

Interview: Wolfgang Petritsch, the High Representative in BiH"BiH is Maturity Assessed"

In interview for "Nezavisne novine" the High Representative for BiH, Wolfgang Petritsch, admits that he is still concerned about the destiny of Bosnia and Herzegovina, although, as he says, there are some positive steps typical of the maturing political situation in the country and the efforts made by BiH authorities to assume ownership of the future of the country.

The future of BiH and the relations between its peoples seem, finally, to be the subject of the decision-making process within the institutions of power. The Alliance for Change has opened up the issues of changes to the Law on the BiH Council of Ministers and passage of the Election Law, that should acknowledge the decision made by the BiH Constitutional Court on constituent peoples as well as the International Convention on Human Rights and Freedoms. Otherwise, the passage of the Election Law is a condition for the admission of BiH into the Council of Europe. Opponents of the said action of the Alliance for Change have still not gone beyond the benches of Parliament. However, the BiH HDZ has announced certain non-institutional actions for this autumn. There were such actions in Mostar, Trebinje and Banja Luka this spring. The public expects that the organizers of such actions, along with high-level officials who have been challenged on the misuse of power, will be brought to justice. An investigation into the cases concerned has been carried out in a clumsy way, and members of the Alliance themselves have been saying that this is because not all of the powers of authorities have been exercised. The current political situation in BiH was the topic of our discussion with Wolfgang Petritsch, the High Representative of the international

community in BiH.

NN: Has anything happened in BiH during the course of the past several months which would make you optimistic about the eventual stabilization of political and economic circumstances?

WP: We can look at some very interesting developments in the last few months. Starting with the establishment of new governments and ending with a State government that has finally incorporated the idea of ownership – an idea I introduced two years ago – into their agenda. At last, we have reached a stage where the government is striving to assume responsibility for the future of the country. This is a very positive development. Discussions along these lines show that the political scene is maturing.

One of these signs is that the RS authorities seem finally to understand the need to co-operate with the tribunal in The Hague. However, we will have to look at the factual implementation of some stated intentions.

However, I continue to have serious concerns about the actual state of the country. The events in Banja Luka and Trebinje have shown that in the RS some people seriously think they can undermine the rights of the people of Bosnia and Herzegovina – their right to freedom of religion and freedom of assembly, for example. And, if you just imagine that the RS Ministry of the Interior considers charging people for maintaining their security at a memorial ceremony – well, that speaks volumes about attitudes towards reconciliation and refugee return. This particular example is absolutely appalling and the RS leadership will have to react very swiftly to counter attitudes like these – in their own interest.

NN: How would you judge the opening up of a discussion about broadening of the competencies of the BiH Council of Ministers and the initiative launched by the Alliance for Change towards adopting an election law which will recognize the BiH Constitutional Court Decision on the constituent status of peoples? Is the point at issue the launching of an imperative reform process or a political crisis?

WP: These are two very ambitious tasks, although one of them is combined with a deadline, i.e. the Election law. The deadline of the Council of Europe is one thing, but most important, elections need preparation and the longer it takes to lay down the framework, the less likely it is that all the administrative requirements will be carried out in time for the next elections. And the International Community has made it very clear, that it will not organize the next elections. Moreover, I do not agree with the attitude of changing the Constitution via an Election law. It has to be the other way around. And once the constitution is changed, the law should be amended. You cannot prejudge the outcome of constitutional changes.

NN: Are you going to use your powers and influence, when it comes to an election law and the broadening of the competencies of the Council of Ministers?

WP: I have said from the very start, that these are two matters where BiH politicians have to assume ownership. We are happy to assist in preparing the laws, to participate in consultations, but something as important for a democracy as an election law must be passed by the democratic institutions which it is intended to serve. That goes for the Council of Ministers Law as well.

NN: Are you satisfied with the pace at which the goals that the Alliance set in its agenda are being implemented and with the pace of comprehensive reforms in BiH?

WP: At this stage, nothing can happen fast enough. A lot of time for substantial reform has been lost already and it is high time to take action. The Alliance has decided to tackle these issues and its working program is very ambitious. They only came into power recently and they inherited a very difficult situation left behind by their predecessors. So this needs some time for adjustment.

The worrying thing is that there has not been enough progress in the last months on the EU Road Map agenda. The same is true as far as accession to the Council of Europe is concerned. The economy is in transition and needs the full attention of all the people responsible. Donor money is

decreasing, international investment is threatened by careless political interventionism and people are longing for jobs. The problem is that progress in reforming the country and making the environment more business friendly has not been carried out at anything like an adequate pace. We have not come much closer to an EU Stabilization and Association Agreement, although Croatia has just signed one. I don't see that Bosnia and Herzegovina can not get to where a neighboring country is. But it needs a lot more effort regarding this, and no more hesitation – and slaughtering bulls for a kilogram of meat, to put it in the words of the former Chair of the Council of Ministers, Mr. Matic.

NN: Would you agree with some public judgments that the Alliance has not taken over all levels of authority; in other words, that too many old political party-appointees have stayed behind in some institutions?

WP: I don't think that this is the right question. What this country needs is not a civil service that changes every time a government changes – but a professional civil service based on merit and not on party affiliation. The draft civil service law prepared by a working group under OHR's guidance currently being discussed in the Council of Ministers addresses this issue and we certainly looking forward to seeing this law in place.

NN: How would you explain a discrepancy between the media reports (not only BiH, but also the US and UK reports) as well as the reports made by numerous non-governmental organizations about the abuses of authority by certain individuals from the previous government on the one hand, and on the other, the fact that hardly anyone from amongst officials, held to account for various offences, has appeared before the judicial authorities?

WP: There are several cases pending before the courts, for instance regarding the former Federation Prime Minister Edhem Bicakcic, whom I removed from his position at Elektroprivreda BIH. However, the judicial system in BiH still rests on a weak base and we have to do our utmost to support prosecutors and judges in carrying out their tasks independently and swiftly. My office and the Independent Judicial Commission are working very hard on streamlining the judicial procedures and making the

judicial system work more effectively, as the lack of capacities has so far been the primary obstacle.

NN: Have you ever regretted your reported decision to resist the elimination of the SDS from the election race at the 2000 General Elections?

WP: I have been monitoring the situation very carefully and I continue to do so. This does not just relate to the SDS, but to other parties as well. The SDS should know that it is under serious scrutiny by the international community. The SDS is not without substantial influence and I do see them as an extremely problematic party.

NN: In the course of this year the responsible Entity Ministers have been visiting returnees on much more frequent occasions than the international community representatives. This fact is often linked to a decreased flow of donors funds for returnees. If that is really the case, could the international community in BiH increase the level of their engagement in the protection of returnees?

WP: The last crucial decision on facilitating return in BiH, the changes in the RS and the Federation Laws on Privatization of Apartments, was not initiated by the Entity Ministers. As a matter of fact it was I, at the request of Mr. Zubak, the BiH Minister for Refugees and Human Rights, who had to impose the changes to these laws. The reason for this step was that the Entity ministers had rendered an agreement impossible by their unwillingness to find common ground. And it was my office that brokered a deal with Federation Elektroprivreda to reduce the cost of electricity connections for returnees. But surely, I would be most happy to see that the Entity Ministers are willing to take on the issue of refugee return and take full responsibility for this vital process. However, I do consider my position to be one of safeguarding the rights of all the citizens of BiH. And I will certainly continue to monitor very closely the attitude of local politicians towards the process of return.

NN: Could the recent attacks be linked to a downsizing of the NATO troops in BiH, or are extremists tending towards aggression, knowing that many suspects of war crimes are still at large?

WP: I think, there are several factors contributing to the current situation. The nationalists are facing a serious backlash in the public sphere. Returns are happening on a much larger scale than before, the new governments have committed themselves to a pragmatic agenda. So, the political mainstream in Bosnia and Herzegovina is running against the nationalist agenda. However, there are forces who have a serious interest in corrupting this atmosphere, even by using violence. The fact that indicted war criminals have instigated violence in the past, with Radovan Karadzic and Ratko Mladic at the top of the list, clearly does not contribute to an atmosphere of stability and reconciliation. Neither does the futile discussion about redrawing borders in this region.

NN: Do you believe that HDZ BiH will indeed take radical action as they have already announced?

WP: The one thing I expect is the HDZ to fully return to a constructive discourse within the established and constitutional structures of Bosnia and Herzegovina. There is considerable pressure on the side of the HDZ to resolve this situation in the interests of their own electorate. The announcements made by the HDZ have not been fulfilled. Neither the police forces, nor the Croat component in the Federation Army have rendered support to the HDZ's course. The majority of BiH Croats have a strong feeling that their future is within Bosnia and Herzegovina. The HDZ representatives participated in the discussion in the BiH Parliament on the Election Law. The HDZ proposed its own draft Election Law. So, I do believe that the extremists, who have violated the law and the Constitution, are losing support. They will have to leave the political scene.

NN: Do you have an impression that HDZ BiH is waiting to see a resolution of the crisis in Macedonia and Kosovo and that in case the Albanians succeed in achieving their maximalist requirements, they would ask for their own entity in BiH?

WP: As I said, the policy of the so-called Croat self-rule is a delusion and a project which was doomed to failure. There will not be a third entity. We are here in Bosnia and Herzegovina, not in Macedonia, not in Kosovo. And the future of the Croats lies within this country, which is

currently undergoing significant constitutional reform. Since this year, by my decision, the Croats along with the other constituent peoples of Bosnia and Herzegovina, enjoy constituent status in both entities. They can now influence the legislative process, they are able to veto any piece of legislation which they believe violates their vital interests. You can see, that the circumstances are not at all comparable.

NN: Are you happy with the results of the inspection of the Hercegovacka Banka? Are you expecting any indictments to be issued soon on the grounds of concrete evidence?

WP: I do not want to predict the results of the investigation of the Hercegovacka Banka. This lies with the Provisional Administrator of the bank. However, I am confident that a full account of the bank's activities will be given. At the end of the day, criminals will be brought to justice and extremists who care only about their financial interest will be dealt with. It is evident by now that Hercegovacka Banka was the financial backbone of the illegal and unconstitutional parallel structures that were embodied in the so-called "Croat Self-Rule".