

Dani: Interview with the PDHR Hearne

Interviewer: Sasa Rukavina

DANI: At the beginning of February our agencies reported that the President of Brazil did not get his pension because he failed to provide evidence that he was alive. The law in Brazil, just like in BiH, provides that pensioners have to pick up their pensions [in person], which he did not do so the competent authorities did their job. Can you imagine a similar situation in BiH?

HEARNE: Regardless of their role in the society, no one should be above the law. This is what the phrase “rule of law” means and it is the bedrock of democratic societies. There can be no exceptions, no extenuating circumstances.

DANI: I had to start with this question because your resume says that you spent a lot of time in Brazil. As far as we know, it is a country that had a bad reputation for crime and corruption. Do you still follow the situation there? We have seen that Brazilians have initiated proceedings against two of their presidents on grounds of corruption. What happened there so that those proceedings were initiated?

HEARNE: Yes, I served in Brazil for many years, in different diplomatic assignments. Of course, I still have an interest in the events there, although I cannot follow the situation as closely as I would like to.

In Brazil, the judges, led in particular by Judge Sergio Moro, the prosecutors and the federal police conducted an astonishingly successful and highly professional multi-year investigation into massive political and personal corruption. Their work has literally changed the political landscape of the country. Many in Brazil believe that the investigation and prosecution of these cases were a turning point in the country’s history – a landmark in overcoming a culture of corruption and impunity and reaching higher standards in both governance and economic development. In Brazil, and elsewhere, we have seen that even a relatively small number of dedicated and professional investigators, prosecutors and judges can have a powerful effect in countering corruption and reinforcing the rule of law. This is something that needs to happen in Bosnia and Herzegovina too.

DANI: This was a provoked question. Often, when we speak about crime and corruption in BiH, we say that mafia has its own state here. Can we do something similar to what the Brazilians did?

HEARNE: Yes, as I indicated above, it should be possible here. Every country has its own specificities in terms of the legal and institutional framework. But, broadly speaking, yes, this country’s institutions can tackle corruption more effectively and they need to. As the country moves towards EU integration, serious efforts in this area are crucial. Citizens have also recognised this as a problem. We often hear that the disregard for the rule of law is one of the main complaints of people who decided to seek a better future somewhere else.

DANI: Recently I was at a session organised by the High Judicial and Prosecutorial Council and I listened to polemics on whether the situation in BiH would change if one the “big fish” from the political life in BiH were to be sanctioned. The Bosnian representative was certain that it would not; the foreigner claimed that it would. What do you think?

HEARNE: I’m not sure that one single case can change the situation, but yes, it is vitally important citizens see clear examples that those in high positions are not above the law.

DANI: Let me clarify: Croatia has its Sanader case, that of the former prime minister and ruling party president who became a symbol, but also a veil mystifying their fight against corruption. At this moment, Macedonia has a prosecutor who prosecutes politicians who breach the law. Do you believe that something like that could happen in BiH – that someone like Fatima Fetai could bring someone like Ivo Sanader to court?

HEARNE: I do not see why not. BiH has enough people who are competent and professional, and able to work on even the most complicated cases.

DANI: How interested are you personally in all that? Your predecessors, let me mention particularly Jacques Paul Klein in the late nineties and Raffi Gregorian some ten years ago, are remembered by their talk on fight against organised crime, but we don't really see any results...

HEARNE: My predecessors recognised this as a problem and unfortunately it still exists. It has not been eradicated. But, that is not something the international community can resolve for you. We can provide support and assistance, but it has to be done by domestic institutions. We can help pinpoint the problems, but in the end, it is domestic effort that is required.

DANI: Have you managed to recognise the main problems since last October, when you took over your office? What does the situation look like to you?

HEARNE: There are several areas with visible progress, but there are also problems that have remained unresolved for years. Clearly, the issue of election reform is an urgent one as we approach the 2018 elections. Our colleagues from the European Union and the US are leading the effort to facilitate discussions among parties, and I hope that all sides give up on maximalist demands and work towards a compromise. Corruption is a major challenge, as we discussed earlier. I am also very concerned with the divisive and harsh rhetoric, and I am afraid that we will see more of that in the coming period as we get closer to the election campaign. Indeed, it is a worrying trend and from what I gathered since October, it has been developing for years, with increasingly divisive and irresponsible public comments about secession, hypothetical war scenarios, or revisionist negation of ICTY verdicts. The frequency and apparent casualness with which this toxic rhetoric is used in a country with such a recent, tragic history of conflict is unacceptable. If it continues, such intentional divisiveness by political figures has the potential to undercut progress for the entire country. That is not in the interest of normal citizens, who seem to me mostly interested in practical solutions to daily challenges, who want to build a better future for their families, and who seek to get along with all of their neighbours.

DANI: I am one of those who believe that local forces should have taken over the responsibility for our country long ago, but that is not happening. Is it too early to ask you what you think is the reason for that? Or rather, are BiH politicians really so incapable to see the real problems or do they put their personal interests before those of their voters, BiH citizens, and that suits the international community so it does not react?

HEARNE: The people who live in this country need and deserve leaders who advocate and work for real progress instead of making irresponsible statements that only create tensions. As for the international community's approach, let's not go into conspiracy theories or hidden agendas. There are none. Our intentions for BiH are simple: we want to see it as a successful and stable country and a member of the EU – period.

DANI: Theoretically, the period from October until today is short, but you were in the region from 1993 to 1996, and then you also worked in the ICTY. So you do have the basis to make comparisons. We both see that today there is no shooting any longer, but how much is really different when it comes to words and actions?

HEARNE: Of course it's different. These past few months have been sometimes a little emotional for me, as I compared the grim images in my memory from the war years with the current lively reality of Sarajevo, Mostar and other areas, and could see around me families living what someone once called "the quiet miracle of an ordinary life" in places once ravaged by violence. So a lot has changed for the better. Having said that, and despite all the good things that have happened over the last two decades, there are still those who refuse to go forward. What I have noticed, as I mentioned above, is the enormous difference between the lives of real people, and the messages they receive from some politicians. Ever since I came back, I have not once heard a person I met on the street make the kind of divisive and irresponsible statements some politicians are ready to make. Most people here seem simply to seek a decent life and realistic prospects for a better future.

DANI: A little digression: how do you, with your experience from the ICTY, interpret the reactions to its verdicts? How is it possible that the same court is, for example, seen as excellent when it acquits General Gotovina, and then as political and anti-Croat when it sentences the HVO six?

HEARNE: I fully support the call of the international community upon all authorities and citizens to respect the verdicts of the ICTY. The truth has to be recognised. Only by doing so, can we reach reconciliation. Guilt is individual, not collective.

DANI: You are also Brčko Supervisor, which we still see as one of BiH success stories, regardless of occasional sparks that we see even there. Next year will be the 20th anniversary of the Final Arbitration Award. Why have we, both BiH and OHR, not managed to apply the Brčko model in the rest of the country?

HEARNE: Yes, Brcko is a success story, thanks to the combination of factors – joint efforts of District authorities and citizens, as well as the support of the international community. I would even dare to say that citizens of the District have a special kind of pride in the position of their community. They somehow managed to realize that, despite their differences, a common ground can be found and the best results can be achieved when they all work together. Of course, I am not saying that everything in Brcko functions perfectly. There are problems and areas where more needs to be done. But I am optimistic that the District will continue to move in the right direction, and I personally as the Supervisor will continue to do all I can to work with the district's leaders and citizens so that the progress and stability achieved there is maintained.

DANI: On the other hand, are you afraid that the rest of the country could have a negative impact on the District? In other words, is it possible that one day Brčko too could see ethnic and party divisions that could block everyday life?

HEARNE: Of course, there are no guarantees. But I am confident that, even if there are occasional difficulties, there will be no major disruptions.

DANI: In the first days of February, when the EU published its expansion strategy, the OHR announced that the mandate of the High Representative would not be changed. What does that exactly mean? In short: it was said that “the manner in which that mandate is executed has evolved in line with the policy of local ownership”, and the result of that is a passive OHR and completely irresponsible local politicians, who, after having lied to us, now also lie to you, representatives of the international community.

HEARNE: It means that the mandate of the High Representative, which is the instrument of the international community, remains unchanged. It means that the High Representative retains all instruments necessary to uphold the Dayton Peace Agreement, including the Bonn Powers. When we say that the mandate has evolved, we refer to the decision of the international community to transition greater responsibility to domestic stakeholders, and encourage citizens to demand accountability and action from their leaders. That's what elections are for.

DANI: Agreement, compromise, local actors, local responsibility, Euro-Atlantic integration, Reform Agenda... Big words that do not mean anything to people standing in lines for emigration or work visas, in cities that are being emptied of their residents and in which only old people remain. That is something those “local actors”, yours and ours, don't even want to think about, let alone do anything. We may be blinded, terrified, resigned, whatever, so we are still voting for them, but are you from the international community so naïve to still listen to them?

HEARNE: The number of people who are leaving is alarming. I hope that some of those who are considering leaving might still choose to stay and work to change things. That is the only way – change has to come from within. That road is tougher, and requires a lot of personal sacrifice and effort. But in the end, it may be more rewarding for those who wish to live in their country and make it a better place for their children.

DANI: You are an American: do you believe that joining the EU is the real motive for BiH politicians, but also politicians in the other countries of the region, to change the policies that have been keeping Balkans in stalemate for nearly 30 years?

HEARNE: I do believe that joining the EU is the desire of most citizens in the Balkan countries. As for the politicians, I sometimes have my doubts and cannot in all honesty give the same answer. Still, things are moving in the right direction, in completing some of the key steps in the process and let's all hope Bosnia and Herzegovina can take full advantage of the opportunities in the new EU Western Balkans strategy.

DANI: I will repeat, I am one of those who think that our country is our responsibility. However, I cannot avoid the question about the policy of the international community in BiH: the impression is that, while it was unified we saw progress here, and now in the times of new geopolitical relations among the US, Russia, even China, and EU, the local politicians here have been all but cooperative.

How true is that impression?

HEARNE: Clearly, there are differences in the international community as to how things should be dealt with in BiH. Also, we have to have in mind that every country has its own strategic goals and policies. We may have disagreements in the international community, and we do, but our ultimate goal still remains the same and has not changed despite everything. We want to see a stable and prosperous BiH.

DANI: Besides, we often hear, in particular from the SNSD and HDZ BiH, that the “political Sarajevo”, i.e. the Bosniaks, expect the international community to create a unitary Bosniak state for them, which the President of the BiH Presidency, Dragan Čović, has recently openly called the Islamic state. Why does nobody from the PIC, OHR, EUSR, OSCE, UN - to name only the most important organisations in BiH - come out publicly and respond to that, and in that way put an end to Čović's statements, and break the illusions of Bakir Izetbegović, if that is really what he is hoping for? So, will you really make that state for the Bosniaks, and why not?

HEARNE: As the elections approach, some political actors may say irresponsible things, and I have already criticized that as unacceptable. At the same time, we cannot always respond and refute every single comment that is made. However, these are things that are reported to the UN Security Council. Divisive comments from all three sides are damaging the international reputations of those who make them.

I think, however, that we need to focus on the big picture. The international community is united, unanimous and vocal in its support to the sovereignty and territorial integrity of BiH, as well as the Dayton agreement.

DANI: You have acquired your rich experience in the crisis regions throughout the world. I will start from the assumption that we can agree that in BiH and in the region there will no longer be a war like the one we had a quarter of a century ago, because there is no military potential for that. However, how realistic is it, in the context of talk about *Srbske časti* and Wahhabi training camps, to expect large-scale incidents and attempts to provoke serious destabilisation?

HEARNE: Any serious questions that arise related to violent extremism, paramilitary organizations, training camps or disposition of military weapons should be examined by the responsible domestic institutions. Vigilance and professionalism by these institutions in countering threats from any source should be the expectation of all the ordinary citizens in this country, who desire nothing more than a safe and stable environment in which to raise their families.

DANI: In the end, based on your experience, can you try to assess how much time would BiH realistically need to build a functional state, if we were to have an ideal situation and start today?

HEARNE: From all that I know about this country, things can move quickly in a positive direction if there is political will for that. We have seen it before. It can happen again. I would refrain from making any predictions. Instead, I shall again appeal to all those involved in the decision-making processes here to take a good look at the visa queues in front of foreign embassies and do everything in their power to reverse this trend. It is those leaders' responsibility to meet the expectations of the people and work toward a country that is unified, stable, at peace, and offers genuine potential for progress. The citizens of this country – all of them – have the right to expect that, for themselves and their children.