Interview: Wolfgang Petritsch, the High Representative for BiH:”I Fear Destruction by the Powerless HDZ!”

FATEFUL DAYS FOR BiH: Dayton with Petritsch

BH Politicians Do Not Understand that Democracy Begins with Compromise

On the eve of the second round of talks with the leaders of political parties in BiH about the models of implementation of the BH Constitutional Court Decision on the constituency of peoples, the High Representative of the International Community in BiH, Wolfgang Petritsch, gives an exclusive interview to our magazine about the results achieved so far in the course of the negotiations, the moderation of views of RS parties with regard to the introduction of the House of Peoples in the RS Assembly, HDZ obstructions, relevancy of the 1991 census, the future constitutional and legal design of Bosnia and Herzegovina…

*On Tuesday evening, the night before the continuation of difficult talks, the High Representative was satisfied with the results achieved last Friday and a moderate optimist with regard to the final outcome of the constitutional reform negotiations * RS parties have practically accepted the establishment of the House of Peoples, requesting that it not be named like that * The 1991 census is a reasonable starting point in all talks*

Historic talks about the future of BiH

Judging by the initial and unofficial information with regard to the course of the negotiations between the representatives of the main political parties in BiH about the modalities of implementation of the BH Constitutional Court Decision on the constituency of peoples, which are ongoing as we write this article (Wednesday, March 13), it is very unlikely to expect that their outcome will be a quick reaching of a concrete agreement by the participants. The atmosphere during the first few hours of this meeting (on Wednesday, March 13), which will most certainly go on for days, is nowhere near the constructive one from only a few days ago, when there was discussion about the establishment of a body that would protect the vital interests of the constituent peoples in BiH. As was feared earlier on, the (successful) continuation of the new round of talks about representation in entity executive authorities is blocked by the HDZ representatives, for whom, it seems, any progress is contrary to their interests. We were unofficially informed that Niko Lozancic, the Vice-president of the HDZ, has denied everything that was agreed on Friday, explaining that he cannot accept views presented at a meeting he did not attend. At the meeting with Petritsch that took place seven days ago, his party was represented by Mariofil Ljubic. The HDZ also demanded that the government in the Federation be divided on the basis of parity. The Bosniak side had nothing against such a proposal, it just requested that the same principle be applied in Republika Srpska, which met with the strong disapproval of the Serb representatives.

As a reminder, the first (ten-hour) meeting was far more productive, according to the statements of the participants given after it was held (March 8). The President of the Federation of BiH, Safet Halilovic, said last Friday: “We are encouraged by the progress made,” adding that, all things considered, the final result of these negotiations would be a “painful compromise”. “I am not fully satisfied, but it cannot

be denied that positive progress was made," stated the President of the SDA, Sulejman Tihic. According to the claims of our interlocutors, the RS politicians were surprisingly cooperative this time, and they practically conceded the introduction of a body similar to the House of Peoples in the RS, and to the distribution of power according to the representation of peoples in BiH before the war, but they requested that such an institution should have a different name, i.e. that it should not be called the House of Peoples. In response to the question whether the creation of the House of Peoples in the RS was discussed, Safet Halilovic said after the meeting that the RS leaders dare not assume the risk to create a House of Peoples before the elections, as well as to accept the 1991 census, and our other interlocutors gave the same reason to explain why the Serb representatives insisted that it should be named differently, which is what they are accepting now after rejecting this for a long time. On Tuesday, March 12, we talked to the High Representative in BiH, Wolfgang Petritsch, about the meetings taking place in the OHR, whose goal is to define an agreement on the modalities of implementation of the BH Constitutional Court Decision on the constituency of peoples.

"This is one of the most important periods for BiH, and the next couple of days will truly be fateful for this country," Petritsch said at the beginning of the SB interview. "I hope that the politicians will realize this. An agreement can be reached. I am quite convinced that the participants could come to the substance of a solution. But I am also somewhat skeptical, because we can never rule out the possibility that the party representatives will be unable to resist caring more about party interests than the future of BiH."

On the eve of this issue of Slobodna Bosna going to press, Petritsch spoke briefly to the journalists about the meeting that had begun a day after the interview for our magazine. He said that the negotiations that started on Wednesday are slow

and difficult. “But,” he added, “it is my impression that they are going in the right direction. You have to understand that this is the first time your politicians are encountering such a monumental task…”

SB: After a ten-hour meeting of the representatives of the main political parties in BiH, held last Friday at the OHR, the majority of the participants claimed that progress was made this time. The things discussed at that meeting include the creation of a body for protecting the interests of the constituent peoples, which essentially means a House of Peoples, and which was opposed by the Serb side in the past. Do you think that the change of attitude of the RS representatives is the most important thing about the meeting last week?

WP: A few days ago the RS President Mirko Sarovic said in a TV show that what they are proposing now is actually a House of Peoples. But, of course, nothing is agreed until everything is agreed. It is my impression that nobody wants to offer compromise first, everyone is hesitating to make the first proposal that would lead to compromise, because no one wants to appear weak. This is something which is, I would say, culturally determined; in this society, it is believed that a compromise is something negative, something which only reveals weaknesses; it is, however, something that is done on a daily basis in democratic countries. But, as regards the principles themselves, there can be no compromise there; that is to say, there can be no compromise as regards the implementation of the BH Constitutional Court Decision on the constituency of peoples… Looking back on the past year, and on my more active engagement in finding a final solution – which began some time around January this year, it is my impression that it was the Serbs who went the farthest as regards the approach to this issue. But, it appeared that some of the politicians had realized at the end of the ten-hour meeting held last Friday that progress can be made and obviously showed panic and fear

because there is a clear indication how this process, which is beginning with the constitutional reforms, will unfold.

The contents of vital national interest specified

SB: To which politicians are you referring?

WP: I wouldn’t mention any names now, because these are very sensitive negotiations that will go on for a few days; what I can say about the meeting is that the atmosphere in which it was held was relaxed and tolerant… I wouldn’t like to go into details, because there are hundreds of aspects we are dealing with – we are talking about what basis should be considered for the government, is it the 1991 census or some other starting point, about the number of ministers from ethnic groups; we are requesting from the government bodies to present their views about the reduction of the number of ministries, we are discussing whether all laws have to be adopted by the House of Peoples or should the House of Peoples only adopt laws related to the protection of vital interests. I also believe that one of the results of this reform should be the reduction of the number and size of government bodies, so they could work more effectively and rationally; do we really need both a governor and a prime minister in all of the ten cantons, do we need three presidents in the Federation or is only one enough or maybe none? It is difficult to reconcile these two interests, to have on the one side the institutions that will fully protect the vital interests of all peoples, and to not have on the other side one government that will actually consolidate the work of all of these institutions…

SB: The participants in the meeting stated that the biggest progress was made in defining vital national interests and the mechanisms for their protection. Was a concrete agreement reached in that regard? If this did not happen on Friday, do you still think that an agreement could be reached quickly?

WP: In that regard, I think that the most concrete agreement was reached in the sense that we arrived at something I would call a far-reaching consensus about the definition of vital interest. There are still some unresolved aspects within that definition, the things for which we say in the negotiating terminology that they are in brackets, that are still not fully agreed, but most of the vital interest definition has been agreed on. The Serb side, which until now has always advocated the position that the definition of vital national interest should be as narrow and strict as possible, is now more open, and those who until now believed that the term vital national interest needs to cover absolutely everything have also softened their position, and we are now on the way to reaching an agreement. As regards this issue, I think that all three sides have expressed a realistic attitude and the willingness to reach a compromise.

I suggested to the parties to move to reaching an agreement as to how this body should be called at the very end of these negotiations; we should first determine the substance of this mechanism, of this body; only after this is defined, only after we achieve symmetry there, only then should we move to the discussion of the name. I said that a basic agreement has been reached as to what vital national interest actually is. I can’t discuss details, I have to be careful in that regard in order not to disturb these negotiations, particularly because certain substantial progress has already been accomplished.

HDZ is leaderless and destructive

SB: You recently stated that an agreement could be reached by mid-March, but a new meeting will start as late as tomorrow (March 13), and its outcome is very uncertain. Isn’t it practically impossible for the agreement to be reached so quickly?

WP: Since we have entered the final stage, we should finish everything by mid-March. This can be done until then, but only under the condition that there is full engagement of each party leader. I know that I will be criticized for saying this, but from the very beginning I held the view that the solution simply has to be found by the representatives of all three constituent peoples. My task is only to help them make decisions as soon as possible. I am working together with my colleagues and associates, we've literally spent hundreds of hours working with experts and politicians in this country. My second task is not to allow the reaching of a foul compromise, but to have real implementation of the decision on the constituency of peoples in BiH take place. Naturally, everything has to be done in accordance with European standards…

SB: Following an encouraging meeting last Friday, is it possible for the representatives of certain parties to change their minds over the weekend and return to their old positions in the course of the next talks?

WP: Everything is possible.

SB: I am getting the impression that you fear obstructions by the HDZ?

WP: Yes, I am afraid of that because the HDZ is too weak now, it has a lot of internal problems, and for months now it hasn't had a leader heading the party. I'm afraid they could come to the next meeting with a position that they must not accept any proposal, which would only lead to the continuation of a bad political tradition in BiH. But, I sincerely hope that they will also make use of this historical moment, because this is truly a major turning point, and constructively participate in the negotiations.

SB: Did the Serb side accept that the basis on which the

government should subsequently be established is the 1991 census?

WP: This proposal is only a part of a possible final solution. There are also other models, perhaps even more far-reaching and better than this one. I wouldn't like to comment on that, but I can only say that the 1991 census is one of the reasonable options in these talks.

SB: Does that mean that the representatives of RS parties have accepted it this time?

WP: I'd say that this is one of the sensitive issues, and I therefore expect that a definite agreement on this will be reached at the very end, but in this moment things look quite good.

SB: Did the OHR support the proposal of the Federation Government, according to which the representation of any peoples in the executive authorities of the Federation may not be less than 25%, or more than 49%?

WP: My first impression is that the parties with a voter base in the Federation prefer this proposal. But, one thing is guaranteed, which is that there will be multiethnic governments in both Entities.

HDZ HEADED BY JELAVIC CANNOT PARTICIPATE IN THE ELECTIONS

SB: Last weekend the Central Board of the HDZ decided not to change the leadership of the party. Ante Jelavic should remain in the post of president of the party, who should, as they said, authorize someone to act on behalf of the party – now there are three names in circulation (Barisa Colak, Niko Lozancic or Josip Merdzo). Will the HDZ lose the right to

participate in the elections on account of this decision?

WP: The Rules and Regulations are quite clear; If Ante Jelavic, a person who was dismissed by a decision of the High Representative, continues to hold that post, then it is quite clear that the HDZ will not be able to participate in the oncoming elections. These are really pitiful and actually childish games, which will lead them nowhere. The HDZ should finally grow up and take the right decisions.

"I ENJOY THE FULL SUPPORT OF BOTH EUROPE AND THE USA!"

SB: At the end of last year the US Ambassador to BiH said that it would not be good if you imposed a Decision on constitutional changes, that it was the job of the local politicians. Nevertheless, in case that this does not happen again, are you thinking about seeking the support of the PIC Steering Board to take such a decision before leaving Bosnia?

WP: As is known, I never reveal anything with regard to the decisions I take, but I have to say that I have the support of all of the members of the Steering Board, including the United States. I am particularly grateful to US Ambassador Bond, who has shown that he and his Government fully support my concept of homegrown political solutions. I would like to have more support from local intellectuals and journalists, who should be asking local politicians to take such an important decision seven years after the signing of the Dayton Agreement.

SB: In case the talks on the implementation of the Constitutional Court Decision on the constituency of peoples do get prolonged, could that lead to delaying the accession of BiH to the Council of Europe?

WP: In the talks that I had with the Secretary General of the Council of Europe, Walter Schwimmer, he told me that the local players should find a solution, because that would clearly show that BiH is a mature country, ready to join the Council of Europe. If, however, the prolongation of the talks does occur, then the Council of Europe will answer that question, not me. However, I am convinced that this will not be the case.