Article by the High Representative, Wolfgang Petritsch:”We Must Stay the Course in Bosnia”

Letters to the Editor

The pace of change in Bosnia and Herzegovina, and in South East Europe as a whole, has picked up in recent months. One reflection of this is the resurgence of creative proposals for new constitutional and national arrangements in the region. The piece by Vitomir Miles Raguz (A New Era Calls for New Thinking on Dayton, WSJ 01/02 June) is an example of this. Mr Raguz writes eloquently and presents several interesting ideas. His central proposal, though, that the resolution of Bosnia and Herzegovinaąs underlying political difficulties lies in a fundamental change of tack, with constitutional tinkering aimed at altering the Dayton process, is wrong.

Mr Raguząs proposals directly impinge upon the work of my office as I am the individual charged with supervising the implementation of the Dayton Agreement..

First of all, let me state that the Dayton Agreement is – again to use Mr Raguząs term not “kaputt”. Quite the contrary. My function is to ensure that the terms of the agreement are strictly applied and that ictly applied and that they serve as the basis for the political and economic regeneration of Bosnia and Herzegovina. Clearly, a lot has been achieved since the end of the terrible war that ravaged this country.

A record number of refugees and displaced people last year decided it was safe enough to go home. There were still

criminal incidents aimed at scaring them away – house burnings in the eastern town of Srebrenica, demonstrations and daily intimidation of housing officials charged with implementing tough new property laws.

But there were more than 67,000 registered returns in Bosnia and Herzegovina in 2000 of people returning to areas where they are a minority – almost double the rate in 1999, and in the first quarter of this year the number of minority returns doubled, compared to the same period last year. In the first quarter, 15,500 people returned to their prewar homes in areas where they are now the minority, bringing the total number of minority returns to more than 210,000. In many cases, these people have returned to areas where the worst excesses of ethnic cleansing were committed during the 92-95 war.

Also, following the last general elections in November 2000, for the first time since the end of the war the Council of Ministers, Bosnia and Herzegovinaąs central government, is made up of representatives of non-nationalist parties committed to td to the full implementation of the Dayton Agreement. At the beginning of my term I promoted the idea that Bosnians should take back ownership of the political process: this is a clear signal that this process is now underway.

Indeed one of the reasons we have witnessed outbreaks of nationalist violence in the last two months is that the old-guard nationalists understand that the tide of popular sentiment and political debate has turned decisively against them.

The circumstances of Bosnia and Herzegovina today are vastly different from those that applied when the agreement was signed in November 1995. So it is fortunate that, as Mr Raguz correctly acknowledges in his article, mechanisms exist within the agreement itself that allow change and flexibility. For example, Dayton provides for a Constitutional Court with the

authority to alter fundamental arrangements pertaining to the security of Constituent Peoples and the appropriate functioning of government institutions. The most transforming decision of the court to date has been its judgement requiring amendments to the constitutions of the two administrative entities, the Serb Republic and the Bosniak-Croat Federation, whereby each entity must now recognise all three Constituent Peoples as full citizens, This has removed what many regarded as the fundamental weakness of the original Dayton Agreement, nt, which appeared to favour the interests of Bosniaks and Croats in the Federation, and Serbs in the Serb Republic. The decision was arrived at in a transparent and deliberate manner. It is one of many examples of the pathBosnia and Herzegovina has recently taken to a state of social and political normality.

In other words, Dayton can change itself. This is not the time to talk about abandoning the agreement or replacing it with something else.

It is important at this point to stress that the International Communityąs present strategy in Bosnia and Herzegovina, and the policies of the countryąs pragmatic, non-nationalist government are not based exclusively or narrowly on the implementation of Dayton. The agreement enshrines constitutional safeguards that were necessary at the end of a terrible and tragic war. But we are not simply ensuring that a new war does not break out. We are witnessing the rebirth of Bosnia and Herzegovina as a modern, democratic and multicultural country. We are witnessing the double-transition from war to peace and from a failed Communist system to a functioning market economy.

Political reorganisation, cantons, new entities and such do not have obvious urgency as we apply ourselves to the task of making Bosnia and Herzegovina a self-sustainable state. Indeed, constitutional tinkering diverts political energy away faway from more pressing objectives. What is needed in Bosnia

and Herzegovina is the application of a focused political will to the business of establishing legal and fiscal structures that will sustain a growing economy. This will be done more slowly if the political will is sapped by repetitive and redundant arguments about new layers of government or new federal structures.

The case against further cantonization rests on practical as well as political considerations. In many cases, the cantons donąt work. Budgets in some cantons are still divided and in many others the budget cannot be met as a result of inadequate finances. Generally the cantons are slow at implementing legislation and decisions. Canton administrations frequently serve local interest groups at the expense of local citizens and serve as yet another layer of patronage. Cantons undermine the ability of the Federation to tackle major issues. They are an expensive layer of administration which Bosnia and Herzegovina, a poor state, can ill afford. The country needs to increase the quality not the quantity of its government.

We have seen for example that where the HDZ (the nationalist Croat party) is in power at the cantonal level, those cantons do not enjoy rule of law. Our priority is to establish the rule of law so that refugees know that they can return to their homes in safety, and sod so that economic recovery can be based on the normalization of social and political conditions. Our priority is certainly not to reward incompetent politicians by allowing obsessive preoccupations with constitutional change to set the political agenda.

Making Dayton work, to the benefit of all of Bosnia and Herzegovinaąs people, was a theme I discussed with Croatian President Stipe Mesic when he visited Sarajevo recently. President Mesic and I agreed on the importance of proceeding within the context of the Dayton Constitution. We likewise committed ourselves to ensuring that, far from being in any way disadvantaged by that constitution, the rights of Bosnia and Herzegovinaąs Croats without whom there is no multiethnic

Bosnia and Herzegovina will be fully protected.

It hardly seems necessary to emphasize that prosperity and democracy will benefit every Bosnian, regardless of his or her communal affiliation. Yet in the often charged atmosphere of political discourse here I should spell this out. Far from seeking to isolate any community, we are doing our utmost to include every community. This will not be done by new cantons or by introducing new federal structures. It will be done by ensuring that the existing provisions designed to secure group rights are effective.

The Bosnian war was ended by intensive and skilful diplomacy. The peopl people of Bosnia and Herzegovina are grateful for the US diplomatic effort and its subsequent military and economic backup. Yet it is also true that Europe has changed in the six years since the signing of the Dayton Peace Agreement, and increasingly the European Union is in a position to take the diplomatic initiative in a region with which it is geographically contiguous. In that sense I agree with Mr Raguząs observation that Brussels has a developing role in the Balkans. This development is being watched with close attention by citizens here. The European Union offers the people of Bosnia and Herzegovina a democratic, multicultural model of prosperity. It is one they are keen to embrace. It is a model with which they have great cultural affinity. Trade with, and eventual accession to the European Union are priorities of Bosnian politicians and Bosnian business people. Redrawing cantonal boundaries and changing the nature of federal institutions are not.

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