

Interview: Wolfgang Petritsch, the High Representative in BiH"Attempt by HDZ is doomed to failure"

The High Representative to BiH, Wolfgang Petritsch, thinks that the new members of the BiH Presidency will enjoy trust and support of the people they represent despite the fact that they were not directly elected by voters. "The two new members were elected by the BiH Parliament under the Law on Filling a Vacant Position of a Member of the Presidency of BiH. The deputies in the BiH House of Representatives again were directly elected by the citizens in the November election, so they received the voters' confidence to make the right decisions, be it to pass the right laws, or to decide who is in the Presidency. Therefore, the two new Presidency members have democratic legitimacy. Considering Mr. Belkic and Mr. Krizanovic's democratic credentials, I can foresee that, with their actions, they will soon enjoy the people's trust", says Petritsch.

Q: Some international diplomats told us unofficially that the international community had made two big mistakes. The first concerned the election of delegates to the BiH Federation House of Peoples, while the second mistake was made, in their opinion, when they refused to allow Martin Raguz to form the BiH Council of Ministers. Furthermore, they said that all which followed resulted from those two political failures of the International Community. What would be your comment on this and would you, please, tell us whether the International Community was reluctant in refusing to admit its mistakes, thereby giving rise to a major political crisis in BiH through its attempt to justify them?

A: The PEC rules have been used as a pretext by extremist HDZ officials to pursue their own radical agenda. They even decided to disregard a ruling by the highest legal authority, the Constitutional Court, which rejected jurisdiction because the PEC rules, under Annex 3 of the Dayton Agreement, stand above “internal law and regulations”.

Even under the new rules, the HDZ would have had a majority of the 30 Croat seats in the Federation House of Peoples. The HDZ also knows that the November elections were the last one held under PEC rules and by the OSCE. The next ones will be organised domestically under an election law, which still needs to be passed.

If the PEC rules are the issue, why doesn't the HDZ participate in the implementation of the Constitutional Court's ruling on the constituent status of all three BiH peoples in both Entities? This will change the institutional set-up of the Federation and determine whether there will be a House of Peoples, or a Constitutional Commission that will protect the collective rights of the constituent peoples, or another system, and how the representatives to these bodies will be elected.

The HDZ will achieve nothing through the doomed attempt to establish “Croat self-rule”, and could gain so much if it stayed within the legal and constitutional structures. As far as Mr. Raguz is concerned: He had his chance of becoming the Chairman of the Council of Ministers. He failed at the vote in the BiH Parliament, this happens in every other democracy. There is no guarantee for one party to rule forever, and if the HDZ was so keen on staying in power, it should have negotiated with the Alliance instead of pouring venom on them.

Q: Why were the reactions against the HDZ's officials delayed so much?

A: I had hoped the HDZ would come to their senses, and I tried

to establish a dialogue. Only when the radical leaders rejected my offers and openly attacked the constitutional order by declaring the so-called “self-rule”, did I act. They knew in advance that it was my duty to use my powers in that case.

Q: Mr. Petritsch, you stated in Brussels that progress had been made in BiH. What did you specifically mean by saying that, since the Federation Government has no power in half of the territory of its Entity; the BiH Council of Ministers has no power over one third of its territory; after the departure of one component from the BiH Federation Army? When can one expect the same thing to happen in the Federation Police, Customs and many other institutions and bodies?

A: Let's not lose touch with reality. The new Federation government has so far handled the situation with all necessary caution and very well, and it is clear that “Croat self-rule” will not last. I am confident that it is a passing problem and will be resolved. Also, the media exaggerates the events: there were problems in the Federation Army before, many people had not been paid in time and were not going to work anyway. Then there were reportedly threats, blackmailing allegedly a one-time payment of 500 marks – it is understandable that soldiers decided to continue to stay home. But what will they do once there are no payments anymore, once they risk losing their pension entitlement?

We have to look at the bigger picture: there is progress in the fields of refugee return, property implementation, economic restructuring, and this encourages me. It is evident that a significant part of the HDZ leadership was interested in keeping the muddled “status-quo” forever. But if BiH (including the Croat-majority cantons) wants to modernize its antiquated economic system and join the rest of Europe, these reforms are long-due and indispensable. And it's the HDZ's responsibility and opportunity to participate in this reform.

Q: Some international officials, among them your Principal Deputy, say that the BiH Croat people's concerns are legitimate, stressing however that they will not agree to have talks with the "radical part of the HDZ's leadership". But the vast majority of the Croat people supported precisely those that the International Community is refusing to negotiate with. How would it be possible to reconcile those two facts?

A: I doubt that the vast majority of the Croat people are in favor of "self-rule"; I just explained why. The HDZ can also not claim to have their voters' support for the illegal adventure on which they have embarked. In the elections, they were elected to represent the interests of their voters in the positions and institutions for which they ran, and not to create a ghetto whose population would be isolated and impoverished. I don't intend to impose any solution against the will of an entire people, but they have to follow the legal channels to express their will. The implementation of the Constitutional Court's ruling on the constituent status of all three peoples in both Entities is ground-breaking and a historic chance to change the institutional set-up of the Federation and the RS. The ruling can be implemented in many different ways, and it is up to the peoples of BiH, the citizens of BiH, to decide which way they want to go. I am still calling on the HDZ to join in the process – I just send them a letter last week to fill two vacant Croat seats in the Federation Constitutional Commission. But as said, we will only talk to people who respect the law and act within the legal framework.

Q: Are there any disagreements concerning the international approach to BiH between your Office and the U.S. Administration? Notably, the most recent example is the conflict between the OHR and the U.S. Administration concerning the approach to the HDZ's actions?

A: This is a common misunderstanding suggesting that the international community is split, when it comes to the task of

implementing the Dayton Peace Agreement. The US have been contributing a great deal to the peace in Bosnia and Herzegovina and they still are. Recently, during my visit to the US, I had a very cordial and friendly meeting with the new Secretary of State, Colin Powell, where he expressed his full support to my work. I can assure you, the International Community stands firm on the basis of the Dayton Peace Agreement and is all the more determined to implement it.

Q: Will the idea of cantonisation of BiH become a reality if the RS is reluctant to discuss that possibility – in other words, could such a solution be imposed?

A: Everyone is aware that a cantonisation of BiH would amount to a rewriting of the Dayton Peace Agreement. Dayton provides with ample room to satisfy the needs and demands of the different people of BiH and it's the basis for peace and development of this country. The IC doesn't have its revision in the agenda. It still needs to be implemented to the full at the State and Entity level.

Q: Are you familiar with the scenario about independent Kosovo, under which FR Yugoslavia would get the Republika Srpska in compensation? Have you ever discussed this with any international officials?

A: I have always advocated leaving the borders in the Balkans as they are. Redrawing borders would only lead to new conflicts, new bloodshed. This goes for Kosovo, which happens to be a part of Yugoslavia, as well as the RS, which is a part of the State of Bosnia and Herzegovina. It is time for the people on the Balkans to move towards Europe, if they do not want to stay one of the poorest regions on the continent. These endless discussions about borders only distract from the real need – to create a sustainable economy and wealth for the people.

Q: What are your relations with the new RS Government and do

you consider that Government to be a positive step in comparison to the previous one?

A: It is too early to compare the two governments. However, the new government has proved to be very co-operative on a lot of issues. Mr. Ivanic seems to understand that his major task lies in the field of rebuilding the economy in the Republika Srpska. Economic reform, including the creation of a single economic space throughout Bosnia and Herzegovina will have to be at the core of this reform. But there are also other issues, such as the full implementation of property rights and consequently the return of the refugees and displaced persons to their former homes in the RS. To go back to the beginning of the interview: the RS will be expected to co-operate with the Hague Tribunal. After all, now that Mr. Milosevic has been arrested, it should be finally clear that no-one stands above the law.

Q: How much are you convinced of the reforms within the SDS?

A: It is not a secret, that the International Community was seriously concerned about the participation of the SDS in the new RS government. However, I would like to remind you, that before entering Government, on 12 December 2000 the SDS leadership signed a document in front of me in which they committed themselves to the implementation of the Dayton Peace Agreement. I have repeatedly said that I will hold them responsible for not living up to the points in this paper – return of refugees, implementation of property rights, co-operation with the The Hague.

Q: What does the arrest of Slobodan Milosevic mean to you?

A: The arrest was a very positive move on the part of the Belgrade authorities, and it will have to be followed by Mr. Milosevic facing trial in The Hague. The arrest is an important signal for the region itself, showing that there is commitment to the rule of law and most importantly that no-

one, whatever his or her position might have been, is above the law. That goes above all for the Bosnian Serb wartime leaders who are not yet in The Hague, Radovan Karadzic and Ratko Mladic.

Q: What will happen if the Serbian Government refuses to surrender Milosevic to the Hague-based ICTY?

A: Refusal is not an option. By virtue of being a member of the United Nations, Yugoslavia, as every other UN member, is obliged to extradite indicted war criminals to the Tribunal. Moreover, I do not see why such an extradition should not be in the interest of the Belgrade leadership. If they don't extradite him, they'll be accused of taking responsibility for the crimes Mr. Milosevic is charged with.

Q: What do you think about the fact that Milosevic's surrender to the ICTY would be close to Serbia admitting its guilt for genocide in Kosovo and justifying NATO air-strikes?

A: The conclusion you draw is incorrect. Guilt is individual, so I don't see why his extradition would amount to admitting a whole nation's responsibility for something, or to justifying the NATO campaign. It is the opposite – in order to avoid the notion of collective guilt, he must be extradited!

On KostunicaAs to the election of Mr. Kostunica: It was a great step forward for the region and we do have a good relationship; I have held several constructive and fruitful meetings with him in the past months. In these meetings, he strongly supported the DPA and its full implementation. However, we do disagree on a few matters, one of them obviously being the transfer of Mr. Milosevic to the war crimes tribunal.**On the ICTY**The co-operation between Bosnia and Herzegovina and the ICTY is clearly regulated in the BiH constitution, where it says that all competent authorities in the country, that includes the Entity authorities, have to comply with the warrants issued by the ICTY. International law and requirements supersede the local laws. The legal grounds for arresting and transferring indicted war criminals are

there. There is no excuse whatsoever, for their not being followed.**On Paddy Ashdown****Q: According to some unofficial information, your mandate is coming to an end, while rumor has it that British politician Paddy Ashdown could succeed you!**

A: There is a great deal of unofficial information around and I see no reason to comment on it.