

Nezavisne novine: Interview with PDHR David M. Robinson

By Dejan Šajinović

Nezavisne novine: The drama about forming the governments is finally over. How optimistic should we be to expect them to work together on complex and challenging reforms when they had so much trouble in just forming the government...

David M. Robinson: I don't think it should be a question of optimism, but rather one of expectation. The problems that affect peoples' lives are obvious. I'm talking about lack of jobs, a judicial system that does not apply the law equally and fairly to all, rampant corruption which serves a powerful minority, unacceptable delays in completing the reforms needed for Euro-Atlantic integration. These are some examples.

Citizens should expect and I think that these last elections demonstrated that they do expect their elected representatives to address these problems. I think they are tired of hearing politicians use ethnic or political division as an excuse for maintaining the status quo just because it benefits them personally. People don't want to hear about why elected officials from different groups can't work together. They want to see results. Much more energy needs to be spent on getting things done rather than preventing things from happening.

So let's give the new authorities a chance to demonstrate their commitment and deliver on the promises made during the election campaign. My key message to your readers is that this country must pull together if ordinary citizens are to see a better future for themselves and their children.

Nezavisne novine: How do you see the EU initiative? It seems to me that the EU is doing more than enough to give us the push we need, but that the response in Bosnia is more like that our politicians are not willing to do even the smallest

steps without huge amount of energy...

David M. Robinson: The EU has extended a hand of partnership to BiH and this initiative is proof of their commitment. The important question that domestic political leaders need to answer is: how serious are they about their stated objective of ensuring that the country becomes a member of the EU. All of us in the international community want to see BiH as a stable, peaceful and prosperous country. The best way to achieve this goal is for newly elected Governments in BiH to deliver the steps that are necessary to get the country back on track towards European integration. They must show that their verbal pledges to the EU future during the election campaign were not just empty words. Let's see some urgency. The sooner we see results the better. We are all watching to see what the governments can do in their first 100 days.

Nezavisne novine: You have very rich diplomatic experience so, I'd really like to know how do we compare with some other "trouble countries" you worked with?

David M. Robinson: I came to BiH from the US State Department and a bilateral posting in Afghanistan, which is a country with its own set of problems, which are very different from those of Bosnia and Herzegovina. Having said this, I can see one similarity across all of my postings: ordinary people are not the ones who want conflict – in most cases they get drawn into hardship by a small group of people who want to pursue their own interests and agenda, regardless of the cost to their country and its citizens.

Let me also say that this is not my first time in BiH. I visited in the immediate post-war years and I can tell you that substantial progress has been achieved since then. Bosnia and Herzegovina has been most successful when there was a clear agreement among political leaders about what needs to be done to offer citizens a better future. Unfortunately, we have seen too little of this in the last few years.

What is working in Bosnia and Herzegovina's looking to the future, is the largely untapped potential that exists in the country: economy, tourism, sports, to name just a few. The only reason why this potential has not been exploited more forcefully is political, and I hope that this will change in the coming months and years. Change the basic approach and the results will follow.

Nezavisne novine: What is the current role of the USA in Bosnia? Have USA somehow "handed down" this country to the Europeans?

David M. Robinson: When it comes to BiH, the international community, including the US and the EU is united: we all want to see this country become successful, self-sustainable and prosperous. The fact that we sometimes have minor differences of view as to how to achieve that goal, does not imply that the goal has changed. Quite the opposite, it only means that we all care about the future of this country.

Nezavisne novine: There are two "schools" about the future of the OHR. One is that it should be closed as soon as possible and the other is that OHR should be here as long as Bosnia is irrevocably on the EU path. What is your idea?

David M. Robinson: It was never envisaged that the OHR should stay in BiH indefinitely. However, in order for us to complete our mission, all the remaining conditions for OHR to close have to be fulfilled. This includes a positive assessment of the political situation in Bosnia and Herzegovina. It is for the Peace Implementation Council to determine when all the remaining conditions have been met. But let me be clear: the OHR in no way represents an obstacle to BiH moving forward. Quite the opposite, instead of some political leaders portraying the OHR as an enemy or an obstacle, they should use our presence and good offices to help accelerate much-needed reforms. We are here to assist those who need our help.

Nezavisne novine: Does its staying here imply that situation in Bosnia is still not stable, since OHR is devised with such broad competences because of fear that Bosnia could go back to chaos?

David M. Robinson: The situation in BiH now is not the same as twenty years ago when the OHR was established. For that reason exactly, the role of the OHR has changed over time to mirror the path of BiH. We wanted to see less Dayton and more Brussels and the primary driving force behind reforms in Bosnia and Herzegovina should be the pull of EU and NATO membership, and not the executive powers of the High Representative. As I already said, the country's leaders should know better and use the presence of international community actors in BiH to help them speed up much needed reforms.

Nezavisne novine: When I did last time interview with the principal deputy of the HR Mr. Waser, I asked him what the duties of OHR are and he told me that OHR, basically, behind the scene helps local actors in reaching compromise, implementing laws, etc... Has something change from that time?

David M. Robinson: No, it has not. The general approach of the international community nowadays is less interventionist than it used to be. Twenty years after the signing of Peace Agreement, the primary driving force behind reforms in Bosnia and Herzegovina should be the commitment of the country's leaders to undertake the reforms needed to make this a better place.

At the same time, while the way in which the High Representative discharges his functions has changed over time, his mandate remains the same. The OHR still has an important role to play in upholding the implementation of the civilian aspects of Dayton Peace Agreement while also encouraging progress on the five objectives and two conditions for the closure of the OHR and working to preserve steps that have

previously been undertaken to implement the Dayton Peace Agreement.

Nezavisne novine: At one point, I think OHR did have some prominent role. For example, you were helping reaching agreement about the Elektroprenos, the constitutional reform of the Federation, etc... But now, it seems there are no “big projects” you are engaged with. Or are there...?

David M. Robinson: Acting under the High Representative’s unique mandate as defined under Annex 10 of the Dayton Peace Agreement and relevant Resolutions of the United Nations Security Council, the OHR has remained engaged in resolving a number disputes, constitutional conflicts and procedural roadblocks. For instance, in the Federation, we worked hard on ensuring a fully functional Constitutional Court and Vital Interest Panel and preventing a fiscal crisis following a questionable decision by the Federation President to remove the FBiH Finance Minister. In Mostar, we stand ready to assist political parties to finally implement the BiH Constitutional Court ruling on the election system in the city. We also helped find arrangements that would ensure that Mostar is not left without finances due to the absence of a functional city council. These are just a few examples of how we helped resolve what could potentially have become very serious problems.

Our expectation is that, over time, our good offices will help governments and institutions develop appropriate mechanisms for defusing similar crises in the future and that domestic actors will increasingly be able to find legally viable solutions themselves.

Nezavisne novine: Some say that time of the “strong OHR” are long gone, and that HR would “never dare” to use Bonn Powers to remove someone for grave violation of the Dayton Accords. Is that true?

David M. Robinson: The fact that the executive powers are no longer being used in the same way as ten years ago does not mean they do not exist anymore. The prevailing view in the international community is that, twenty years after the Dayton Peace Agreement, the executive powers of the High Representative should be used only as a last resort. While we hope not to have to use them, the executive powers remain at the High Representative's disposal if necessary.

Nezavisne novine: In 2012 Brcko Supervisor decided to suspend his functions. Are you continuing this policy and does that mean that the OHR is no longer performing any active role in the District?

David M. Robinson: The Supervisor is no longer involved in the day-to-day business in the District, in accordance with the Decision of one of my predecessors. We do, however, continue to monitor the situation in the District and to lend our good offices on certain issues. For instance, my associates are participating in efforts to draft four laws in the financial domain, dealing with the matters of payment transactions, accounting and auditing, foreign currency operations, and fiscal registers. This assistance is designed to help in the implementation of the Memorandum of Understanding on Institutional Cooperation and Data Exchange, concluded among the three Tax Administrations in BiH and the Indirect Taxation Authority, which is an IMF requirement. According to information available to me at this point, the drafts of the above four laws have already been developed and are ready for legislative procedure. These laws will not only enable high quality cooperation among the tax administrations, but will also harmonize Brcko's regulations in these domains with those that are in place in other parts of BiH.