



Nezavisne novine: Interview with PDHR Bruce G. Berton

By Dejan Šajinović

The Croat proposal of the Election Law deepens divisions instead of leading towards a solution, said Bruce Berton, an American diplomat and the Principal Deputy High Representative, at the end of his mandate.

“It remains to be seen now what the SDA will propose and how far they are prepared to go, or whether they will propose changes to the Election Law only or changes to the Constitution, too,” he said.

He said that the OHR’s role is not finished yet because the conditions and goals have not been fulfilled, making an assessment that the OHR could stay on for some time.

“There is a clear awareness among the members of the PIC SB that the conditions and goals have not been met. And, to be honest, I do not see any debate about a possible change of those conditions,” Berton said.

Nezavisne novine: Over the last twelve months many things have happened, from the referendum, revision of the judgment, etc. How do you see BiH today?

Bruce G. Berton: As the High Representative said, we have one positive and one negative trend. We can see sporadic progress on the European road, and then again, we can see this nationalist divisive rhetoric, which brings more and more division among people. We want to see more efforts directed at reconciliation, dialog instead of divisions. And it seems quite often that we make one step forward and two backwards.

Nezavisne novine: Is the divisive rhetoric, after all, more profitable for the leaders?

Bruce G. Berton: You are right. It seems that it is easier for the politicians to use nationalist rhetoric instead of choosing the harder road trying to make compromise with other politicians. What is the declared goal of this

country is that it aspires towards a compromise – the EU. We would like to see more progress on this road. Obviously, the electoral climate of 2018 can already be felt and the election campaign never seems to be stopping. However, it seems to me that there is an opportunity to do something within the next few months before the campaign starts in earnest.

Nezavisne novine: You mean the Election Law? Can this question be really resolved before the election, considering the rather contradictory initiatives?

Bruce G. Berton: We must resolve this, in this or that way. I think there must be some change before the election. You have heard Croat representatives who really insist on the resolution of this, and they have made their proposal. I am afraid that their proposal only deepens divisions in this country instead of resolving problems. It remains to be seen now what the SDA will propose now and how far they are prepared to go, or whether they will propose changes to the Election Law only or changes to the Constitution, too. And when you look at the unresolved cases from the European Court for Human Rights, it seems that the solution will require certain constitutional changes, which are hard to achieve because a two-thirds majority is required. The OHR is ready to help and has both the experience and experts that can be well used if the two sides make an agreement.

Nezavisne novine: If I am not mistaken, the Constitutional Court of BiH should make a decision concerning the constitutionality of the Election Law...?

Bruce G. Berton: Yes, it seems that the SDA is waiting for that decision before they present their proposal. I really don't know what they will propose, that is what we are all waiting for now.

Nezavisne novine: Brčko is one of the 5+2 conditions and objectives for the closure of the OHR. Has it been fulfilled?

Bruce G. Berton: Yesterday I had meetings in Brčko and I believe that the situation is stable, but there are still some open issues. Until they are resolved, I don't think we can say that that condition has been met yet. Of course, there has been progress, for example prompt organization of elections last year and the subsequent forming of authorities. Then the adoption of the budget, although this year they managed to do that in June, last year in September, which is not very encouraging. They adopted four laws in the area of financing, which is also good not only in the sense of greater transparency and fight against grey economy, but also harmonization with entity- and state-level laws, which also helped with the IMF. Amendments on prevention of money laundering were adopted as well, and so on.

Nezavisne novine: So, out of 5+2, state and defence property remain?

Bruce G. Berton: Those are two very sensitive issues, but there is also financial sustainability and Brčko District. Also, it is required to have a positive assessment of the political situation in BiH, which will probably be the hardest one.

Nezavisne novine: It is interesting that in the PIC session this time there were no differing opinions. Was that a coincidence or did something happen "behind the scene"?

Bruce G. Berton: It is not a coincidence. We made joint efforts to come to agreed positions. We did not spend hours on proposals and drafts that would result in footnotes and differing opinions of individual members. One of the reasons is that we have returned to the old format of communiques, shorter ones, and we spoke about those issues that we thought were important for the leaders to agree on – solutions for the Election Law, Mostar, progress on the EU agenda, IMF arrangements, freedom of media and funding of public broadcasters. We also spoke against divisive rhetoric and in favour of dialogue and reconciliation.

Nezavisne novine: Finally, what is the fate of the OHR? What will happen to it?

Bruce G. Berton: 5+2 were determined in 2008. There is no doubt that the role of the OHR has changed significantly over the years. It is now much smaller, but the Bonn powers are still there if a need for them arises. I think that there is still a clear role for the OHR, in particular before the forthcoming election year.

All in all, I think the OHR will remain in BiH for a certain period of time because there is a clear awareness among the members of the PIC Steering Board that the conditions and objectives have not been met. And to be honest, I see no debate about changing those conditions.

Nezavisne novine: “For a certain period of time” sounds like three or four years at least?

Bruce G. Berton: It is difficult to say how long exactly, but that cannot be ruled out. BiH is the most complicated place I have served in so far.

Nezavisne novine: Your mandate as the Principal Deputy High Representative is ending. You have spent two years here, what are your experiences like?

Bruce G. Berton: This is without a doubt the most complicated place in which I have served. And obviously there are challenges that are sometimes frustrating not only for us in the international community but also for local actors and ordinary citizens. However, I think that I now understand the people here better and I have learnt to appreciate this country of fascinating beauty and good people. I hope that I will remain present here and be a part of the processes in this country.