

Article by the High Representative, Wolfgang Petritsch: "Odgovornost is the key to returns, and Sarajevo, the capital, must lead"

I have just returned from New York where I chaired my first meeting of the Peace Implementation Council Foreign Ministers' Steering Board. The meeting went well. The Foreign Ministers fully endorsed the new strategy for Bosnia Herzegovina that I outlined. I mean of course the principle of odgovornost or vlasnistvo ("ownership," in English), by which they agreed that the people of Bosnia and Herzegovina, and their leaders, own and are primarily responsible for the future of their country. After all it is theirs, not ours.

But designing a strategy is one thing. I am determined to succeed, but must also acknowledge that putting it into effect will be an arduous task. Less than two months after my arrival in Sarajevo, I cannot help but feel surprised and irritated. Veterans organizations, university professors, the local press: from all sides I hear statements that belong to a different time and place, not to the voice of a city that used to be famous for its open-mindedness, and that hopes to be restored to its – rightful – place among the capitals of modern Europe.

They say that the International Community is applying double standards, by pushing only for the establishment of the Rule of Law and protection of citizens' rights in Sarajevo, while not making similar demands in other parts of the country. However, did we not recently place the blame for the paralysis of local government in Drvar and Canton 10 squarely on the shoulders of the HDZ? Did we not upbraid RS Minister for Refugees and Displaced People for attempting to obstruct the evictions process?

They make ugly claims that, for instance, "the Serbs" and other people who left Sarajevo during and after the war actually have no wish to return: they are trying to regain their properties merely in order to sell them and make money. The other day I even read an editorial blaming a court for sentencing a man who had stolen household goods. He happened to be a displaced Bosniak who had looted the house he had temporarily occupied because its rightful owners, who happened to be a Serb and Croat couple, had returned.

I am wondering what the author of this editorial, and all those others who think like him, are aiming at. Would they like to see the introduction of an apartheid-style law which would exclude certain nationalities from prosecution, and deny to other nationalities the universal rights that every human should enjoy?

I am not disputing – indeed, I am sadly aware – that horrible crimes were committed during the war. I will do my utmost to help the victims of those crimes to find justice. I am also not disputing that in some areas of Bosnia and Herzegovina, the Rule of Law has begun to be applied, while in others it is all but ignored. But I do dispute that there are any circumstances under which the Law, and basic human rights, can ever be compromised. Respect for the Law, and for Human Rights, are absolute and unconditional.

This ethnically-based thinking, which I detected in the editorial I read and elsewhere, is simply wrong. It is the all-too-familiar product of war, when the rights of the individual count for nothing. Every time I meet with the political leaders of this country, they tell me that of course they will implement this or that provision of the Dayton Peace Agreement. But then they point the finger at one of their colleagues, or the other Entity, and claim that the same provision is not being implemented there. Let me be clear: inaction by somebody else is never an excuse for inaction by oneself. I shall hold every single politician responsible for his or her action – or inaction.

The specific legislation that is under attack is the property and housing laws. Senior officials recently called for disobedience of these laws, demanding that refugees and displaced people not be evicted unless they can return to their original homes. But the two-way returns process is a complicated one, and often hard to synchronize. If people cannot be evicted before their original home is ready, the process will simply grind to a halt. Besides, the right to return and repossession of one's home is individual and unconditional, and does not depend on whether someone's else's right is respected or not. I will do my best to make sure that the rights of the evicted, too, are respected and implemented. And I reiterate: the property laws alongside other legislation applying to refugees and displaced people are designed in a way that ensures that refugees and displaced people will not end up on the street.

Of course I feel deeply for every refugee and displaced person, who suffered enormously during the war, and who might now be told that he or she must vacate the apartment or house that may have become a home. Even though they will not end up on the street, I deeply appreciate that this is still a painful procedure, all the more so when they cannot return to their original home because it is occupied by someone else or destroyed.

But their move means that someone else can return or take possession of their property. Their move means adherence to the Law, and will set a signal. OHR anticipates some 80,000 people to return to their homes this year. This is not as many as we had hoped, but it is still far more than last year, and we will continue to build on that success.

The property and housing laws must be implemented, not just for moral reasons (which are strong) but for technical ones as well. Their implementation is part of the establishment of the Rule of Law, and essential for the successful implementation of Annex 7 of the Dayton Peace Agreement. Furthermore, without the laws' implementation, Bosnia and Herzegovina will never become a member of the Council of Europe. I truly see no other way in which to create a viable, prosperous and peaceful state, of which its citizens can and will be proud, and which will take its rightful place among the European family of nations.

Many of the returns are spontaneous, especially to the RS. Some authorities have accused the International Community of not doing enough to provide funds for this category of return. But we are looking for additional funds. This was the purpose of General Meigs' and my recent helicopter tour of the country with several ambassadors from the world's leading nations. Furthermore, spontaneous returnees directly benefit from the security provided by the presence of SFOR and others. Also, coming back to the ownership issue: The leaders of this country cannot expect the International Community to keep paying forever and for everything. They must take responsibility for the real needs of their citizens, such as housing and decent jobs. Far too little is spent on reconstruction and return. Instead, the Federation has allocated this year 40 percent of its budget to the military, and in the RS, military spending accounts for 13 per cent of the budget.

A final, vital point: If we do not succeed in ensuring citizens' rights in Sarajevo, we will not succeed anywhere. It is the capital of Bosnia and Herzegovina, with a cosmopolitan, multi-ethnic tradition. A number of officials are working very hard to implement the Law, and many citizens acknowledge the necessity of it. The ones who do not, who think in purely ethnic terms, place collective guilt on other nationalities, and attempt to bend the Law, need to be silenced. The fact that the Stability Pact Summit was held here has paved the way for Sarajevo to become a truly European capital in which European standards and values are respected. Let's not miss this chance. Sarajevo must take the lead.