

High Representative calls on BiH politicians to show statesmanship and breadth of vision

The High Representative, Wolfgang Petritsch, has urged BiH politicians to reach agreement quickly on proposals to make the Entity Constitutions conform to the BiH Constitutional Court's ruling on the constituency of peoples throughout the territory of BiH.

"The leaders of Bosnia and Herzegovina are working against the clock. I believe that collectively they now possess the skill and the vision to find a workable and durable solution. The very fact that they are meeting without international mediation in an attempt to solve a question that is crucial to the future of the country is a positive sign," the High Representative told participants at an international conference held in Sarajevo on Saturday. The conference, on lessons that can be learned from the international intervention in BiH, was organized by the Soros Foundation's Open Society Fund.

The High Representative reminded his listeners that the constitutional talks must produce agreement within weeks so that amendments can be made to the Entity constitutions and the BiH Election Law within the timeframe required to hold general elections on schedule in October under the provisions of the Election Law. "Let no one imagine that a postponement of the elections is a reasonable option," he said. "The people expect to vote. Undertakings given to the Council of Europe commit the government to an election in October."

The High Representative highlighted the central role of institution building and the rule of law in establishing the mechanisms that will move BiH irrevocably from conflict back to normality. In this respect, he cited the work being done by the Independent Judicial Commission to overhaul the judicial system. Judicial reform, he said, has economic as well as political and social implications. International investors will not invest in a country with inefficient courts, politically influenced regulatory agencies or a record of human rights violations.

The High Representative also mentioned refugee return as a central pillar of normalisation. "Return depends on the rule of law, including property law, and on the integrity of institutions, including efficient and impartial town hall administration and professional community policing," he said. He pointed to the latest statistics – 81,000 returns recorded by UNHCR in the first 11 months of 2001, a 37-percent increase over the figure for the same period in 2000 — as evidence that the process has now gained unstoppable momentum.

BiH's excessively devolved system of government must be addressed urgently if reform of the postwar institutional framework is to be implemented in a practical and effective way, the High Representative said. "The multilayered administrative system has to be streamlined," he said. "A debilitating combination of incompetence and bureaucratic overreach has undermined the rule of law – by inviting corruption. The same combination has eroded the integrity of the courts, the regulatory authorities, the schools, the police, and other institutions."

The High Representative noted that in the course of the last six years the Dayton Peace Agreement has demonstrated a remarkable capacity to accommodate changing circumstances. Now that the Europeanisation of BiH has taken centre stage, he said, simply implementing Dayton is not enough. The agreement must be transcended, and it must evolve. The current constitutional negotiations, however, will not usher in a "Dayton II". Rather, he said, they will significantly advance the evolution of Dayton.

The full text of the speech can be found on Web page www.ohr.int under the section "Speeches".