

Dnevni avaz: Interview with PDHR Bruce G. Berton



By Amil Dučić

Dnevni avaz: Why isn't the OHR reacting to concrete moves by the RS authorities aimed at carrying out this referendum, and is it able to react at all, having in mind its relative silence in the past few days?

Bruce G. Berton: OHR reacted and our position is very clear. Asking citizens in the RS to declare themselves on an issue which has already been decided by the BiH Constitutional Court is a challenge to the Dayton Peace Agreement.

I can understand that people feel strongly about issues related to holidays and symbols in general, and in fact we would have no objection to an official Day of the RS that is in line with the BiH Constitution. But for us, this issue is less about a holiday and more an issue of rule of law and respecting the constitutional order of this country.

A final and binding decision of the BiH Constitutional Court cannot simply be undone, and authorities are obliged to implement the court's decisions. I therefore call upon the RS authorities to respect the fundamentals of the Peace Agreement, not only when it suits them, and seek a resolution of this issue in accordance with the law.

We are following this issue closely and are keeping all options open with respect to OHR's mandate.

Dnevni avaz: It is no secret that there is no agreement within the Peace Implementation Council (PIC) on crucial issues such as this one, even though they are challenging the Dayton Peace Agreement and the country's sovereignty. Can this be the reason?

Bruce G. Berton: I obviously cannot comment on the positions of individual PIC members, but rest assured that the OHR, the PIC and the international community are on top of this and all other issues where there is a serious defiance of the DPA.

We might have different views as to how certain issues should be dealt with, but OHR and the PIC's views on the territorial integrity and sovereignty of BiH have never been in doubt. The international community has always been unanimous on this.

Dnevni avaz: The US Ambassador to BiH Maureen Cormack has stated on behalf of the US Government that the referendum is unacceptable. Can the US influence resolve this situation? In this respect, there are indications that this might be one of the topics of the upcoming meeting of the US Vice President Joseph Biden and the Serbian Prime Minister Aleksandar Vučić in Belgrade. Your comment?

Bruce G. Berton: That question should be directed to the US Embassy, but yes, the U.S. statement paralleled the OHR statement in saying this referendum is unacceptable and represents a fundamental disruption to the rule of law in BiH.

Dnevni avaz: But do you think that carrying out this referendum could lead to other referenda in the RS, especially the one on RS secession?

Bruce G. Berton: The RS President has indicated in the past that a referendum on the "RS Day" holiday would be followed by other referenda.

While this referendum does not deal with secession nor call into question the sovereignty and territorial integrity of the

country, it is still problematic because it is still unconstitutional.

Dnevni avaz: How do you comment the reaction of Bosniak politicians regarding Srebrenica, i.e. their claim that they do not wish to be a part of the entity that is undermining BiH?

Bruce G. Berton: I don't think it is helpful to counteract one referendum with another referendum, however frustrated some may be by the current situation. I would also use this opportunity to remind you that in 2007 the PIC voiced its opinion on this issue, that it would not accept any changes or calls for such changes made in contravention of relevant constitutional provisions and laws.

The message to everyone is that the Dayton Peace Agreement and the BiH Constitution are not an *a la carte* menu from which one can pick the parts they like and ignore the parts they don't in order to suit their current political agenda. I urge all parties to respect the constitutional order of BiH and to work together in the interest of all citizens.