Interview: Wolfgang Petritsch, the High Representative in BiH”This is about Bosnia, not Utopia”

One of the most successful foreigners on the long list of those who have been dealing with Bosnia and Herzegovina has received a formal international recognition of his successful and extraordinarily dedicated work by obtaining the extension of his mandate. Immediately after his return from Strasbourg, where he managed once again to win over the patience of Europeans for Bosniaąs inability to meet even the most minimal requirements for its accession to the Council of Europe, Wolfgang Petritsch talks about a missed chance, his sympathies for the leaders of the Alliance and his disagreements with them, various interpretations of recommendations issued by the Political Committee of the Council of Europe, about the SDS and Mladen Ivanic, conflict between the Council of Ministers and the Communication Regulatory Agency, transformation of the TV BiHŠ

D: Mr. Petritsch, you have just returned from Strasbourg. What is your impression of the conclusions reached by the Political Committee of the Council of Europe?

WP: I must say that I am very happy because I managed to persuade the Political Commhappy because I managed to persuade the Political Committee and the Committee of Ministers to extend the deadline for the accession of BiH to the Council of Europe. I explained that in this particular case we are not dealing with a vote which is against European principles. On the contrary, those who voted against the Election Law

actually voted for a better election law in this country. The existing Constitution of this country does not allow certain possibilities, so in this case, the first step would be to change the Constitution. We know that for the adoption of the Election Law we need a consensus of the three constituent peoples. It is not realistic to expect to see that happen before the end of the year. My advice to Bosnian representatives is to be pragmatic: to ask for the adoption of the Law in accordance with the Constitution, and then immediately demand amendments which would improve it, but at the same time without losing the option of joining the Council of Europe, which would open new possibilities for the resolution of human rights issues. One of the institutions in charge of such issues is the European Court for Human Rights, which has the capacity to specifically deal with problems which obviously exist in the Dayton Constitution.

D: Does this mean that you have an understanding for those Alliance members in the Parliament who voted against the proposed Election Law?

WPb>WP: If we are talking about principles, the answer is: ” Yes I have an understanding”. However, if we are talking about the existing situation in BiH, I must say that I do not have understanding for such a decision. The present situation requires an urgent implementation of the proposed election law.

D: In a statement pertaining to the decision of the Political Committee of the Council of Europe, the Party for BiH said that it sees the Strasbourg decision as a support to those who voted against the proposed election law. How do you comment on such views?

WP: Considering that I attended the meeting and took part in it, I think that those are twisted interpretations. We must make one thing clear: the Constitution cannot be changed because of the Election Law. The process goes the other way

around. First, one must respect the Constitution and then, through amendments, one can make improvements to the Election Law. The situation we now have is that this country has to make its first step before the expiration of the deadline, that is, it must adopt the Election Law. After that, one can vote for amendments to the Election Law or change the Constitution. Politicians and political parties of this country must understand that democracy means respecting certain established rules and regulations.

D: In your opinion, what is more more important for democracy in BiH the adoption of the Election Law or the adoption of European standards pertaining to human rights?

WP: In the long run, it is, of course, the improvement of the human rights situation. As far as the present state is concerned, it is in any case, the adoption of the Election Law which would rely on the existing Constitution.

D: The biggest complaint of the Alliance leaders about your work is a slow implementation of the Constitutional Courtąs decision about the constituent status of peoples. One wondered why you did not find different ways to implement this decision, i.e., why didnąt you establish a House of Peoples in the RS National Assembly similar to the one already existing in the Federation?

WP: I am not responsible for the process. My job is to set preconditions for the proper functioning of the Constitutional Commissions. Let me remind you: I established a Constitutional Commission which is made up of representatives of three constituent peoples plus “others”, which is more then what was done by the Constitutional Court, because “others” were not covered by this decision. I ensured that such Commission is formed in both entities and based on the same principles. On the basis of my decision, Bosniaks and Croats in the RS are peoples who have a veto power. The same goes for S for Serbs in the Federation. From the very day the decision became

effective, they became a constituent people with veto power. Thus, I created preconditions for properly functioning democratic processes in the country. The implementation and amendments to the Constitutions in two entities are a job for local authorities, that is, these two neighbors. I think this is a fair attitude which ensured that not only Serbs make decisions in the RS, because they have only two votes in this Commission, which is equal to the number of votes of Bosniaks, Croats and others. I think that by creating these fair preconditions, I did what could be expected. Now, finally, the local political process will have to start functioning. I must say that, in a way, things in Republika Srpska are developing even a bit better then in the Federation, things are developing in a very constructive manner. Responsible people in the RS understand that, for the first time, amendments will introduce terms like Croats, Bosniaks, and plural society to the RS Constitution. Thus, if we compare the RS before and after January 11, we realize that this is a completely different story. This is, in my opinion, genuine progress which now needs to be incorporated into the Constitution via amendments.

D: Still, how do you perceive a belief which is being formed in the Federation that you were afraidid to impose formally equal provisions? It would have been simpler to form a House of Peoples in the RS Parliament, the one resembling the existing House in the Federation, with the aim of implementing the decision of the Constitutional Court on constituent peoples.

WP: And why not the other way around? Why not abolish it? You know why because we are talking about two different political systems in the Federation and the RS. The RS is a centralized political system. The Federation is a federal political system. These are big differences which have to be taken into consideration because I am here to implement Dayton, and I have certain restrictions because I have to comply with what

was written in Dayton. Privately speaking, I am trying very hard to harmonize these decisions with common sense and an adequate system as much as I can. I donąt believe that it would make any sense if I did something which could be done only by using those mechanisms which are not in my mandate.

D: I am not asking for your comment, but I must say that I do not believe that the constitutional nature of the RS is a real obstacle to the establishment of one more House of Peoples in the Parliament?

WP: It is up to the Constitutional Commissions, where the Serbs are, I must say, in a minority, to find a solution. I believe that this is a res a revolutionary progress in comparison with everything which preceded it. I made a historical decision which now needs to be implemented. This is a place where, I believe, options are laid out within constitutional commissions. On the contrary, if we do not accept this, this country will never turn into a sovereign country with democracy based on the European example.

D: I think that one of the most important changes which took place after the last elections is the change in the relations between you and the new authorities: while earlier you were the side who had to push the three-headed nationalist authority in the direction of the establishment of European democratic standards, the situation now, I think, is the opposite. That is, the Alliance has to push you?

WP: This is an interesting view. Your view fully describes the present situation in a positive manner, while what you said about nationalist, i.e., the former authority, is described in a negative one. Democratic politics means that you have a chance to do as much as is possible, so to speak, to keep as many citizens in this country as possible. My sympathies, my personal understanding of the situation in this country is truly with those impatient politicians in the Alliance. However, we have to find a more adequate and constructive

middle ground between that which was decidecided and that which is possible. That is the art of politics. That is why I am sometimes very unhappy because I find myself in the position of someone who thinks about all consequences and benefits for all three constituent peoples, not just for one. BiH has a future and a chance only if all three constituent peoples support her progress through changes and reforms. I feel like I am an advocate of BiH state, and I do not want to lose anyone neither Serbs, nor Croats, nor Bosniaks, on the way towards a democratic future for this country. This is a very frustrating job, which should be done by every politician in this country. I regret that sometimes I feel like the only one who feels responsible for the entire state, and not only one group within the state.

D: Do you believe that some decisions made by the Alliance are counterproductive for their final goal?

WP: Definitely yes. That is what concerns me very much. The resignation of Bozidar Matic is for me a clear indication that there are politicians in this country who think in the Western manner which stipulates that politics is to do what is possible but never forgetting that which is desirable. This, Iąll call it, tension between utopia and reality is the action space of politics. In my opinion, in the case of BiH, one constantly needs to strive towards utopia, but be aware tha that it will never come. You should always keep in mind that in the country called Utopia there is no life. You can only live in a country called Bosnia and Herzegovina.

D: British ambassador Graham Hand said that it was obvious that RS politicians do not want the establishment of a normal state government. He believes that the problem in the RS is in the fact that leading politicians do not want publicly to admit to the people living the RS that Greater Serbia does not exist, and that their connection with Belgrade is not the same as the one they should have with Sarajevo. Do you share the view of Ambassador Hand?

WP: I fully support what my friend Graham said, because I believe that that is an accurate description of the situation. Precisely for all that he has stated, I fear that Serbs are a partner that still does not recognize the state of BiH. We have to create a situation in which the Serbs will realize that they can be both proud Serbs and citizens of the state called Bosnia-Herzegovina at the same time. That is a very long road, because it means changing and positively influencing the awareness of people, in particular Serbs. At the same time we must also influence the awareness of Bosniaks, and Croats of course, who must realize that they should reach out to Serbs. This is a dynamic process on both sides. Serbs must be more ore willing to accept and recognize the idea of the state of BiH, and Bosniaks, who are a crucial group here, must be willing to reach out to their enemies from the recent past. That is the only way to establish the true state of BiH.

D: Assuming you did not expect much from the SDS, I am interested to know whether you expected more from Mladen Ivanic, whether you are disappointed by his actions?

WP: I am not disappointed. I must say that I have no illusions when it comes to the SDS. They have still not distanced themselves, neither formally nor in effect, from the greatest war criminal in BiH, who is the founder of their party. As long as that does not happen, Mladen Ivanic, who is at the head of a relatively small party, will not be able to act independently. It is a fact that Ivanic is in many ways a hostage of the SDS. This is something that we have to admit, whether we like it or not, and I do not like it. The SDS is a much stronger faction than Ivanic. That is a reality, and also something that we have to think about if we talk about the political situation in BiH. Personally I would prefer to have stronger and freer partners. But I donąt. These are the people, trends and tendencies that are still predominant in the RS. And that requires changes. But they will not come

about overnight.

D: How do you see the conflict betwt between the Council of Ministers and Mr. Torngren from the Regulatory Agency?

WP: In the first place, I have to say that I insist that that is an issue that must be discussed between the responsible people from the Regulatory Agency and the state government. Another thing is that I recognize a need for an exact clarification of the reasons for the existence of the Regulatory Agency. In the past we had a situation in which practically everybody agreed that privatization was a good thing. Now politicians must understand, in the way in which I understand, that privatization also means taking away power from them; the power to influence or impose certain solutions. From the experience of my own as well as some other European countries I know how difficult it is for politicians to understand that in a modern country their power is reduced and taken away from them. It is hard to accept that now there are other factors that play a very important role in the society. The regulators, if we call them so, are the new power of the 21st century. That is something that we must place more stress on, explain it to the public, but also to the politicians, to them in particular. If we wish to continue on the road of privatization and restructuring of the economy and industry of BiH, we have to keep in mind that that is one of the decisions of the Brussels Summit t held in May of last year the Telecommunications Regulatory Agency is only the first example, to be followed by the agencies for electric energy, transportŠ. We have to keep in mind all the time that this is the agreed way forward in the privatization and reconstruction of BiH. For that reason I believe that the discussions and controversies related to the telecom tender are crucial. I see them as a possibility to explain to the broad public that that is the way forward. Politics has a certain role that is something that ensures the framework, but concrete steps must be taken by regulatory agencies, which are independent from

politics. As far as I am concerned, since I am not an expert on telecommunications, I had to learn a lot since Zlatko Lagumdzija raised this question because I saw that as the way to a better understanding of the functioning and mechanisms of these independent regulatory agencies. I believe that what I have learnt is something that the broad public should know too. We have to inform the people about the principles of functioning of a regulatory agency, since that is a system that is completely different from the one dealing with economic problems. That is why I believe that Zlatko Lagumdzija, raising this problem, inadvertently started one welcome and necessary process of informing people about a completely new system, a system thatt is new to the people in Western Europe too. In Austria and Germany there have been numerous discussions on controversial decisions made by regulatory agencies. However, regardless of all the discussions, it is important to know that eventually both the governments and other political bodies have, as a rule, accepted the decisions of regulatory commissions.

D: In my opinion, one of the things in which you failed completely is the question of the reconstruction of the RTV BIH. The horrible programs that are broadcast are very frustrating, not only for professionals employed in that broadcaster but also for all professional journalists and people in BiH who understand programming. It is an appalling fact that your man, who has the right to censor information, sits in the news desk. Something of that sort is no longer done even in Grude nowadays! An example is the classical censorship of information in the central news programme regarding the tender for the third GSM operator in BiH. Have you been acquainted with this fact?

WP: No, I am not acquainted with the fact that there is classical censorship. All I can tell you is that the Office that I lead is against anything that is related to censorship. Second, I must tell you that I completely disagree when you

say that our project of media reform is a failure. On the contrary. After two two years that I have been in BiH, I have learnt the language and I understand it very well and each morning I listen to BH Radio 1, and for the first time in two years I feel in Europe being here in BiH. This is the first step having a radio that broadcasts the same news throughout BiH. It is the first time that that has happened in this country. We now work on television in order to establish the same principles, i.e. in order to have a public service that will be the same for the whole of BiH. Not state television, but an independent television at the state level. Of course, this is a project that costs much more than the radio. However, I can guarantee that the quality of this public service will be the same as the quality of the radio. I hope that in two or three years we will be in the position to agree that we have achieved great progress and have brought the broadcasting service truly closer to European standards. For the time being, we have not achieved that with television. I do see improvement on the radio day in and day out. I am a very critical listener, because I was here when this project started and I remember the technical problems that appeared on the very next day, but now, after several weeks, they already sound exceptionally professional. I am convinced that this will also happen with the much more expensive and complex broadcasting systtem in BiH. I understand this kind of impatience considering that it has been six years since Dayton. The situation now is such that things could be improved and I will work on it. I think Shearer has done a great job with the local programming people on the radio, and the same will happen on the television.

D: I do not see any difference between Shearer and Simon Haselock, unless you think that the job that Simon Haselock did was a success?

WP: I was the one who terminated the contract with Mr Haselock and do not wish to go into the details. He did a decent job

under extremely difficult circumstances. Now we are going on and I am already placing new people on some positions who will do the work appropriate to the situation.

D: You will allow me, still, to say something you do not have to comment on. I think you have been manipulated with and do not have the right information on the real situation at TV BiH. I am certain that the resumption of the process of change in this direction will not bring any improvement or positive results?

WP: I will comment. I have dealt with media for many years. I was a press secretary to the Austrian Prime Minister. I was filming pieces which were broadcast on many television and radio stations. I received for this work over 40 of most prestigious world awards fowards for TV production in the USA and in Europe. I understand the facts but also the difficulties of establishing a TV system. I must say that the developments, since I came here I will not judge what happened before me, although I consider that generally positive, too were absolutely positive. I am aware that we have not achieved the objective. I am someone who suffers daily watching the news on TV BiH or RTRS or TV Hayat. I sincerely suffer listening to the Croat Radio, for example. It is terrible how truth gets distorted, how unprofessional reports sometimes get. But I must say that this is fully in line with the development of this country in other aspects. This is the problem. You must not separate development of media from other development processes in this society: economic, political or social.

D: The problem is that this should not be so. TV BiH is the worst of all larger TV stations in BiH.

WP: That is your judgement. I do not think so. I think there is much room for improvement but this media outlet is almost always a reflection of the situation in the society. The Bosnian socitety is, of course, very fragile.

D: But RTRS is much better than the situation in the RS; Avaz, Slobodna Bosna or Dani are much better than the situation in the Federation. The situation with TV BiH is much worse than the situatiotuation in BiH, the reason being that wrong people are on responsible positions, people you, or the man you authorized, installed there.

WP: This is not true. The reason is that the question of the Federation television is very complex. It was previously predominantly Bosniak television. We are now transforming it into a true Federation television, including the Croat, and to a certain extent, the Serb component.

D: So, it was predominantly Bosniak television which is now transformed into a predominantly dilettantish television?

WP: I absolutely disagree with you. We can discuss who was right and who was wrong in a couple of yearsą time. I will be elsewhere, you will be here and I hope we will be able to discuss it then. I am convinced you will say then that the development process went in a positive direction. We have now already come to a situation that is better than a couple of years ago.

D: I hope you are proved right. Let us change the topic now: do you consider the current unanimous decision to extend your mandate to be a recognition of a job well done?

WP: During my relatively long life, I have never seen so much rubbish as was written about the extension of my mandate and my position in BiH, not only in the Bosnian but in the international media as well. Politically, it was a, it was all clear after the summit in Zagreb, where I was asked if I would consider extending my mandate, and I responded that I would consider this possibility. Discussions about this in public or in the media were very often marked by very personal and private reasons and convictions. I am very happy that this is now over as I have always worked following my personal

principle that I should not discuss my position, should not defend myself, because I believe I am so much exposed not only to the domestic but also to international public that there is no need to comment or defend my work. Therefore, I responded to the Foreign Ministers and those who make decisions, not to the ambassadors here in Sarajevo, that if they would support me I was ready to stay another year. I believe that we are now in a situation that I can say that I am happy for having received such kind of recognition but I do not think it is all that important. What is important is that the people, not the politicians, in this country get what they deserve. And I hope I can contribute to it.

D: How do you look at comments regarding your proposals on the accumulation of authorities granted to different missions of the IC in BiH, by way of unifying the responsibilities and granting them to the High Representative?

WP: This is something I do not fully understand. After sir six years, after so many achievements of the IC, it is natural that we have to adjust the structure of our presence in BiH. This has nothing to do with accumulation of power. Regarding my position, it is up to others to decide about that. I interpret my re-election in the way that the Foreign Ministers, who represent specific governments, have confidence in me and want me to propose changes. Very simple, they obviously think that I am the one who will get the best results.

D: Do you think there is a chance that your proposal is adopted?

WP: It is not about whether my proposal will be adopted. I think the thing is that it is me now who will lead the whole process with the full support of the OSCE and the UN in order to get to an optimal model of implementation of peace in this region. After six years, we have a break now and we must find an adequate model for the next period. We must have in mind

the fact that the IC, and this is I believe the strongest message of all, does not wish to stay here forever. We are here to be able to leave but also leave behind a country capable of standing on its own feet. This is the reason I was given this confidence.