why that does not happen, I think people are reasonably confused and upset as to why that would be the case. After all, members of political party presidencies and members of Government are obliged to swear oaths, and in the case of party presidents they are supposed to write an oath in accordance with the election law, that they will respect and uphold the Dayton Peace Accords, which include a certain constitutional order in this country.

Like it or not, that is the oath that they have to swear.

Now, the leaders of the two largest political parties in these discussions on Friday, in my judgement, did show great pragmatism in the interest of reforming police, getting an agreement and seeing the SAA initialled as soon as possible. However, the other two parties, unfortunately, played a spoiler role. Each of them holding firm to a position that ultimately is not going to be sustainable if you accept the three EU principles as amplified by the High Representative.

Now, I do not blame anyone in particular. These six parties that form the governing coalition decided to enter into a coalition and so, ultimately, they need to work this out themselves. But, I think that it is important that those individuals who refused to compromise think about what they have cost Bosnia and Herzegovina and whether it is in line with their party platforms, is it in line with the oaths that they took and the structure that they actually swore to uphold, and does their position of maintaining a status quo help Bosnia and Herzegovina in any way. Everyone complains about the status quo and then when there is an opportunity to change the status quo the answer, unfortunately, was no.

Now, obviously I am not a European. I am an American. However, I am aware of how much has happened in the European Union since its creation 50 years ago this year. Next Sunday is the marking of the Rome Treaty, which established the European Union some 50 years ago. It comes 12 years after the end of the war, and for Bosnia and Herzegovina this anniversary of course, also marks the 12th anniversary, the 12th year after the end of the war in this country. I hope that is more than just a happy coincidence, because I do think that there is still an opportunity to come to an agreement. I think it would be a mistake to restart police reform after three years when there is a perfectly good concept on the table, one that can accommodate everyone's concerns and that was within a hairs breadth of coming to an agreement on, on Wednesday.

Last month, the PIC decided to extend OHR through to June 2008. The reasons for that are fairly well known, mostly internal and some external concerns. I have made it clear in my statements to the press that OHR's doors are open to assist these party leaders if they still wish to reach a deal, and the High Representative and I are willing to do whatever it takes to help that process. It is however, down to the leaders of this country to go that extra mile, some of whom I believe already clearly indicated their willingness to do that on Wednesday.

Next Sunday, as I have indicated, is the 50th anniversary of the signing of the Treaty of Rome and I do not see any reason why, with the deal that was on the table last Wednesday, some final adjustments could not be made to that deal and an agreement reached in time for that anniversary.

Now moving from Europe to Euro-Atlantic integration I would like to say a few words about the visit of the Nato Secretary General. Of course, I am personally very pleased that Bosnia and Herzegovina is now a member of the Partnership for Peace. It is good both for the region and for Bosnia and Herzegovina, and I think it was done largely as a reflection of the progress made in defence reform in this country.

But the Secretary General told BiH leaders, as well as myself, that the Alliance is also concerned about police reform, constitutional reform and to some extent, defence reform – particularly with respect to the issues of ownership of defense property and the chronic under funding of an already to low defense budget. But, in a similar theme to what Commissioner Rehn mentioned, the issue of ICTY cooperation was again raised. On this latter issue, let me draw attention to the fact that the Peace Implementation Council Steering Board, last month, instructed the OHR to make ICTY cooperation a priority in the coming year. It is one of the reasons why the Bonn Powers were extended and an area where the High Representative has clearly indicated that he is willing to use

those powers.

As the person in the OHR responsible for ICTY cooperation, I have begun consulting with International Community and local partners on what more we can do to break the back of the PIFWIC support networks and help bring those responsible for Srebrenica to justice. After all, there is no statute of limitations for murder and these people will be caught wherever and whenever we can do so.

Asset freezes for the Karadžić and Župljanin networks are a priority at this time, as are restricting their movements in Europe and the region as part of visa restrictions of the European Union, the United States and other organizations. You may have noticed that there has been an up-tick in terms of operations against the support networks and we will work to develop new initiatives to go after these people. You can also expect additional activity – some of which will be visible and some of which will not be, although the effects will eventually be evident to everybody.

I would also take this opportunity in that regard to comment on recent statements by members of the Serbian Democratic Party, particularly Dr Kalinić, Mr Šarović and others, who seem to anticipate a return to politics in the near future. I just remind them and their party that if that happens there will be serious consequences, because bans by the High Representative remain in effect and will continue to remain in effect until the High Representative decides otherwise.

So, to sum up, there is still a chance to come to an agreement on police reform if the governing parties want to. The OHR and the EUSR remain ready to help them come to an agreement, and why not use the 50th anniversary of the Rome Treaty as a target for doing so. I also wanted to inform people that the OHR and the International Community will continue to do what we can here in Bosnia and Herzegovina to make sure that Karadžić, Mladić, Župljanin and their supporters face the

justice they deserve.

Thank you. I will be happy to take any questions at this time.

RTQ's:

Reuters News Agency, Darija Sito-Sučić:

I was just wondering whether you told the party leaders during your meeting on Wednesday that the deal was in accordance with the three EU principles, because they repeatedly asked the international community to explain whether it is in accordance with those principles? So if it was, did you tell them and did they really violate that what they had promised earlier about that? This is not really clear, all the time they are saying that they do not understand whether it is in accordance with these principles, and if it was why did you not make it more public? It is now Sunday, but the meeting was on Wednesday night and Rehn came on Friday.

Principal Deputy High Representative, Raffi Gregorian:

Well the answer to the first question is that there were a number of people present at those discussions who were the official international observers in the Police Reform Directorate, and these are the people who collectively make the judgement as to whether or not, here on the ground, any proposals are consistent with the three EU principles. Those are: first and foremost, the European Special Representative, in this case it was the EUSR himself who is also the High Representative, Christian Schwarz Schilling; the Head of the Delegation of the European Commission here, Ambassador Kourkoulas; the Head of the European Union Police Mission, General Coppola; I was there representing purely OHR interests in terms of my role, as the person responsible for police issues in the OHR; and the American Ambassador. Certainly the report of the Directorate is consistent with the

three EU principles, that is a matter of record by the Political and Security Committee of the European Union, which made that determination in February. Then there was an implementation timeline, which had been developed in conjunction with the EUPM and the European Commission, that was also not an issue of controversy. The only area of ambiguity were these eight issues that I mentioned, which include different police regions and whether or not something is or is not an administrative organization of the Ministry of Security of BiH.

We made two things quite clear. One was that simply approving the report on its own and this timeline was not sufficient for the EU to initial a SAA and that since there were significant outstanding issues that had to be agreed, there had to be agreement on them in order to create a comprehensive package. There were proposals on the table, which were written in a way that were consistent with the three EU principles. Some of the people around that table said that they agreed to all eight of them depending on what words were in the law, and in particular the words "Republika Srpska". However, other parties would not even discuss the eight issues, the text on the table.

So it was quite clear from our side that what was being discussed, what had been put down on the table, was in fact consistent with the three EU principles. Despite being told that failure to agree on these outstanding issues in whatever form they chose to agree on them would not be sufficient to get a SAA, at least one of the parties said "No. I am not going to talk about anything beyond the report and the timeline itself", even though they had been expressly told by the European Commission that that was not going to be satisfactory.

With regards to your second question, my hope was that knowing Rehn was coming 24-hours later there was still an opportunity to come to a deal. Personally, I did not see any profit in

going into great detail, explaining what was on the table and not on the table, other than the general statement that I made in the hopes that that would allow room for people to still come to an agreement. And then I did not want to, obviously, intrude on the messages that we wanted to here Commissioner Rehn deliver, which he did and now that he is gone I am prepared to talk, as I am doing right now, about the details.

Journalist #2:

Yesterday, that is in today's newspapers, you were more specific and had said which leaders exactly had cost us an agreement on police reform. Could you now specify the names of those people, how and why they did this?

Principal Deputy High Representative, Raffi Gregorian:

Well, I did not specifically blame anybody. I just said that the two largest parties of the four that were in that room were the ones that were in the process of trying to negotiate a deal. I was asked by the journalist whether or not I blamed these other two parties. I did not say I blamed them because, in the end, there are six parties in the governing coalition, four of which were in that room, and they did not come to an agreement. However, I would say this, in terms of how people feel about this – these are your political party representatives and if you do not like what happened on Wednesday, you should call them. I mean, I have the numbers here if you want them. You should call these political parties and say: “You know what, we wanted to join the European Union. We wanted to reform our police. Why did you not agree?” And these people should come out specifically and say that despite the fact that there was a deal on the table that was consistent with the three EU principles, they said no anyway.

Now this is a question all the members of the governing coalition should ask themselves because, if they do not make progress on these kinds of issues, which were so close to an

agreement, what are they going to be able to do over the next four years? I do not think that the people of this country want to be stagnant for another four years and to fall farther and farther behind countries like Montenegro, which have been independent for less than a year and already initialed a SAA.

Nezavisne Novine, Mirza Čubro:

You said that both HDZs, along with the SNSD and Party for BiH, were ready to support this deal. In that case, why don't you organize a meeting between these four parties, which have the sufficient parliamentary majority both on the state and entity levels, so they can sign an agreement and so we can finally put an end to this story?

Principal Deputy High Representative, Raffi Gregorian:

I do not think I said SBiH. I certainly said the two HDZ's – HDZ BiH and HDZ 1990 – had up to this point played a very constructive role in helping to bring the other members of their governing coalition to a compromise. It is unfortunate that the other members of their governing coalition were not amenable to their efforts. As I mentioned during my introductory remarks our doors remain open for talks, discussions, whether in multi-party format or bilateral format. Certainly, as the person most directly responsible for police issues I will continue to maintain a dialogue with individual party leaders, both in the Government and in the opposition, as part of my job. If there appears to be an opportunity to take this forward again, then we will do that. But, there is no point in banging our heads against the wall. I have had just about enough of that over the past six weeks.

BH Radio 1, Mirsad Bajtarević:

Olli Rehn explicitly said that police reform must be in accordance with the Directorate's report. However, what Milorad Dodik is offering is not in accordance with the Directorate's report. Why do you always accede to Milorad

Dodik and for how much longer will you continue to do so?

Principal Deputy High Representative, Raffi Gregorian:

Why do you say that it is not consistent with the report?

BH Radio 1, Mirsad Bajtarević:

Is it not true that Dodik has rejected the Directorate's report on police reform?

Principal Deputy High Representative, Raffi Gregorian:

The RS and Mr. Dodik have made statements saying that they accept the report as the basis for an agreement. The key element that has really been the source of concern on our side, on the international side has been, up until Wednesday, a lack of clarity on whether or not he accepted the fact that local police have to be an administrative organization of the BiH Ministry of Security. On Wednesday he offered that and in doing so he met the first principle and satisfied the chief, outstanding concern that we had on the international side. The ambiguity of his position up to that point was concerning, but that concern was removed on Wednesday.

It says quite clearly in the report that local police bodies shall be administrative organizations of the Ministry of Security of Bosnia and Herzegovina, and he agreed to that on Wednesday if these other elements were agreed to as well – none of which were, in my mind, controversial. For example, should there be a citizens council at the state level that would be able to review the annual local police plans and budgets before they go the Minister of Security and to the Council of Ministers. I mean I do not know why anyone would object to that and in fact, during the discussions, nobody did. But yes, up until this point there had been a lot of questions and concerns, but when the time came to make a deal he offered to make an administrative organization of the BiH Ministry of Security and that is why we say it is consistent

with the three EU principles.

BH Radio 1, Mirsad Bajtarević:

Could you just comment on the fact that Milorad Dodik has lately constantly been talking about Bosnia and Herzegovina as a federation, Republika Srpska as a federal unit and has even been offering the creation of some other federal units. So, he is already acting like Republika Srpska actually is a federal unit, although it is in fact an entity. Do you know if he is aware of this fact?

Principal Deputy High Representative, Raffi Gregorian:

I am pretty sure he knows it. What he says, may occasionally be at odds with it in the same way that other politicians in this country say things that are not consistent with the constitutional order of the state. However, in the discussions I have had with him on police the issue of a future federal structure of Bosnia and Herzegovina came up. He said he understands that the concerns and reactions to that proposal are that that could lead to a situation where those federal entities could somehow break away from the state of Bosnia and Herzegovina. He told me that that is not his intention and that he would be willing to see in a future constitution something that does not allow for federal units to leave the state. But, this is all up to a future process of constitutional reform. He is one of many voices that would have a say in the future constitutional structure of the state. There are obviously people that do not share his opinion at all and that have completely different visions of the state. I am not going to speculate on what that future structure would be because that is really a matter for the people of this country to decide collectively, and not on the basis of statements made by individual party leaders.

NTV Hayat, Šemsudin Skejić:

The last proposal was for the police of Republika Srpska to

become an administrative organization of the police of Bosnia and Herzegovina. Also, according to the proposal the police would not cross entity borders, yet you said that the entire proposal was in accordance with the three EU principles. Does this mean that we can conclude that not crossing the Inter-Entity Boundary Line is in fact in accordance with the three EU principles?

Principal Deputy High Representative, Raffi Gregorian:

Well first of all, if the deal was accepted on Wednesday the RS police as you know it today, or the Federation police or cantonal police as you know it today or Brčko police as you know it today, would cease to exist. They would become state police, but organized at the local level. Where there was a discussion between Mr. Dodik and Mr. Tihić was on the number of local police bodies, where their headquarters might be and distributed in what way throughout the territory and because the issue of the name became the reason for lack of an agreement we never got to the stage of defining exactly how many. Previous discussions, both in larger format, in multi-party formats and in bilateral talks the issue of having as many as six local police bodies on the territory of the RS came up.

Now, from our point of view crossing the Inter-Entity Boundary Line makes sense if it meets technical policing criteria, and that is what the third principle says. It is important to understand of course, that police are responsible for enforcing laws at many levels throughout the country. So, in terms of enforcing statewide law, the state criminal code for example, that would fall to a greatly expanded SIPA. For example, SIPA now has two offices in Republika Srpska and that could grow to as many as twenty. But, it is not appropriate for example, for SIPA to go and enforce municipal level laws of the entities or Brčko District. So, if you organize local police that are trained, paid, equipped and commanded by the state, consistent with administrative boundaries of Bosnia and

Herzegovina, they can then focus on the criminal codes and other legal codes of the areas in which they are deployed. They would have to receive specialized training for that after they graduate from the BiH police academy, just like the State Border Police would have to get specialized training for the roles they would have. So, there is nothing inconsistent with having those bodies confined within the territories of Brčko District and the entities. But, that is a matter of discussion for them.

As I said the proposal that was on the table was consistent with the three EU principles. There was discussion about, for example, a police district around Sarajevo that would cross the Inter-Entity Boundary Line and there was also some discussion about crossing the Inter-Entity Boundary Line around Brčko District, if you think of Orašje and the way it is structured up there. Unfortunately, we never got to that final phase of discussion because people were confusing a name, which is a political issue, with the legal issue, which is the complete transformation of entity police into state level police.

RTV Republika Srpska:

As far as I can remember, on Wednesday night after the meeting Mr. Dodik said that his offer, in which he consented to the police of Republika Srpska becoming an administrative organization of the Ministry of Security of Bosnia and Herzegovina and all the other things you mentioned, would actually only stand for the duration of that day and would no longer be valid tomorrow, that he would withdraw it. Is this correct?

Principal Deputy High Representative, Raffi Gregorian:

Well, did he say that? Yes, he did. I also told my friends that I was not doing police reform anymore because I was very frustrated and I know he must have been frustrated, as were

other people in the room, on all sides. So, I hope that is not the case. As I mentioned our doors remain open, our phones are still switched on, so if people want to talk we can do that.

We were very close to a deal and with the approaching 50th anniversary of the Rome Treaty I think it is still not too late. So, whether or not that deal that was explicitly on the table on Wednesday is the one that could ultimately be signed up to by all parties, because it does require all parties to agree to it, I do not know. But, I am certainly willing to try.

RTV Republika Srpska:

Does that mean that you have talked to him in the meantime, and are therefore so convinced that this proposal could actually be accepted by Sunday?

Principal Deputy High Representative, Raffi Gregorian:

No, I have no indications of that. Since Wednesday the dialogue has been with Commissioner Rehn who had dinner with Mr. Dodik, as well as other government officials, on Thursday evening and then of course, there were a series of meetings with BiH officials throughout the day on Friday. So, at this point, no – there is no dialogue going on at this point, it was all being done at the Commissioner Rehn level. I am simply stating that we are ready to do this if the parties want to take it up again.