

Večernji list: Interview with HR Christian Schmidt

By Zoran Krešić

Večernji list: What did you say to the Troika, what did you say to the HDZ? Will you intervene in the Election Law instead of them?

Christian Schmidt: Allow me to turn that question around, that is, to speak about what was said to me in response to the question regarding specific steps that Bosnia and Herzegovina is currently taking in order to start its closer accession towards the European Union. We all know that certain conditions must be met for that to happen, and we know that this is always a complicated issue in Bosnia and Herzegovina. This, of course, depends on the multi-ethnic situation, and there are also several issues requested by European Commission in a very practical way. They are related to 14 priorities with very specific legislation that needs to be enacted. Equally, there are things that are essentially a fundamental prerequisite for a country to even become a member of the European Union. Part of this is to make the elections legally secure, and improvements are needed in relation to who will count which ballots to guarantee electoral transparency – this is the fulfillment of the so-called Copenhagen criteria. And I asked when would they finally do something?

Večernji list: What was their reply?

Christian Schmidt: They told me to wait some more until they hold their meeting this week. There is some skepticism because there is no support for some issues from the Republika Srpska, namely from Milorad Dodik. However, in general, I can say that they are optimistic and they welcome it all. We have one additional basic rule that all those who are elected to make a

decision believe that they should be the ones making the decisions. I have to say that I am grateful for every decision they make, so that I do not have to make them myself.

Večernji list: But Croats expect that the amendments to the Election Law will put an end to election fraud and outvoting of Croats in the Presidency by the election of Komsić! Will you help with the part that concerns this issue?

Christian Schmidt: These are complex constitutional and legal issues. It is something that needs to be discussed and worked on along with all other issues. I will now mention the Sejdic-Finci judgment and others. I understand that these questions are mentioned, but what the answer to these questions will be is a matter of negotiations that should be conducted in Bosnia and Herzegovina. We were in Neum almost two years ago and we went a long way there. However, if we want to fix something now, then it can only pertain to technical issues. So, this is about who will count the votes at the polling stations. We have left the possibility of electronic voter identification by fingerprints. As for all other things, I do not think we should address them now. I said, not only to the Croats but to everyone I talked to, that this topic is not on the agenda when it comes to the integrity of the election process.

Večernji list: Mr. Schmidt, allegedly the American administration strongly insists that you immediately impose these changes to the Law, while, on the other hand, the European Union strongly opposes it, believing that it has to be done exclusively by domestic politicians. Is this true and are you, in this context, under pressure due to different expectations and sides that have an influence on the operation of your Office?

Christian Schmidt: All of it is true, but everything must be seen in a certain context. I am certainly someone who says that domestic politicians should do it. Erich Kästner, a German writer, once said *There is nothing good unless you do*

something good. Unfortunately, I have heard so many times here about intentions to do something, but I wonder where that is and what has actually been done. Therefore, they need to get a grip on themselves. Whether the Americans or the Europeans, the Germans, the Dutch, the Italians are making the pressure is, I would say, not a question at all. The right question here is what do the people and what do the citizens of Bosnia and Herzegovina want. For fifteen years, we have had very specific proposals from the Organization for European Security and Cooperation (OSCE), Council of Europe (CoE) and the Office for Democratic Institutions and Human Rights (ODIHR) that could guarantee the security of the electoral process. We also have reports that the votes were not counted at the polling stations as they were actually cast. This is where I am becoming a bit fundamentalist.

Večernji list: In which way?

Christian Schmidt: I am normally a pragmatic person, but confidence in the elections can exist only when it is made sure there is no fraud. Regarding this issue, we really have to be honest with each other. This issue has nothing to do with the discrimination against some groups or some peoples. That really has nothing to do with it. The ballots must be counted exactly as they were cast and as filled in by the actual voter, regardless of the fact whether the voter comes from the group of Others, or the voter is a Bosniak, a Croat, a Serb or anyone else because they all have the same right. If you now follow discussions that are taking place in the neighboring country, regarding the local elections in Belgrade, then I think it is definitely worth dealing with this issue. I must say that a "deal" among the parties is not being made here. I am one hundred percent convinced of that and you can go and ask people on the street, I am quite sure they would tell you that they want safe and transparent elections and that their vote is counted as it was cast. The issues such as the way in which the votes will be calculated,

for example in the election of the Presidency members, are something completely different. Here I think that we should think about solutions very wisely and rationally, and I say that in the European Union too, that we have to work on this within the accession process, but it would be very good to make technical changes now, for the forthcoming local elections. It would certainly be a good thing if we could make these technical changes. This exists in the European Union and some other countries – the ballots scanning, electronically determining the identity of voters. I think, that is a good thing.

Večernji list: March is the deadline set by the European Council for Bosnia and Herzegovina to fulfill certain conditions, and it seems that it could be you who will meet some of the conditions. Do you see willingness of the authorities to fulfill the remaining conditions – the laws that the European Commission has specified for an unconditional recommendation for the opening of negotiations with the EU, in this context, how do you see the role of Croatian Prime Minister Andrej Plenković?

Christian Schmidt: I think there are a lot of preconditions that are already being worked on. But what is important, these things must be completed. It is always better if they are made by politicians, that is, by those who have appropriate mandates. I had a very intense conversation with Prime Minister Plenković. I must say that Mr. Plenković is the strongest supporter of Bosnia and Herzegovina's membership in the European Union and the imminent opening of the negotiations. Those around Plenković should also help him so that Bosnia and Herzegovina can make steps forward towards the European Union, and on the other hand, the BiH authorities should contribute to fulfill their obligations. The moment Bosnia and Herzegovina is in the European Union, the High Representative will not have to make any decisions.

Večernji list: You are talking as if you could be the man who

could practically close this office. Is my impression wrong?

Christian Schmidt: I don't really have a feeling that there will be many more High Representatives after me. However, I do not have any periodical plan, but I do have a plan for achieving results. This plan contains accession negotiations with the European Union. Recently, someone said to me in a meeting, "Mr. Schmidt, you are kind of an optimist, can you survive as an optimist in the Western Balkans at all? Doesn't one have to be a pessimist there?" I said no. If you want to achieve something in Bosnia and Herzegovina, then you simply have to be an optimist. In order to keep that momentum, you have to move forward. And this is my contribution to such an understanding.

Večernji list: How do you see Dodik's constant threats of secession of the Republika Srpska from Bosnia and Herzegovina?

Christian Schmidt: In essence, for me, it is a sign of deep confusion, helplessness in the Republika Srpska. I think we need to send a signal, not only to Mr. Dodik, but to the voters in Republika Srpska who, like everyone else, want to join the European Union. I want to say that no one, and this also applies to me, brings into question the existence of the Republika Srpska in the same way that the existence of the Federation of Bosnia and Herzegovina or Brčko District is not questioned. It seems to me that this is somewhat misinterpreted as someone having something against the Republika Srpska. That is not so. Admittedly, regarding the status of Bosnia and Herzegovina, I am in favor of cooperation and when this issue is discussed during the accession negotiations then it should definitely play a role. My view of this country is not from Sarajevo, Banja Luka or Mostar, but, so to speak, from a helicopter. It is not simple to explain the situation, difficulties and possibilities in Bosnia and Herzegovina to someone who sits in one of the European capitals or in the USA. One should concentrate here on essential things, and this means that even when it comes to

the accession negotiations for the EU the foundation is Dayton. Today we can criticize as much as we want, and I am not the first to wish that some things in the Dayton Agreement were different and made better. But things are as they are. I think we have to send positive messages from here. When the Dayton Peace Agreement was made 30 years ago, it was about ending the war, ending the killing and violence. In that context I can say that it was a super successful model. We discuss many things, but this is democracy. What is important and I would like to see in the RS is being aware of what was going on in this country 30 years ago. There are still many people here who behave as if the IC were some kind of a patriarch. But it is not. The goal of the pressure back then was to stop killing people. Therefore, I really recommend that everyone who utters big words think about what we would have today if it were not for the Dayton. This is true for Banja Luka, but also for other cities and towns in Bosnia and Herzegovina.

Večernji list: Quite often in the recent period, local and foreign media or certain officials pointed out the danger of a new war, violence. Is there a threat of a new war before BiH?

Christian Schmidt: Bosnia and Herzegovina is not threatened by any new war. But we have a situation in which the whole world has become unsafe. And I think what needs to be done now and why the European perspective of Bosnia and Herzegovina is important is that we must say that this country is a part of Europe and security of Bosnia and Herzegovina is in the interest of the Europeans and the North Atlantic Alliance. I don't know what plans are made in Moscow. We have to conclude that many things here still depend on whether Moscow will be allowed to overrun and take Ukraine. Who could say after this that Ukraine would be the last such country. I recommend that people inform themselves what they think about this in the Baltic countries. In this context, Bosnia and Herzegovina and all other countries in SEE are not outside this geographical

map. I don't see any danger but, from a geostrategic point of view, I would rather say that we should first fortify and fit our house so that the strong winds and storms would not damage it. When it comes to the Balkans and the SEE, I must say that we have made a lot of progress. With Croatia and Slovenia we have two European and NATO partners in the region. Plus, Montenegro, Albania and North Macedonia are NATO members. I would be pleased if Bosnia and Herzegovina also became a NATO partner. We know this is a difficult topic in Serbia, but when we look at things, NATO is, ultimately, an alliance for defense, not attack.

Večernji list: In Dodik's trial, as part of his defense strategy, they say that they will try to dispute your credibility as a High Representative. What is your view of that and if you are summoned to the Court, are you going to respond even though we know that you enjoy immunity considering the Vienna diplomatic convention?

Christian Schmidt: What Dodik's very well-paid lawyers are saying is somehow weak. It is absolutely not disputed that the nomination and appointment to this office is done by the Peace Implementation Council in BiH (PIC). And this is what happened. Then, they can also summon as a witness the UN Secretary-General Antonio Guterres or perhaps the former German Chancellor Angela Merkel, president Macron, but this will not change the appointment. The real truth is that we have abstention on the Russian side. And Russia would like to have a veto and to ban with veto my appointment. There is no veto rights in the PIC according to Dayton. This is why they want to place this in the Security Council. The same Security Council to which I submit my reports as the High Representative and which accepts me as such. That's why I recommend that they deal with other topics because it won't get us anywhere. Let's allow things to develop further, and the decisions that will come will have to be related to those who make such moves.

Večernji list: What about the controversies related to state property, that is, the answer to the question who it belongs to – entity or state? The authorities have not made an agreement on this for the past 30 years. Republika Srpska claims that it is entity property, the Constitutional Court and the international community claim otherwise. You have announced a decision, and this question is extremely important, because non-resolution of this question actually prevents investments?

Christian Schmidt: In recent weeks I have been working on the finalization of the proposal. With this, what I want to achieve is that law remains law, but also that the country gets an economic chance. I totally agree with you, why wasn't this resolved a long time ago? This is an embarrassment for this country. I asked the Croatian, Serbian and Slovenian politicians when they resolved the issue related to the succession of the property of the former Yugoslavia. I'll let you in on a secret; no one knew what to say anymore because it was such a long time ago. No one even talks about it anymore. I hope we will find some reasonable way. Admittedly, this also requires acceptance of law, and not, as I heard in Banja Luka or elsewhere, that some constructs are made. Everyone should get their rights, no one will cede or give anything to anyone else. This is also one of the economic conditions for the European Union. In the EU, we set ourselves the goal that property should be insured, and that can be done. If all other countries in Europe succeeded, then Bosnia and Herzegovina will succeed as well. I will help it with that.

Večernji list: The Constitutional Court of Bosnia and Herzegovina is in a serious crisis due to the non-appointment of judges from the Republika Srpska and the Federation of Bosnia and Herzegovina. How do you comment on this as well as the fact that the decisions of the Constitutional Court are being ignored – from your position of not only the High Representative but also as a long-time German politician,

parliamentarian, and federal minister?

Christian Schmidt: I come from a country where the Constitutional Court is completely untouchable. And that doesn't mean that everyone is always happy with every decision. Recently, the German Constitutional Court decided that the budget proposed by the current government is not in accordance with the German Constitution. The Minister of Finance and the German Chancellor had to quickly save between 17 and 20 billion euros. Now, difficult talks are being held, they make microsimulations, but the decisions of the Constitutional Court are not being questioned. These are the foundations of the state, and if there is a session of the Constitutional Court of BiH today without a single judge from Republika Srpska, I would say, great, here you go, you in Banja Luka have the opportunity to appoint two judges by a decision of the NSRS. I would welcome such a decision.

Večernji list: For years, the three parties in Bosnia and Herzegovina, the Croats, the Bosniaks and the Serbs have had a hard time solving the problems, and some say that the international community has become part of the problem, but also of the solution. How do you look at this?

Christian Schmidt: All this looking for problems in Bosnia and Herzegovina is a little bit too much for me. Here's a suggestion; let's look for solutions first! Then you will realize that everyone has to contribute to that solution. There is no divine wisdom. And the principle of European integration is that you need to find a way to reach an agreement and solve the problem. Recently, someone, a citizen, told me: "When you leave, I will leave too." I told him: "No, when I leave or when I only drink dry red Herzegovina wine, it means that I have fulfilled my task and I hope that the state of BiH is a little closer to the European Union and that it will be self-sufficient." Everyone has certain responsibilities, and so do I. I admit, even the international community has not done everything right, but let's look for

solutions and that is my proposal for the future.