

Dnevni avaz: Interview with PDHR David M. Robinson

By: Tarik Lazović

Dnevni avaz: The RS National Assembly adopted a declaration on the BiH Constitutional Court that you criticised. Is that a breach of the Dayton Agreement, or it could only become one?

David M. Robinson: I think that the latter is closer to the truth. It is a political position that still lacks the force of law. We will wait to see what happens when the BiH Constitutional Court issues a decision. However, several things have surfaced in this case. As far as I remember, it is the authorities of the RS that requested that a reference to the commitment to Dayton be included in the statement on the EU. The RS authorities convinced me when I was in Banja Luka that they supported Dayton as a whole. That shows that there is a significant lack of understanding, because Dayton is not an *a la carte* menu, from which you take only what you like.

Dnevni avaz: However, does not everybody say that Dayton has been overcome, that it needs to be changed?

David M. Robinson: I don't think that anybody thought that the Dayton Agreement would remain almost unchanged for 20 years after it was signed. Everybody thought that there would be more progress and that you would be closer to the EU and NATO. But that's where we are. I am convinced that there must be a certain period of transition. I think that there is a consensus in the country about Euro-Atlantic integration, that the EU is a common goal and that the EU now has a key role in reforms, together with local politicians. But Dayton remains the constitutional framework for this country. You cannot push it aside. It is the law of this country and it must be respected. Yes, changes are necessary. Yes, Europe is the future, but let us make that transition. Local politicians must understand this and start working on it.

Dnevni avaz: The European Union gave up, in fact they decided to postpone the requirement to implement the "Sejdić-Finci" verdict. Will you too give up the five objectives and two conditions that need to be met for the closure of the OHR and close it earlier?

David M. Robinson: I don't think so. The five objectives and two conditions are a legitimate path for this country. There is an element of subjectivity in whether the country has met them or not. What is important to recognise is real progress, and not just the final result. I do not think that it is wise for the international community to merely insist that things are packed up nicely and presented to the EU. This is why we will continue working with the state until it is irreversibly on the road of change. While this happens, we remain in this country.

Dnevni avaz: The state is still not in such a state that you cannot leave us alone?

David M. Robinson: That's a bit of a paternalistic approach. To leave you on your own? I have been in the US Foreign Service for thirty years and I am surprised to see people in BiH who claim that this country is hopeless, that is a lost cause. But it is not. This is a real country, with capable people who can succeed. You do not need a "fatherly hand" to guide you. The leaders of this country should be clear about the road they have to take in order to make some very difficult decisions required for the country's EU path. Difficult things are going to happen, some will be hard to accept for most of the people, but that's called leadership.

Our job is to make the leaders of this country understand how to go about this and be rewarded for it. That is the point of this European initiative. It is an award for things that need to be done.

Dnevni avaz: But, you still have the Bonn powers, you have foreign judges in the Constitutional Court, you have the key levers of power...

David M. Robinson: That is correct and necessary, since institutions here are very young. Let us be realistic. You are getting out of a difficult period, and democracy is difficult. International assistance is a guarantee until the institutions are firmly anchored, not only in law but in the perception of the general public as well. People need to have confidence in the legal system. That is why we are still needed here and I do not know how long this will be the case. Twenty years might be a long time, but it is not too long a time.

Dnevni avaz: Do you follow public debate on BiH judiciary? We hear criticism directed at prosecutors, some judges got arrested... Do we need to change the system?

David M. Robinson: I do not want to go into details. It is important that citizens feel that the process of judicial reform is leading to an honest, transparent judiciary that produces the best possible results. If there is corruption, it must be eradicated. And, there is corruption everywhere, including in BiH. People need to feel that processes are accessible, that decision-makers can be held accountable and responsible for their doings. That is why your work is extremely important. The media should ensure that decisions are available to the public, for better or worse – be they good or bad. That is how democracy works.

Dnevni avaz: However, not everyone is accountable to the people. For instance, prosecutors are not accountable to citizens but to an independent body - the HJPC, that is, to a disciplinary prosecutor only, but no one holds them accountable for their individual inefficiency, although they have a great deal of autonomy?

David M. Robinson: It is difficult to give the right answer to this question. I respect the independence of the judiciary. But you are the media, you have to follow what they are doing and report about it. So people know what the authorities are doing. Citizens can then demand better results for their tax money. In a democracy, you have to participate. It is not a spectator sport. It is a hard work to be a citizen.

Dnevni avaz: You say that we should follow their work, but it seems that they follow us much more. The authorities had been interfering with the media on several occasions, including with “Avaz”, which appears as their way of exerting pressure and was assessed as an intimidation. How do you comment on that?

David M. Robinson: I deliberately emphasized the role of the media. Look, the judiciary can legitimately ask from the media for some documents that are important for cases that they are working on, if they need some information they can issue a warrant. The media have a special place in democracy and it is important that the authorities treat the media with respect and not create an impression that they are exerting pressure on the media or going after them.

Everything that amounts to intimidation of the media is wrong. The media also needs to be ready for cooperation. It should be independent and able to report about information it has, without fear of attacks.

Dnevni avaz: We talk a lot about corruption in BiH. How would you as a citizen act if your Prime Minister employed his immediate cousin to be his advisor and appointed other members of his family to some important positions at the State level?

David M. Robinson: There are two principles that I want to mention in this regard. One is that those who are in power create their team and gather around them those persons they want to work with. If someone chooses his friend for a position and if he is a capable person – okay. Second, there is the principle of ability. It is important that those who hold significant positions are capable persons for those positions.

There must be a balance somewhere between the rights of the executive powers to choose their associates and the rights of voters to have competent authorities. But, if it is obvious favoritism, if it is a clear violation of ethical standards, then it needs to be exposed and publicly stated, either by you or someone else. Is it illegal? I do not know. But if it is not illegal, then it is stupid because citizens will not get the government they deserve.

Dnevni avaz: You have a lot of experience in the fight against terrorism. How do you comment BiH's efforts in that respect?

David M. Robinson: I often tell my friends that there is no playing with serious issues. There are no gray areas when it comes to certain topics, and terrorism is one of them. The fight against financing terrorism is part of this. This country has to decide where it stands. Will you be a part of the fight against terrorism or will you be the weakest link? The MONEYVAL issue is disturbing. BiH is perhaps the only country, or at least one of very few, that MONEYVAL reported to the FATF. Do you really want this? There is no room joking about this. This is not a position in which you want to be.

As I said earlier, that the RS wants to take from Dayton only what it likes. We have a similar issue here. You are

either in compliance with recognized, efficient and respected international principles of fighting violent terrorism and financing terrorism, or you not. You cannot be „a little pregnant“. You are or you are not. It looks now as if some have decided they do not want these standards. This is the wrong approach! You need to be on the right side. That is why we told the authorities to get this done as quickly as possible.

Dnevni avaz: What about the fight against the departure of volunteers to Iraq and Syria?

David M. Robinson: I know you have very good people in the authorities, who know their jobs, at the state and entity levels. They take this very seriously and I appreciate that. I think they do what is necessary. This is a difficult issue. Foreign fighters are being sourced everywhere. Hundreds left from the USA and European countries. What is important for BiH is that you have to be integrated and connected to work efficiently. The police, the army, the intelligence sector and the public administration must all work together. This is also hard for us in the US to achieve, but it is key.

Dnevni avaz: Is BiH a particularly interesting or risky country with regard to violent extremism?

David M. Robinson: I do not think so. What I would like is for more Americans and people from Western Europe to experience BiH and see a relative harmony of diversity on the streets. Many have a wrong picture of Islam. You have here have a secular, modern Islam – a religion like Catholicism or any other. There is nothing that makes you more susceptible to certain threats than in any other state. The weakness of institutions makes the fight in this and other fields harder. For example, something difficult for the US and its institutions may be fatal for this country because its institutions are not sufficiently developed. In the US, we are able to withstand the pressure, but many institutions in BiH are still developing and small pressures can cause great problems.