

Press Conference of the High Representative, Wolfgang Petritsch, on the Completion of the Constitutional Reform Process in Bosnia and Herzegovina's Entities

Alexandra Stiglmayer, OHR Senior Spokesperson: Thank you for coming. You all know what the reason for this press conference is. It is the constitutional developments in the two Entities. And now I'm handing over to the High Representative.

Wolfgang Petritsch, the High Representative: First of all, let me apologize for being a bit late. But we had to be very sure that every single line that we, that I, issue and sign is absolutely correct. Now let me also stress that never ever in the three years of my mandate in Bosnia and Herzegovina have I experienced a feeling of such profound relief and satisfaction. Almost two years now after the Constitutional Court of BiH issued the so-called Constituent Peoples' Decision, six and a half years after the Dayton Peace Agreement was signed, which demanded that the Entity constitutions be brought in accordance with the State's constitution, this process now has drawn to a conclusion.

This work, these efforts, have been very inclusive. All the leading parties in BiH have been engaged in the process through the Constitutional Commissions and then the difficult negotiations under my auspices, which three weeks ago produced the Agreement here in Sarajevo on the Implementation of the Constitutional Court's Decision. The readiness of the leading parties of your country to engage in these discussions has been an important step forward, and I sincerely applaud them for these efforts. This shows to me that the concept of ownership of the local authorities, which I initiated when I took over as the High Representative, is indeed working. BiH's political class is recognizing its responsibilities; it is living up to the requirements of a modern European democracy, the rule of law and the multi-ethnic character of this country, this State of BiH.

Today, in partnership with the leaders of BiH, I have brought the constitutional reform process to a conclusion by issuing three Decisions which build upon what the domestic authorities have achieved. This is a new kind, a new quality of Decisions that I have taken today.

One Decision promulgates the constitutional amendments in the Federation. I would like to take this opportunity to commend the Federation government, that is the Alliance, for having supported these amendments, and I commend the Federation House of Peoples for having passed them yesterday. And I'm not going to allow two nationalist parties, the SDA and the HDZ, to prevent them from taking effect. As a guarantor of the Mrakovica-Sarajevo Agreement, I simply cannot accept the continuing obstruction on the side of these nationalistic dinosaurs. I cannot allow the prospect that these two parties could hold the citizens of this country hostage. This time, and this age, is definitely over.

Now, a second decision corrects a number of shortcomings in the Republika Srpska amendments, which were adopted on April 4. These Decisions fully harmonize the constitutional amendments in the two Entities with the Agreement and with the Constitutional Court decision.

Lastly, I'm amending the Election Law of BiH, harmonizing it with the new Constitutions. Later today, the BiH Election Commission can announce elections in line with the new constitutional framework. This framework, fully incorporating the Mrakovica-Sarajevo Agreement, ensures that BiH's peoples and citizens are represented at all levels of government and public administration in both Entities, and provides them with far-reaching rights in the decision-making process. This gives BiH a political system that fully represents its multi-ethnic character and conforms with European values and internationally recognized human rights standards.

I am able to issue my Decisions today knowing that the leaders of BiH have taken this country a huge step forwards towards a future based on modern European norms, which include consensus and a sensible compromise. The international community and I myself are exercising our role as a partner for BiH and its leaders, and the Alliance leaders and the RS leadership have shown courage, strength, persistence and commitment. More than this, they have shown responsibility and statesmanship when faced with one of the most complex questions a democracy can confront itself with, and that is, of course, the constitution. In many countries it takes years to find such a solution and in this way, the two years, in fact, were well spent.

The great European Robert Schumann once said, "Peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it." And Europe, he said, will not come about at a stroke or by overall construction. It will come about through concrete achievements first creating de facto solidarity. BiH and the whole of South Eastern Europe can follow the model of the European Union in this respect. Concrete achievements establish the conditions for overall improvement that benefit everybody.

As you know, I am stepping down as the High Representative in a few weeks. I can tell you that the constitutional reform process has shown me more than any other achievement during my mandate that this country has a future and will definitely become part of the European family of states. Thank you.

OHR Spokeswoman: Thank you. Now your questions please.

Question: Mr. Petritsch...

OHR Spokeswoman: Can you please state your organization and name?

Associated Press (Aleksander Dragicevic): Are you going to punish these dinosaurs?

High Representative: I believe it's the fate of dinosaurs that they die out. I do believe that democracy in this country is by now so well rooted that they will simply not be elected into important offices any longer.

Kuna (Yasin Rawasdeh): Do you want to describe those dinosaurs, first question. Yasin from Kuna. The other question – at the end of the day you impose the constitutional law Decisions – two years after. Why didn't you impose these things even before?

High Representative: I have made it clear, I believe that people understand that this is a new kind of imposition. This is not an outright imposition as this used to be the case in the old times. This is clearly a new approach. I would say this is partnership where most of the job indeed has been done by the responsible political actors in this country. But they're not fully there yet. Just look at the concrete situation here in the Federation. Why was the 2/3 majority not reached? They had a relative majority, the reform parties – unfortunately the nationalistic parties did not support it. Why? You have to ask them. I can only imagine that this is something that they do not want. They don't want, in fact, to get rid of the discrimination, of the ethnically based society that exists here, which of course serves so much more a nationalist party than multi-ethnic party. It's very clear that the interests of nationalistic parties cannot be taken care of by a civic concept, by a modern European political system. But I do believe that more and more people in this country are ready, and in fact want finally to move on, so that the politicians can concentrate on issues that are more important than this politicking, these old politics. It is really time now, and this is a good basis, for being more successful with economic reform, social issues, pensions, to do away with the obstacles that prevent BiH from being included in the Schengen visa system, and so on. So your politicians have been freed now, so to speak, to do the real work that in other countries is usually done by politicians.

Kuna: Do you want to describe those dinosaurs?

High Representative: I don't want to describe the dinosaurs. This is just a metaphor, and I wouldn't want to go too far in this comparison. But when you look into the history of our planet, then you realize that they had their time and they've died out. The same, of course, also happens in a dynamic European democratic society. This kind of parties that still exist here don't exist in the rest of Europe any longer. You have different parties, a different concept for a party, and so therefore I'm quite confident that this is going to be a thing of the past pretty soon.

Avaz (Sead Numamovic): Mr. Petritsch, what kind of activities are we going to see now in the, let's say, in the context of contacts with these SDA and HDZ parties? Are you going to cease the contacts with them, or continue, or how are you evaluating their activities and behavior in the Parliament? The SDA was opposing the amendments and the HDZ left the Parliament.

High Representative: Let me just refer to the behavior of these two parties. The SDA, of course, realized that they had obviously made a big mistake when they left the negotiations early. In this way, of course, they gave up on getting their position recognized in the negotiations. They ended the negotiations at the famous document number 16. After document number 16, many, many more documents were produced. So, of course, for them it's now very difficult to vote for something when they already said there's nothing to it, we don't agree with it. But in the meantime, such great efforts, such great progress has happened that they, I'm sure, are kind of worried now

and therefore they abstained. They're not against it, so they abstained, and maybe this is a way back into the fold.

Of course they have to realize now what kind of improvement this brings, for example, in the Republika Srpska for the Bosniaks. They will be confronted by the Bosniaks in the Republika Srpska. They will ask them, why haven't you voted for this? We now have five ministers in the government, 50% of the government is now non-Serb in Banja Luka, of the six most important positions only 1/3 can be Serbs. We have so many more opportunities now in the administration, in the judiciary. There are literally hundreds, if not thousands, of new jobs that are now being made available for Croats and for Bosniaks. Of course you need good, excellent politicians to make this happen, but now you have a legal, a constitutional basis for this. You can start now implementing it. But for this we need people who get constructively engaged in it, and not nay-sayers.

Avaz: So just to finish the answer. What would be the behavior of the international community towards these parties, these two parties?

High Representative: I would not want to go into details. I think this is a matter of the future, and the future will tell. But one thing is for sure: if you do not sign up to such a far-reaching reform of your state, how can you then be a representative there? How can a minister who comes from a party which has not signed up to these constitutional changes then really work constructively, if they basically disagree with this kind of reform? It's difficult for them. So what happened is, in fact, they took themselves out of the game, hoping that this whole process would collapse, that local leaders, the Alliance in particular, would never find an agreement – then they could say, "See how right we were not to participate in these negotiations?" But they were wrong. You know, this is tough luck. They were wrong, and now it's going to be up to them to prove that they nevertheless are ready to constructively work on the basis of this new and very revolutionary concept of the 22 constitutions.

Now just one word with regard to the HDZ. Of course I don't envy a party like the HDZ. This party had been leaderless now since more than a year. They cannot get their act together. They cannot actively participate in any of the state functions because they are constantly dealing with their own problems. So let them finish and let them finally make some decisive moves and elect a new leadership, which would be ready to work to the benefit and for the benefit of the Croats in BiH. This is basically a passive party, which unfortunately cannot play an active role in Bosnian politics. They have to decide what they want: do they want to deal with their own problems exclusively and preserve the status quo, or do they want to finally become a constructive force in BiH.

Reuters (Daria Sito-Sucic): Can I ask a question? You said in your second Decision you corrected a number of shortcomings in the amendments passed by the Bosnian Serb Parliament. Can you name some of them or say concrete what you corrected?

High Representative: Yes. You will get very quickly the copies, in English even, of my Decisions, and there you will see what I have corrected. I have corrected the language issue, for example. I have corrected some administrative issues. But I should also mention in this context, since I know that yesterday on television there was a discussion about the alleged shortcomings in the Republika Srpska, and both parties, party representatives, who were speaking there mentioned the election of the RS President and Vice Presidents. Unfortunately they were wrong. All three are now being elected directly. So, you see there is quite some progress in there.

OHR Spokeswoman: You'll get the printed Decisions later, our press release on them, and also a Communiqué of the Steering Board of the Peace Implementation Council. They will be all on the table outside later.

High Representative: Since I see Mr. Wheeler here, it just comes to my mind that of course I'm getting a lot of advice from very competent institutions. The two most prominent and most important institutions, think tanks, dealing with the Bosnia issue, are, of course, the Crisis Group, represented by Mr. Wheeler, and the European Stability Initiative. I got from both sides advice, but they are about 180 degrees different: one saying, "Do not impose," and the other, the Crisis Group, saying, "Impose." I think with this kind of job that I have done today I have, in a way, satisfied both. It is not an imposition, but in the end, it is in a way an imposition. But it is, as I said before, and I would like to stress this, a new quality, and it also demonstrates and signifies a new quality in the relationship between the local authorities and the international community.

Mark Wheeler, International Crisis Group: Very quickly. Thank you for that advertisement on behalf of the International Crisis Group. I assume, therefore, there is no inclusion of any changes to the power of referendum in the RS constitution in your corrections?

High Representative: There is no reference to a referendum in the constitution. It has been eliminated. There's no referendum.

Unidentified: (in Bosnian) Mr. Petritsch, could you tell us if the corrected amendments to the RS Constitution are now fully in line with the Sarajevo Agreement?

High Representative: (in Bosnian) Yes. Yes, they are.

Unidentified: (in Bosnian) Fully?

High Representative: (in Bosnian) Yes, fully.

BiH Radio One (Mirsad Bajtarevic): Mr. Petritsch, what do you expect now from the political parties from Republika Srpska? You know, a couple of times they said that they do not want to implement a Decision from someone else, in that case, from you. What do you expect from them?

High Representative: What I have now implemented here is basically what Serb parties, at one or another stage in these negotiations, had already agreed to. So I believe that this is not the issue any longer. In the end, you have to get things 100% right, and this was not the case. Therefore I had to intervene. But it is basically a completion of what was negotiated.

BiH Radio One: Me again. One word was popping up all the time during these negotiations, and it is "symmetry." Talking about symmetry, how much do we have of it with regard to the powers and positions of the Vice Presidents of the Entities ... rotation and authorities of Vice Presidents in both Entities.

High Representative: Is there rotation? In the Federation?

BiH Radio One: Well, so far, yes. What about now?

High Representative: So you read the new mandate under the constitution, and then you will see how much symmetry there is in there. There is full symmetry in substance.

BiH Radio One: And what about the powers of the Vice Presidents?

High Representative: This is not what the Constitutional Court's decision was about. We need to keep in mind that we are talking here about the implementation of the Constitutional Court's decision. Now again, there are, of course, differing opinions out there. Some are maintaining, and these are obviously sometimes well-educated people, that you don't need to negotiate, you just simply implement. I would like to see how you implement this decision without specifying anything and without working with them. And others, of course, expect from this Constitutional Court's decision, from its implementation, that everything is going to be changed. This is not the case.

I must tell them that I share the opinion of Zlatko Lagumdžija and President Halilović that it is not a perfect thing. I believe it is a compromise in the classical, democratic sense, where you have basically three competing camps to identify common ground. This has happened. But democracy is a process, and the constitution is not sacrosanct. There are instruments to improve it, and I would encourage you all, the politicians here, to work on this and to further improve this important document. For every state and every society, this is the constitution, after all. But do not expect miracles. Do not expect a once-and-for-all solution to your problems. Try to rather deal with them. I think this is the real historic experience and the gain in this lengthy process: that politicians have learned in this process to say "Yes" to something that they stand behind. They have learned to take one step towards one another, to try and listen into the other argument, try to understand it, and then try to disprove it, or take it in, into the solution. This kind of give and take, this kind of serious interaction, this is the daily bread of democratic politics. And this is what's so important.

I know I've been criticized time and again for this kind of lengthy process, "Why hasn't he imposed yet?", and the many appeals – from some of the people who have then eventually signed this Agreement. They have appealed to me. Of course, it would have been so much easier. Lagumdžija, Zubak, Halilović, the Serb politicians, they would not have to stand up now and defend themselves. Because they could say, "It was the High Representative who did it." I'm very sorry, but this time it's not possible. And this is important. You, as citizens of this country, should insist on it, that this is done by your own politicians. This is, after all, why you vote for them, why you pay for them.

This is really very important. And see more and more that the High Representative has to become less and less relevant here. We have to really see this as a kind of withering away of this kind of tutelage and position of the High Representative. This is an unnatural thing. You should now start thinking of not getting rid of Petritsch, but of getting rid of the High Representative. This I mean in a positive way – by making progress, by taking on the challenges, by doing what so far too much and too long the international community has been doing.

OHR Spokeswoman: OK, let's take two more questions and then finish this press conference.

AFP (Sabina Arslanagic): Just very generally. That draft amendments that you received last night from the Republika Srpska, to which extent do they satisfy the Agreement?

High Representative: When you compare my Decision and the document, then you will see it was not satisfactory. It went far, but not far enough. I insisted from the outset that we need 100%. This is a Constitutional Court's decision that has to be taken seriously and you cannot fiddle with this. There we need very serious engagement. Here I wanted to see up to the last comma a perfect job done. It was almost perfect, but it still had to be added on a little bit. But again, we should, today at least, focus on the positive achievements. For this country, I can tell you, this is a great achievement that this was possible.

AFP: That's exactly why I'm asking you – to build on the previous question about whether something imposed will be accepted or not. So, from what you read last night – what's your general feeling? Do you think that you made just minor changes to bring things up toward a solution, or...

High Representative: I think it is acceptable to them. It has to be acceptable, full stop. And it would be unwise on the part of the RS leadership now to backtrack or to try to obstruct the implementation. I am quite confident that there is now a new spirit, a new atmosphere in the politics of this country, so I do not expect any difficulties. Thank you.

OHR spokeswoman: Thank you.