

Nezavisne novine: Interview with PDHR Dennis W. Hearne

Interviewer: Dejan Sajinovic

Nezavisne novine: *We have just marked another anniversary of Dayton Accords. What is Dayton today? A permanent Constitution, temporary agreement which ended the war or something else?*

Dennis W. Hearne: Dayton is a peace agreement, which also contains the permanent constitutional framework of the country. It remains the basis for a stable, secure and prosperous country.

This constitution defines Bosnia and Herzegovina as a state, the legal continuation of the Republic of BiH, which was recognized in 1992, and it provides for a modified internal organization of the country, including the existence of the entities.

It also defines the institutions of Bosnia and Herzegovina and the competencies of the state. It says that additional responsibilities can be assumed by the institutions of BiH and institutions created as needed to exercise these responsibilities. I would also highlight that Annex 4 of the Peace Agreement establishes a constitutional court, which has the authority to decide on disagreements between the state and its entities, whose decisions all are obliged to respect.

Here I want to emphasize three points.

The first point is that the Dayton Peace Agreement we have today, including Annex 4, the constitution, is the same as the "original Dayton Peace Agreement." It has not been changed by the High Representatives or anyone else.

The constitution can be amended by the Parliamentary Assembly of BiH, as is similar to other democratic systems. This has been done once, in Amendment 1 related to the Brcko District. The constitution cannot be amended without the agreement of delegates coming from the RS. The idea that Dayton has been changed or that competencies have been usurped from the RS is wrong.

The second point is that the Dayton Peace Agreement does not foresee the possibility for an entity to secede, by referendum or otherwise, from BiH. The entities have no right to secede from BiH. Period. The International Community, including neighbouring states, fully supports the sovereignty and territorial integrity of BiH. There will be no redrawing of maps.

I also want to emphasize that the Dayton Peace Agreement says that all parties are obligated to cooperate with the High Representative.

It is unfortunate that I have to re-emphasize these elements 22 year after the Dayton Peace Agreement as this suggests that some politicians in this country are not fully committed to the agreement that brought peace to this country and its people in both entities.

Nezavisne novine: What is the role of the High Representative today? Is it outdated? Is it still needed and in what form?

Dennis W. Hearne: The mandate of the High Representative, which is an instrument of the International Community, remains unchanged. It has all the tools at its disposal to uphold the Dayton agreement, including the Bonn Powers. The manner in which the HR mandate is implemented has, however, evolved over the years – in accordance with the International Community policy to transition greater responsibility to domestic stakeholders. There are clear criteria for the closure of the OHR, outlined in the 5+2 agenda, which still have not been

met.

Nezavisne novine: Doesn't OHR in a way limit Bosnian sovereignty? Is Bosnia a sovereign country since it is under sort of protectorate of the UN?

Dennis W. Hearne: No. BiH is a fully sovereign country and the OHR's presence in the country poses no obstacle to the elected leadership taking the decisions needed to move the country forward. It also does not interfere with BiH's Euro-Atlantic path. Other issues are slowing the country down, not the presence of the High Representative. After all, an international presence did not prevent Cyprus from joining the EU.

The international presence is not an obstacle. It can serve as an advantage, as it has numerous times in the past when BiH relied on the IC's support. It is also a clear indicator that the international community has not given up on BiH and wants to help it become a prosperous society. This presence should be used to the country's advantage, rather than as an excuse to perpetuate the "protectorate" myth.

Nezavisne novine: You are new Principal Deputy High Representative and your references are really impressive. Does it mean that US might step up its role in Bosnia?

Dennis W. Hearne: The US never stepped back from Bosnia. It has remained consistently dedicated to stability and progress in this country, and has always supported the country and its peoples, including in their aspiration to join Euro-Atlantic structures. This has also been reflected in the tremendous work done by my predecessors in the positions of Principal Deputy High Representative and Brčko District Supervisor.

As for myself, I am here on behalf of the United States to support the High Representative in his mandate to uphold the Dayton Peace Agreement.

I plan to put my experience to work, to partner with political and institutional leaders throughout the country and to contribute as much as I can to the international community's efforts here.

Nezavisne novine: There are perhaps three sensitive questions for Serbs in Bosnia: Republika Srpska status, NATO membership and whether BiH should recognize Kosovo. Does the OHR have a position on these issues?

Dennis W. Hearne: I think that I have already given most of my answer about the status of RS while answering your first question. To this I would add a clear message that the International Community respects the Republika Srpska as it was established under the Dayton Peace Accords. A successful and prosperous RS is important for everyone, for RS citizens and BiH as a whole.

When it comes to NATO, all members of the BiH Presidency committed the country in a 2009 decision to seek activation of the NATO Membership Action Plan (MAP). Decisions of the BiH Presidency remain in force unless they are repealed or subsumed.

Nezavisne novine: Another sensitive issue that always steers up the atmosphere in BiH are the verdicts of ICTY. This week we had first instance sentencing for general Mladic. What is your comment on the sentencing?

Dennis W. Hearne: Although it is still a first instance verdict General Mladic has been found guilty of genocide, crimes against humanity, and violations of the laws and customs of war – for acts committed from 1992 until 1995 – and therefore sentenced to life imprisonment.

I would join the calls from others in international community here in BiH to all authorities and citizens to respect the verdict and refrain from politicizing it. Only by recognizing the truth, can there be reconciliation. Guilt is individual,

not collective.

Nezavisne novine: I noticed recently that rhetoric is getting heated up again on all sides as if there is a deliberate attempt to create an artificial crisis. Do you agree and what is the international community doing to try to reduce this?

Dennis W. Hearne: I have also noted the rhetoric and find it divisive and detrimental. We have indeed seen an increase in heated messages, and it is difficult not to link them to the elections – even though we still have almost a year before the actual election campaign. If the energy spent fabricating conspiracies and imaginary enemies was put to practical use in governing the country, much more could be done for the benefit of all citizens. All of the citizens of BiH deserve leaders who will work for genuine progress instead of making irresponsible and bellicose statements that remind people of this country's recent tragic past.

There should be a clear and sincere commitment to the European integration process. After all, this is the platform that all political forces claim to agree on, and one that citizens overwhelmingly support. The European Union has offered Bosnia and Herzegovina the chance to move towards the membership, which will bring significant benefits in terms of economic prosperity and political stability.

Nezavisne novine: What are the key two or three risks destabilization of Bosnia could bring for Europe and wider region?

Dennis W. Hearne: The citizens of this country probably know to answer this question better than most other people in this world.

The International Community, including the EU, as well as neighbouring countries share the interest of making BiH and the region an area of peace, stability, economic prosperity and the rule of law. We altogether want to make this region a

better place for ordinary people. It appears some in BiH don't understand this process in the same way and are slowing it down for personal gains. This must change.

BiH leaders did prove in the past their ability to cooperate and generate common understanding, and it is high time that they again demonstrate their capability to have joint decisions and work together for the benefit of all citizens of BiH.