Interview of the High Representative, Wolfgang Petritsch

Q: The intentions of the Alliance for Changes to take power in the Parliament provoked fierce resistance within the HDZ. How do you explain that?

A: I think that is very easily explained: the HDZ is not part of the Alliance and afraid that they will not participate in power. However, I must say that the HDZ is itself in part responsible for this situation. Since before the elections, they have had an unconstructive attitude. They organised a "referendum" on election day, and have simultaneously been threatening boycotts, questioning the constitutional set-up of BiH and bashing all other parties all along. In my opinion, they should have tried to form a coalition with other parties, that is what a party, if it doesn't have an absolute majority and wants to be in power, does in every democracy. Now, suddenly they are faced with the situation that they are out of the game – but they shouldn't be surprised. However, the HDZ could still change course. I view President Jelavic's recent pledge to abide by the February 3rd Constitutional Court ruling on the PEC decision, his promise to implement election results, and his call for dialogue and consultations on government formation as an encouraging sign.

Q: The HDZ claims that the Alliance should serve to change the political concept into the civil model – one person one vote. In that way the process of de-constitution of rights of the Croat people in BiH will be complete, so that the Alliance, as the HDZ claims claims, is anti-Croat and anti-constitutional. Could you please comment.

A: Firstly, this is just speculation, secondly, I don't think that there is any chance for the Alliance to achieve that, even if they wanted it. Remember, a change of the Constitution requires a two third majority. I fully understand some of the fears of the Croats because they are after all in numbers the smallest people in BiH. And as I am deeply convinced that BiH cannot exist without the Croat people, I will personally see to it that the Croat community in BiH is fully protected. As one of BiH's three constituent peoples, the Croats have the power to veto anything they consider to be against their vital interest as a people. But the Croats can best ensure their rights and look after their interests by fully participating in the political process at all levels. By engaging in boycotts of the Federation House of Peoples and several Cantonal assemblies, the Croat leadership only shirks its responsibilities to its constituents.

Q: Does your decision on strengthening the constitutional commissions in both entities, for the purpose of protection of vital national interests, practically imply the abolishing of the House of Peoples?

A: The constitutional commissions are an interim solution until the Entity Constitutions are changed and amended in accordance with the Constitutional Court Decision on the Constituency of all BiH Peoples in both Entities. For that interim period, there needs to be a system securing the vital interests and non-discrimination of the constituent peoples and others in the Federation as well as in the RS. Practically this means that Croats in Bosnia and Herzegovina as well as the Bosniaks will now be able to protect themselves from discriminatory legislation in the RS, which they could not before, and the Serbs will be protected in the Federation.

The Constitutional Commission is therefore an additional mechanism, which will perform the same function in both entities. **Q: Some claim that the meaning of that decision of yours is to create the preconditions which would facilitate**

the Alliance's coming into power. The Constitutional Commission should allegedly replace the House of Peoples in the procedure of election of executive authorities in the Federation. Could you please comment.

A: The Decision is to do with my concerns to ensure that the rights of BiH's Constituent Peoples and others are fully protected and with the fact that the Constitutional Court ruled more than half a year ago, which the Entity governments have simply ignored – there have been no steps to work out a plan how to implement it. This is a long term issue about citizens rights and I would push to implement these regardless of the current political climate. Regarding the House of People – I repeat: the Constitutional Commission is a separate body and will not interfere with its work.

Q: One of the fundamental commitments of the Dayton Agreement is return of refugees. Only 2000 Croats and a bit bigger number of Bosniacs have returned to the RS so far. Will the OHR take concrete measures with regard to the return of property?

A: It is a fact that return movements into some areas do not happen fast. How could they after what people have experienced in some areas? But as far as refugee return is concerned, even Human Rights Watch has recognized the "breakthroughs" achieved in the post-war development of the country. People are returning to Srebrenica, to Foca and other places that have seen the worst atrocities. In 2000, over 24,000 registered minority returns took place in the RS, the actual number is even when you consider "spontaneous returns." Returns in the most contentious areas are taking place where individuals wishing to return are supported by responsible leadership. So after all, I am confident.

And property law implementation is one of my priorities, and the International Community has devoted great resources to this. Each municipality's housing office is monitored by a

representative of the international community. I have dismissed dozens of officials last year because they violated the property laws. In addition, my office supports the ongoing prosecutions of local officials that violate the property laws and occupants that loot property. I fully support the process. But you must be aware that only a fifth of the claims for repossessing apartments and houses have been solved so far – 200,000 are still pending. That means that in 200,000 cases, the current occupants must vacate the properties, and many are in need of alternative accommodation. The local authorities responsible under their legal obligation to provide alternative accommodation are the most pressing obstacle towards implementing the property laws. Having said that, I do think that it is possible to solve that problem in the next one to two years.

Q: What will you undertake with regard to corruption and smuggling which is extremely present in BiH?

A: Fighting corruption has been one of the top priorities for the International Community in Bosnia and Herzegovina and will be in the future. The essential instrument of the struggling against smuggling is the establishment of an operational state-border service. Last year I imposed a law to establish such a service which is currently taking shape. Only recently, the State Border Service began with the selection of staff. I hope that the millions of tax evasion through smuggling will come to a halt, once the border service is in action. Active support from Zagreb in that context will be of crucial importance.

interview of the High Representative, Wolfgang Petritsch, with Zagreb Vjesnik, 27 January 2001