

Article by High Representative, Wolfgang Petritsch: "A chance for the Republika Srpska"

By: Wolfgang Petritsch, High Representative for BiH

Let me make it perfectly clear. Without a serious commitment to constitutional, social, economic, return, return and human rights reforms, the RS may face disappearance. The behavior of its leaders will have rendered the Entity economically and politically unsustainable.

In moments like this, crossing from one year to the next, when we are – if nothing else – a little wiser as a result of the things we have done and the things we haven't done in the past twelve months, it is logical to look inside ourselves and ask – what and how should we proceed? What is to be done in the New Year? What can we do in order to make sure that the coming year will be better than the one which is now ending?

What the Republika Srpska needs is honest and fundamental reform – deeds, not just words. It is clear that in the 7th year of Dayton, the RS is still a nationalistic mono-ethnic structure, an abnormal model of exclusivity where the rule of law has not taken root. Such a community has no place in the Europe of the 21st century. There are many areas in which the RS authorities can do better in order to genuinely serve their citizens and prove to the outside world that the RS is a legitimate part of Bosnia and Herzegovina, which is trying to live up to the commitments of the Dayton Peace Agreement and

the requirements of the modern age.

The implementation of the historic Constitutional Court's Decision on the constituency of all peoples in both Entities offers the chance for a real breakthrough by the RS. The RS must demonstrate its willingness to extend protection to all its citizens, including those who are not Serbs. Its multiethnic character, which the Constitutional Court has confirmed, must be reflected in its Constitution.

Constitutional reform provides a unique opportunity for the RS to implement fundamental and positive change and to address the danger of its disappearance. The RS is threatened from the inside because it does not live up to European standards, because it does not treat all its citizens with the evenhandedness they are entitled to expect in a multiethnic Entity, because it does not guarantee all its citizens human rights, because it does not welcome back returnees – this is what delegitimises and weakens the RS. But it can prove otherwise. I would also say that this is also a unique opportunity for the RS authorities to demonstrate the essence of ownership, and show that they have the capacity to forge the sort of compromises which are crucial in a multiethnic society such as BiH.

At my meetings in Banja Luka this week I heard encouraging expressions of intent regarding many of these issues. However, I have heard many such expressions in the past. Now I want to see actions. The process must move forward. The Constitutional Commissions must submit their recommendations to the parliaments, and the political parties, the elected representatives of the citizens of the two Entities, must start to discuss them. I fully support Prime Minister Ivanic's suggestion to organise a round table at which the political party leaders would hold such a discussion and try to find the right solutions. This will not be easy – but Bosnia and

Herzegovina is a multiethnic country, which means that its political leaders must be able to find common ground and consensus and make compromises. This is the only way for Bosnia and Herzegovina to function and move forward. It can only do so by inclusion, not by exclusion.

RS citizens, regardless of their ethnic background, want a normal life. They want living standards that correspond to 21st-century Europe. At the moment, economic prospects in the RS are still bleak. Urgently needed laws and measures aimed at reforming and improving the economy have been held up because of political – not economic – calculations. The fight against corruption has only just begun. A large part of the problem is also the obstructionist behavior of Serb representatives in the State Parliament. Their delaying tactics and time-wasting have prevented the passage of important laws which will improve economic conditions across BiH and increase the efficiency of State institutions. This can no longer be tolerated.

The failure of the RS political leadership to embrace economic development as a number one priority is the reason that unemployment is so high in the RS. It is also the reason that those who are lucky enough to have a job for the most part earn very low salaries. Low and irregularly paid salaries are the reason there were so many strikes in the RS in 2001. If the authorities want the economic situation to improve, they should act quickly and decisively to create a positive business environment – transparent laws, efficient courts, and investment-friendly legislation.

I have repeatedly expressed my concern about the low rate of returns of Croats and Bosniaks in the RS. The budget allocated to facilitate the return process is inadequate; official obstruction of return is routine, as are illegal evictions; the support given by the government to RS housing offices is

insufficient, and throughout the RS there is a shortage of the alternative accommodation which the authorities are obliged by law to provide. I have also not noticed that municipal authorities are actively welcoming back returnees and helping them integrate in the communities to which they are coming back.

The RS authorities have placed the very existence of their Entity in jeopardy by not living up to European standards of practice and not guaranteeing the basic rights of all their citizens.

The lack of respect for human rights is another weak point in the RS Government's record. One case which has been scandalously prolonged is that of Colonel Avdo Palic, who disappeared while in the custody of the Bosnian Serb army in 1995. The failure of the RS to obey the decision of the Human Rights Chamber to investigate the circumstances of the disappearance of Col. Avdic as well as to pay 65.000 KM in compensation to the family of Colonel Palic is shameful. The RS attempt to pay only 15.000 KM is a typical example of foot-dragging. I also cannot accept the excuse of the RS Ministry of Defence that they do not know where the VRS officer is who last saw Col. Avdic. This is dishonourable. It is unacceptable.

Co-operation with the ICTY is another area where words are not matched by deeds. Although in October the RS National Assembly adopted a Law on co-operation with the ICTY and while the Serb Democratic Party in December announced its intention to expel publicly indicted war criminals from the party, grand expressions of intent are of little value. We have not seen any concrete action. The indictees must be arrested; their

continued liberty must no longer be allowed to cast a shadow over the return process.

In these areas and in many other areas the RS authorities have behaved in a way which falls below their obligations and which damages the image of their Entity abroad. The RS authorities have placed the very existence of their Entity in jeopardy by not living up to European standards of practice and not guaranteeing the basic rights of all their citizens. Let me make it perfectly clear. Without a serious commitment to constitutional, social, economic, return and human-rights reforms, the RS may face disappearance – the behaviour of its leaders will have rendered the Entity economically and politically unsustainable.