Interview: Wolfgang Petritsch, the High Representative in BiH”The Agreement represents a compromise”

Walter: Was the Dayton Peace Accord a real agreement for its signers, or was it rather the will imposed by others?

WP: The Dayton Peace Agreement is an international, binding agreement. There are no question marks hanging above it.

Talking about the Dayton Peace Agreement, I would like to say a sentence about the article by Francis Boyle, which you published in your recent issue. I am very, very surprised that a lawyer who represents BiH before the International Court of Justice accuses me for, as he writes, “co-operating with the genocidal Republika Srpska with the objective to carve up BiH by destroying the Dayton Peace Agreement.” Every single bit is complete nonsense, as you know. The RS has been established by the Dayton Peace Agreement, so of course I have to deal and work with it. I am mandated to implement the Dayton Peace Agreement and 55 governments and organisations have been happy with the way I have been doing it. You also certainly know all my speeches and articles and abroad, in the New York Times, International Herald Tribune, the Financial Times and the Wall Street Journal – one of the reoccurring theme is my staunch resistance to all calls for BiH’s partition.

I am even more surprised that you draw from Mr Boyle’s article the cover page headline “The end of W. Petritsch’s game.’ He

may not know my work, but you do…

Walter: Was this Agreement, in your opinion, fair? If not, to whom was it not fair?

WP: The Dayton Peace Agreement was a compromise, as peace agreements usually are. Its first great result is that it has created peace in BiH. Its second great advantage is that it is not a rigid arrangement, but that is offers possibilities, has built-in mechanisms for Bosnia and Herzegovina's further development. For example, right now the Decision of the Constitutional Court of BiH on the constituent status of the three BiH peoples in both Entities is being implemented. This was a historic, revolutionary ruling, which will have a great impact on people's lives – and the Constitutional Court, which made it, is one of the institutions envisaged by the Dayton Peace Agreement!

If one day the representatives of BiH's peoples and citizens decide that they want to amend the core annex, Annex 4, the Constitution of BiH, they can do so, Dayton offers this possibility, too.

Many annexes will become irrelevant over time – for example, the military annexes are almost implemented, Annex 3, which refers to elections, is no longer applicable as BiH will from now on organize elections on its own, etc.

So, you see, the Dayton Agreement is a blueprint, a foundation that contains possibilities for change. The representatives of BiH's citizens can develop it further, thereby creating their own state in full sovereignty and self-determination.

Walter: Has the Peace Accord brought Bosnia and its people to a progress and promising future? In which segments do you see the progress and where has it failed to happen?

WP: There is a lot of progress. Look at refugee return, at the fact that thousands of Bosniaks have returned to Janja, to Foca, to other places where return seemed to be impossible. Thousands of Serbs have gone back to Drvar, Grahovo and Glamoc, Croats are returning to their homes in Central Bosnia and Posavina. Without Annex 7 and the property laws, which I imposed in 1999, this may not have happened… Look at the fact that we are building a cemetery and memorial in Srebrenica, which is so important for justice to be done and reconciliation to happen. Look at the new governments that are working on the real bread-and-butter issues, on economic reform, elimination of corruption, attraction of investment, social protection.

On a personal note, let me express my satisfaction at the fact that the Alliance Government is demanding self-responsibility and partnership with the international community, thus embracing the idea of ownership, which I initiated upon my arrival here two years ago. A case in point is the passage of the election law. I invited them to my home on the Sunday before the law was passed to discuss the very same. They negotiated it in my presence, made compromises, argued, and resolved the issue in the end; I hardly had to intervene.

These are just a few examples of progress. I could prolong this list forever, but there is only so much space in an interview.

On the negative side, I am worried that returnees are still being harassed, intimidated and discriminated against. I am extremely concerned about the outbreak of violence in Banja Luka and Trebinje in May, which has shown me that the climate, the thinking in the RS is still very nationalistic and exclusive. I am worried about the state of the economy in BiH. However, I would like to emphasize that these bad things have nothing to do with the Dayton Agreement itself, but with the

failure of the past authorities to implement it in spirit and letter.

Walter: Do you think the Agreement has been implemented? If not, what has not been achieved yet and why? When will it be accomplished?

WP: We all know that the Dayton Agreement has not yet been fully implemented. Has, for example, Annex 7 been fully implemented? No. We are making progress, but it's a disgrace that there are still hundreds of thousands of refugees and displaced persons six years after the war ended.

Regarding your question when the implementation of the Agreement will be accomplished: Firstly, I think that it will take a long time until the Agreement is fully implemented in spirit – until there is real, true democracy, until human rights are really respected. It takes time to learn these things. Having said that, I believe that the citizens and politicians of BiH have learnt a lot over the last six years. Look at what the governments are dealing with today: economic, social issues, really important issues – and a few years ago, the question was whether a Mr. Krajisnik could enter the room where the Presidency met through the same door like Mr. Izetbegovic!!

At the same time, I believe that there will be a gradual shift from Dayton implementation to BiH's integration in Europe. Already now, there are overlaps. When you look at the preconditions for BiH's accession to the Council of Europe – issues in the fields of human rights and judicial reform – or at the requirements on the "EU Road Map", such as property law implementation and important economic legislation – all of them are simultaneously "Dayton issues."

So, I don't think that the implementation of the Dayton Peace

Agreement will ever end. Its implementation will be gradually replaced by the process of BiH's integration in Europe, but Dayton will certainly remain valid and be frequently recalled. As you may know, I headlined my two-year review press conference in Sarajevo on August 16 "From Dayton to Europe" and said there that the peace implementation process has already begun to overlap with the Europeanisation process. As time passes, there will be a gradual shift from the former to the latter, so to speak from Dayton to Europe. Europeanisation is also the way to deal with the one or other flaw or gap that the Dayton Peace Agreement may have.

Walter: Do you consider this Agreement worthy since it was signed by persons accused of war crimes (Milosevic, Tudjman)? Can any agreement signed by such a kind of people be good?

WP: Milosevic and Tudjman did not sign the Agreement as individuals, but on behalf of the states that they represented at the time: the Republic of Croatia and the Federal Republic of Yugoslavia. All successor leaderships and governments of these two countries continue to be bound by the Agreement and are now actually actively supporting it, which I appreciate very much.

Walter: Is an international agreement which allows aggressors to decide on an internal structure of the country attacked worthy?

WP: The negotiations were held under the auspices of the international community who ensured that the provisions of the Dayton Peace Agreement were in accordance with international law and the highest democratic standards and practice. Secondly, all three sides to the conflict in BiH as well as Croatia and the FRY were signatories, so whoever you consider aggressor – the other side agreed to the accords and signed, too. And thirdly, the Dayton Agreement is just a blueprint, a foundation that can be built on and changed, which offers many possibilities. Therefore, I consider it indeed very "worthy", as you term it.

Walter: What do you think about the need to change the state created by the Dayton Peace Agreement, and in what manner should these changes be done?

WP: The international community helped end the war and negotiate the Dayton Agreement. The Agreement ended a vicious war, created peace and provided BiH with a blueprint for its further development in the direction of democracy and a better future. With the steps now being taken in the Federation and in the RS towards implementation of the Constitutional Court's Decision on the constituent status of BiH's peoples in both Entities, BiH is already changing. My Decision on 11 January 2001 required the Constitutional Commissions in the two Entity Parliaments to prepare proposals for the implementation of the Court's Decision, and in the meantime screen every piece of legislation for possible discrimination against one of the peoples or the group of Others. This Decision was firmly based on the constituent status of all three peoples – the amended Entity Constitutions will set the seal on this. This shows that Dayton is not an obstacle to such further development. As a matter of fact, the Agreement has built-in mechanisms that allow that.

I am also greatly encouraged that the state institutions, such as the Council of Ministers, have become stronger and have started to play an important role. This allows BiH to participate in the European integration process and will sustain BiH as a normal country in the future, once the international community's mandate is phased out.

The time may come when the peoples of Bosnia and Herzegovina will really want to amend the centerpiece of the Agreement, Annex 4, the Constitution, which defines the state of BiH and its institutions. But it is up to the citizens and peoples of BiH to decide if and how they want to amend it because they have to find a way of living with each other and feeling comfortable in their home country. It is their interests that must be reflected in the Constitution. Only if they can identify with it, will there be a lasting peace and stability in the country.

And as I said before: Europeanisation is the way to deal with the one or other flaw or gap that the Dayton Peace Agreement may have.