

Interview: Wolfgang Petritsch, High Representative in BiH

SRNA: After the failure to adopt the Election Law, some changes in the Council of Ministers have emerged, and Bozidar Matic resigned. Do you expect the new Council of Ministers to aggressively move towards European integration?

WP: One thing is certain: nothing will move in terms of BiH's integration in Europe before the Election Law is passed. It is the main precondition for accession to the Council of Europe and one of the requirements on the EU Road Map. I would have expected the new Council of Ministers to ensure that the Parliament adopts the Law way before the Council of Europe's September deadline, and I am a bit puzzled that the Parliament is planning to go into recess now without having passed the Law. If they are planning to start the discussions after their vacation, it may be too late for accession to the Council of Europe. How are the deputies going to explain to their voters that their personal holidays are more important than BiH's membership of the Council of Europe?

Regarding other legislation, particularly State-level laws, I see that the Council is faced with resistance from some forces in the Parliament. My Senior Deputy, Ambassador Sonn, just met with the Serb delegates to the BiH House of Peoples, asking them to be somewhat more constructive.

Both the State of BiH and its two Entities will never stand on their own feet economically if they don't promote ties with and integration in Europe, and I believe the Council of Ministers is aware of that.

SRNA: Recently, discussions about BiH's accession to Partnership for Peace Program have begun. The majority of RS politicians refuse the preconditions to join the Partnership, such as a single army and police, claiming that the Dayton Peace Agreement does not foresee anything like this. As the only authorised interpreter of the Dayton Peace Accords, could you tell us how the DPA regulates this issue?

WP: The invitation to join Partnership for Peace is not directly related to the Dayton Peace Agreement. As a matter of fact, it is up to the members of NATO to determine the preconditions for the accession of new members. Our agenda here is what the Peace Implementation Council discussed at its meeting in Madrid last year: a common security policy for BiH, transparent and affordable defence budgets, unified command and control structures, and the creation of a strong state level defence identity. I believe only once there is a coherent military structure and defence policy, BiH will be able to join Euro-Atlantic defence structures. The level of co-operation and willingness to achieve this goal is the responsibility of the Presidency and the Entity Ministers of Defence and Armed Forces.

SRNA: How do you see the political situation in BiH today, compared to the time when you arrived? Has there been progress in the political environment of this country?

WP: There is a lot of progress. We have seen a serious increase in the return of so-called minorities, and every year, more people are returning. This year, the numbers have doubled compared to last year. We have seen the peaceful resolution of difficult disputes, such as Zepce, Dobrinja, Brcko. We have a government at the State level that finally wants to take on ownership and responsibility in this country. At the Entity levels, we have reform-oriented governments. We have two Constitutional Commissions in the Entities, seriously working on the implementation of the Constitutional Court's decision on the constituent status of the three BiH peoples

across BiH's territory. We are discussing matters that are of interest for all people regardless of their ethnicity: education, economic progress, jobs, integration in Europe. I think all these are indicators that there is progress. However, as always, it could go faster, so it's not all rosy.

SRNA: Does the return of the SDS to the political stage of the RS contribute to this country's catching up with civilisation, and social and democratic courses, particularly with regard to the heritage that this party has.

WP: I consider the SDS a problematic party and am monitoring its conduct very closely. So far, the contributions of the party to the implementation of the Dayton Peace Agreement have not been very convincing, and its past record is more than dubious. If it wants to become a real partner, it must break with the past. It must deal with possible war criminals among its ranks, distance itself from the past policies and show in practice that it has reformed. I am still waiting for this break-through to happen.

SRNA: Does the International Community consider the SDS unsuitable just because of the heritage it carries, and can it easily lay conditions on the party because of this heritage?

WP: It is not a matter the heritage. It is a matter of living up to what was signed up to, the Dayton Peace Agreement. Of course, if the SDS were truly living up to this document as well as the Constitution of BiH, it would have broken with its past policies and party members that have been indicted as war criminals, and done many other things required by Dayton. I measure parties by their record in implementing Dayton.

SRNA: Is it correct that the International Community representatives in BiH have requested the RS Prime Minister to conduct a restructuring of the RS government in September?

WP: I have not done so.

SRNA: Are you, and if so, how satisfied are you with the RS government's efficiency with regard to economic issues, the improvement of the living standard and the fight against corruption?

WP: The government, or let's say, parts of the government are trying to root out corruption, though they should not only focus on individual and specific cases, but introduce structural reforms that will eliminate corruption and support the existing audit structures. The RS government's attempts to fight corruption have been severely hampered by the politicisation and institutional wrangling within the entire structure, and this has significantly hindered the process. The fight against corruption should be a united effort by all levels of the government in order to have the greatest effect. Having said that, corruption must be tackled in each and every case. It's also apparent that the government is focusing on economic issues and recovery, which we consider to be extremely important. Now, it always takes time until the positive effects of economic restructuring become visible, so it would be too early to expect an increase in the living standard immediately, but the RS already experienced a slight increase of the average net salaries compared to last year.

SRNA: The RS National Assembly is discussing draft legislation on co-operation with ICTY. The adoption of this legislation has been announced for September. Is there any deadline regarding the adoption of this law?

WP: As a matter of fact, this law is a symbolic exercise. The obligation to co-operate is clearly laid out in the Dayton Peace Agreement and a result of BiH's membership of the United Nations. All the authorities in BiH at all levels are bound by it. However, a failure of the law in the RSNA would speak volumes about the attitudes of its deputies, that six years after the war, they still live in a world of denial and are not ready to tackle war crimes. This would certainly delegitimise the RS in the eyes of the world. The arrest and

extradition of indicted war criminals is more than an obligation, more than a service to justice, it is essential for the reconciliation process in Bosnia and Herzegovina.

SRNA: Do you expect the RS authorities to extradite war crimes indictees?

WP: The answer is straightforward and unconditional: Yes.

SRNA: Do you have information that SFOR tried to apprehend Radovan Karadzic in recent days?

WP: It is obvious that the situation is getting difficult for people who are on the Tribunal's wanted list, and I hope that Karadzic as well as Mladic will finally end up in the Hague. This must happen to allow the country to move away from the past and turn to the future.

SRNA: Respect for human rights, freedom of the media and the entire democratisation of the society are the preconditions for the freedom of each individual. What is the situation in BiH with regard to this?

WP: The situation has greatly improved since 1996, but there is a long way to go before European standards are met in this regard. There is a lot of ethnic discrimination, which the authorities condone. Yes, we have many minority returnees, but are these returnees being welcomed in their home communities, can they find jobs, do their children receive non-discriminatory education? No. Instead, there are dozens, hundreds of return-related incidents – you remember, a few weeks ago, a girl near Vlasenica was even killed. The perpetrators are hardly ever identified and punished. You also know what happened in Banja Luka and Trebinje – severe human rights violations, which were a disgrace for the RS. In other fields, especially the areas of politics and the media, threats are still a common occurrence: journalists and political opponents are controlled through them. So, overall,

the human rights situation is worrisome, which every human rights organisation, from the domestic Helsinki Watch Committees to organisations such as Human Rights Watch, confirm in their annual reports.

SRNA: You imposed a set of property laws recently. Will these laws accelerate the return of refugees, and are you satisfied with the current speed of the return process?

WP: The laws provide for non-discriminatory purchase of socially owned apartments. People returning to the Federation will not be bound by the two-year rule anymore, people returning to the RS will get the maximum discount allowable under the law. I believe the removal of discriminatory obstacles helps the return process. As to the overall speed of returns, it is still way behind the desirable pace. By now, there is no more excuse in prolonging the implementation of the property laws. The RS is seriously lacking behind in this. We are talking about a rate of only 19% in resolving requests for the return of apartments and houses. This is a disgrace for all people longing to return to their homes.

SRNA: How is it possible to accelerate the work of the local administration with regard to property law implementation?

WP: The housing authorities have the legal framework and the administrative capacity to speed up the process. One of the big obstacles in the past has been the claim of a lack of alternative accommodation. A lot of municipalities have refused to identify and offer alternative accommodation, citing the alleged lack of it as a reason to delay evictions. Some municipalities are even not making existing and non-reclaimed socially owned apartments available to people in need of alternative accommodation. They should exercise all possible means to enforce the right of their citizens. In addition, my staff are working with their local counterparts on possible amendments to the property laws which would further restrict the right to alternative accommodation so

that individuals who have the means to support themselves and those who have not claimed their pre-war property, will no longer be eligible. This will help speed the process.

SRNA: Your mandate has been extended for another year. What will be the priorities of the OHR in the coming year?

WP: I will build on the work that has already been done – strengthening the institutions, in particular at the State level, promoting refugee return, and setting in place the conditions for a rapid and sustained economic development. On top of it, now that the Council of Ministers is embracing the idea of partnership, I will promote a different kind of relationship with the local authorities. This will help enhance the ownership process.

SRNA: What's your comment on claims by local politicians that international representatives are giving away BiH's assets, which mainly refers to the process of tendering the 3rd GSM license?

WP: So far, nobody has been able to produce any evidence that the process was flawed. However, the result of all these accusations is that one of the five bidders withdrew, while another one expressed serious concerns, which both forced the Communications Regulatory Agency to cancel the tender. We should not forget that having an operator come into BiH would have meant an investment of 300 to 400 million marks over the next few years from which the local economy would have profited, the creation of hundreds of jobs, lower mobile phone tariffs, and lastly, the preparation for BiH's future in the age of information technology. I sincerely hope that the CRA and the Council of Ministers will find a way out of this undesirable situation.