

## **Calls Grow For Ashdown to Surrender Imperial Powers**

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There is increasing international unease over the unaccountable and unsupervised powers of Bosnia's High Representative.

The Association Bosnia and Herzegovina 2005 has its plans for a Dayton II-conference all set up. Next October, a decade after international military and diplomatic intervention ended the war in Bosnia, the Sarajevo-based group will invite nation-building experts and decision-makers from around the globe to Geneva.

Christophe Solioz, executive director of the association, whose aim is to promote policy building through research and debate, is in no doubt about what the main target of the conference, entitled "Ten Years of Dayton and Beyond", will be.

"The Office of the High Representative should be closed down by the end of 2005, and hand over most of its prerogatives to local authorities," he told IWPR.

The Dayton Peace Agreement, initialled on November 21, 1995 at a United States air base in Ohio, and signed three weeks later in Paris, designated the head of the Office of the High Representative, OHR, as "the final authority in theatre regarding interpretation of this Agreement on the civilian implementation of the peace settlement".

Whether the calls emanating from Geneva will meet with the approval of Paddy Ashdown, High Representative since spring 2002, is another matter, however.

He dismissed calls for another round of international negotiations to discuss the future of the Bosnian institutions, as well as of his own office. "There is no question of a Dayton II", he told IWPR in a recent interview.

The former British Liberal Democrat leader does, however, agree with an overall strategy of conceding more power to local institutions, citing a "need to be transiting out of this heavyweight interventionist role that we have, and leave it more and more to them".

He told IWPR, "You will see the territory on which the High Rep's powers can be used diminished. There is no point in saying to the Bosnians, 'You must transit, but we never will', so we are working on our transition as well".

Ashdown gets his authority from the Peace Implementation Council, PIC, made up of the 50 countries responsible for overseeing the Dayton Treaty. The High Representative's decisions are thus subject, in theory, to international oversight and to the scrutiny of the Bosnian Constitutional Court and the European Court of Human Rights.

But in practice, the PIC does not control his decisions, nor has it set down any rules to control the exercise of the so-called Bonn powers. These were granted to the High Representative at a PIC-conference in Bonn in December 1997 after two years of almost no political progress in Bosnia.

In fact, the Bonn powers allow Ashdown to dismiss presidents, prime ministers, judges, and mayors without having to submit his decisions for review. In June, for example, Ashdown sacked 59 officials of the Bosnian-Serb entity, the Republika Srpska, RS, for non-compliance with the Dayton Treaty.

Apart from that, his office can veto candidates for ministerial positions without needing publicly to present any evidence. It can also impose legislation and create new institutions without having to estimate the cost to Bosnian taxpayers.

Wolfgang Petritsch, High Representative between 1999 and 2002, says the OHR's Bonn powers need scaling back, owing to the lack of checks and balances and the lack of accountability.

"The main aim in 1997 was to protect the then weak state of Bosnia and Herzegovina from gangsters and other destabilising elements," he told IWPR. "But since there have been major political improvements, we should gradually reduce these powers, and, most importantly, introduce control mechanisms, which are no longer in the hands of the High Rep."

Doris Pack, head of the EU parliament's South Eastern Europe delegation, agrees. "The High Representative should stay in BiH for some time, [but] should not be using all [the] authorities which were given to him," she told IWPR.

Diplomats in Sarajevo suggest that this model - a kind of "Bonn-lite" - could be the next step in transforming the role of the High Representative, who since 2002 is also the EU's Special Representative for Bosnia and Herzegovina.

Last year, the influential Berlin-based think tank, the European Stability Initiative, ESI, questioned the democratic legitimacy of the OHR.

In a report entitled "Travails of the European Raj", the authors said Ashdown routinely deployed imperialist methods similar to those used by the British rulers of India in the 19th century.

Julian Braithwaite, head of Ashdown's communication office at the time, dismissed the ESI report as "irresponsible attention-seeking". He complained that it did "nothing to contribute to the process of helping Bosnia become a sustainable European democracy".

But in his interview with IWPR, Ashdown conceded that as Bosnia comes closer to signing a Stabilisation and Association Agreement, SAA, with the European Union, he or his successors will have to draw less and less on the powers attached to the position.

"You will see the international community move from driver in the process to partner in the process," he said.

Insisting that in recent months he had refrained from using a "huge track of the territory across which the Bonn Powers have been used," he added, "and I want to [use them] decreasingly, as you can see from the impositions - 69 in the first year, 36 in the second, three in the last year."

"I won't hide the fact that perhaps more than some, I believe there does need to be a change," said Ashdown.

While there are disagreements over the time scale in which downsizing of the OHR might take place, a growing number of diplomats in Sarajevo argue in favour of handing over more power to local institutions.

Ahead of the PIC steering board meeting, scheduled for early December, one Western ambassador in Sarajevo summarised the discussions as a tug-of-war between those anxious for faster progress and others happy with the status quo.

“There are people who want to rock the boat, and there are those who want to keep it in quiet waters,” this diplomatic source said.

Talks on the future direction of the OHR in the next year are expected to be outlined at this meeting.

Assuming that Bosnia will, as scheduled, fulfil two of its own (and the international community’s) aims – starting SAA negotiations next spring and joining NATO's Partnership for Peace programme – it seems likely that the OHR’s boat will indeed be rocked.

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