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Brcko Arbitration

On 15 March, the Brcko Arbitration Tribunal issued an announcement containing their decision to postpone the arbitration decision once more. The three points emphasised in the release were:

1. The political leaders of the Serbian Democratic Party (SDS), who were in power in the Republika Srpska throughout 1997, deliberately obstructed the international supervisor's efforts in the Brcko area to achieve the reforms required by the Dayton Accords. If the same leaders remained in control of the RS today, the Tribunal would have found it necessary to transfer Brcko from the RS to the Federation.

2. However, the new RS leadership that took office in January 1998 has announced that it is effectively reversing course and will be undertaking significant reforms in the Brcko area. If significant changes are soon made toward restoring Brcko as a multi-ethnic community, that might substantially affect the choice that needs to be made as to the long-term stewardship of Brcko.
3. To give the new leadership a chance to accomplish significant reforms, the status quo under international supervision will be maintained pending a final arbitration phase to take place at the end of 1998 or early 1999. In the interim, the decision says, the continuation of international supervision will protect the legitimate interests of both parties.

The Tribunal gave notice that it will hold each party fully responsible for any action which could once again put at risk the implementation of the Award.

Message to the RS

In the text of the actual Award, The Tribunal warned that unless the RS has, by the end of 1998, demonstrated clearly it is committed to full Dayton implementation, the RS's position vis-a-vis the Tribunal's decision will be clearly diminished. The RS will need to show significant new achievements in return of residents, unfettered freedom of movement, strong support for the multi-ethnic administration, and full cooperation with authorities responsible for September 1998 elections.

Message to the Federation

The Tribunal also warned that Federation claims will be weakened by less than full compliance with the obligation to allow former residents to return to their homes, particularly in Sarajevo.

Supplemental Award

The Award confirmed that the Supervisor of Brcko retains all the powers of the 1997 Award. In addition it is possible for the powers conferred on the High Representative at the Bonn Conference of December 1997 to be delegated to the Supervisor. This includes the power to remove officials judged inadequately cooperative.

The Supervisor is tasked with reintegrating the economy within the region, creating a special economic zone, establishing a program of privatization, and activating the BiH Transportation Corporation.

Local Reactions

The lack of any strong local reactions in Brcko itself can be viewed as a success for the strategies applied by the international community. The message of cooperation and acceptance of whatever the decision would be was echoed in public by every international agency during the weeks leading up to the announcement. Community leaders at all levels were encouraged in all meetings to do the same.

The Brcko Arbitration Tribunal decision was publicised at a press conference held in the OHR Brcko office. OHR Chief of Staff Donald Lamont read the Tribunal's announcement, and presented the OHR's position. He stressed that the OHR, although not responsible for the nature of the decision, will be working closely with all of the concerned parties to comply with the decision of the Tribunal.

Before the press conference took place the announcement was read to the multi-ethnic administration executive board, including the mayor and his two deputies. Representatives of the multi-ethnic police were also present.

Acting Supervisor Ian McLeod has since been engaged with all of the parties and they have continued to deal together with Brcko issues. All officials have continued their activities as members of the multi-ethnic administration.

Contact Group Reaction

The six-nation Contact Group for the former Yugoslavia welcomed the decision to delay for a

year the final decision on the status of Brcko.

In a statement issued jointly on 18 March, the United States, Russia, Britain, France, Germany and Italy also called for the return of refugees to Brcko.

"The Contact Group considers that the decision of March 15 represents the best interests of the peace process under the current circumstances," the communique said. "At the same time, we are concerned by the slow pace of peace implementation in Brcko, especially the continued inability of most pre-war residents to freely return to their homes," the statement added.

Security Council

In a statement of 20 March The Security Council also welcomed the announcement of the Arbitration Tribunal. The Security Council recalled that the 1997 Award helped to promote the start of a peaceful, orderly and phased return process in Brcko, and the beginnings of the establishment of a multi-ethnic administration. The Council therefore considered that the decision represented the best interests of the peace process. The Council commended the efforts of the Presiding Arbitrator and of the International Supervisor for Brcko.

European Union

On 15 March, immediately following the Tribunal announcement, the British Government, representing the presidency of the European Union, also issued a statement. This too welcomed the decision to maintain the status quo under the present international supervision, and to defer the final arbitration award. The EU commended the efforts of the Presiding Arbitrator, Mr. Roberts Owen, to pursue a just and fair solution, with coordinated support from the International Community.
'By maintaining the status quo under international supervision for the present, the decision should reassure the parties of fair and equal treatment while maintaining the impetus for accelerated implementation of Dayton/Paris provisions notably on refugee return..

The EU expects all those concerned to use the interval of time given to them to uphold their commitments to implement all aspects of the Dayton/Paris Peace Agreement, including allowing refugees and displaced persons to return to their pre-war homes. To this end, the EU is firmly committed to continuing its support for reconstruction and reconciliation.

The statement added: The Arbitral Tribunal's decision pursues our shared objective of permanent peace, reconciliation and stability in Bosnia.

Message of the HR

The High Representative called on all parties to unconditionally implement the decision, reinforcing that it would be foolish for anyone to think of the decision in terms of defeat or victory. The HR expressed the view that it is clearly in the interests of both sides to comply fully with the requirements of the decision. Non-compliance or obstruction would impact fundamentally on the final arbitration decision.

Contact Group

When the Foreign Ministers of the Contact Group for BiH met on 25 March, the meeting, which was attended by the HR, produced the following conclusions:

- The Contact Group members welcomed recent progress on peace implementation in BiH
- The Group noted the positive steps that had been taken by the new RS government to accelerate peace and stressed readiness to assist the RS as long as it continues this positive course.

- The Group called on all parties in Brcko to cooperate with and assist the work of the Supervisor.
- It expressed welcome for voluntary surrenders to the Hague.
- It warned against the dangers to BiH economic growth presented by the unwillingness of Bosnian leaders to take necessary steps on economic reform and reintegration within the Federation and between the two Entities in Bosnia and Herzegovina.
- The Group expressed increasing concern over obstructionism within the Federation. The Federation must make urgent progress on police restructuring, minority returns, dissolution of illegal wartime institutions and economic reform, and the functioning of the internal joint institutions. The Contact Group reiterated its strong support for a strengthened, more cohesive Federation as defined by the Peace Agreement and previous agreements.
- In this context, the Group also reiterated the authority of the High Representative under the Bonn PIC Declaration to remove from office officials who obstruct the peace process.
- The Group emphasised that 1998 must bring decisive steps to achieve the return of refugees and displaced persons to their places of origin. It called on all states in the region to cooperate in an all-way program of returns.
- Finally, the Contact Group called on the regional guarantors of the Peace Agreement – Croatia and the Federal Republic of Yugoslavia – to fully implement their obligations under the Peace Agreement.

Presidency

On 18 March, the Presidency members met briefly and agreed on some urgent decisions solicited by the International Community.

The Presidency authorised BiH Foreign Minister Jadranko Prlic to sign, on behalf of BiH, the Agreement on Establishing the Council for Cooperation between the Republic of Croatia and BiH.

The Presidency also approved the opening of US diplomatic offices in Banja Luka and Mostar, of a UK diplomatic office in Banja Luka, and a General Consulate of Poland in Sarajevo.

Council of Ministers

The CoM session on 19 March was characterized by an inconclusive discussion of the OHR Opinion on the CoM and its Ministries, which was proposed as a solution to the ongoing problem of the CoM's organization and the inadequate implementation of the law on the CoM. In light of this, the CoM's decision was postponed until its 26 March session. This time the Opinion was accepted by the CoM in its entirety, including the proposals on a permanent locations for the CoM and Ministries; staffing of the CoM's services; and the internal structure of the three Ministries. Interim locations for the Ministries will be permitted until such time as the Marijin Dvor complex has been sufficiently renovated.

This decision by the CoM represents a significant step forward towards the creation of a State District, which will include a special administrative and legal regime to apply to all of the common institutions of Bosnia and Herzegovina.

ETF

ETF Secretariat
The Peace Implementation Council held in Bonn on 9 December 1997 requested the High Representative to activate an Economic Task Force Secretariat in view of better coordinating the operations of the International Community in Bosnia and Herzegovina (BiH). The OHR in cooperation with the International Management Group

(IMG) has accordingly established the Secretariat.

One of the tasks of the Secretariat is to keep the International Community informed on economic issues, which will include giving donors outside the Economic Task Force (ETF) comprehensive information about ETF activities. The Secretariat has therefore taken the initiative to issue a monthly newsletter. The objective of the newsletter is to provide its readers, on a regular basis, with relevant details of developments in the field of economic reform and reconstruction in BiH.

The newsletter will be published, from now on, as an attachment to the OHR bulletin, and will also be available separately from the Secretariat headquarters at IMG. It will be produced from the second Tuesday of each month. The first newsletter follows as an attachment to this issue of the OHR bulletin.

Amnesty

The Amnesty for Munitions, Ordnance and Other Warlike Materials, declared 11 February, is achieving positive results. According to a statement issued on 24 March by SFOR, the following quantities of arms have been submitted to date:

- over 4 000 kg of anti-tank and anti-personnel land-mines;
- over 2 000 kg of mortar and artillery rounds;
- over 300 000 kg of small arms and ammunition;
- over 8 000 kg of unexploded ordnance;
- over 2 000 kg of explosives.

Media

SRT
The fourth session of the Republika Srpska National Assembly, which opened on 13 March, selected a new board of governors for Srpska Radio Television (SRT).

According to the SRT Statute members of the Board of Governors should include an independent journalist, a member of the legal profession, a member of the business community, a member of the academic community, a Trades Union representative, and a representative of the OHR. Selected were:

- Journalist Branislav Bozic, head of the Association of RS Journalists;
- Milos Babic, Professor of Law from the University of Banja Luka;
- Teodor Lunic, an economist;
- Branko Krsmanovic, the Deputy Director of Bijelina Agency for privatization and
- Lazar Kovac, a trade unionist from Foca/Srbinje.

Dragan Gasic, currently the technical administrator of SRT, will represent OHR.

This selection of Governors demonstrates that the RS is committed to creating a new SRT without involvement from the political parties. The proposed representatives are from different regions within the RS, suggesting that the Government wants to involve the whole of RS in the process of reconstructing SRT.

Human Rights

Rules of the Road
Two Bosnian Serbs, Milomir Tepes and Dragan Pejic, were arrested by Federation authorities in the third week of March for investigation on war crimes charges. In both cases, the International Criminal Tribunal for Former Yugoslavia (ICTY) Prosecutor has reviewed the cases under the Rules of the Road and found that there was

sufficient evidence by international standards for the arrested men to be detained.

Return Incident
A serious incident of violence against returnees to Velika Bukovica, in the Federation, was reported on 21 March. During an assessment visit by approximately 70 Bosnian Croats to Velika Bukovica, five individuals reported being assaulted while approaching the pre-war home of one of the returnees. This is not the first such incident in the area. The OHR is meeting with the leaders of both parties to the joint municipal government to address the issues of responsibility for the incident.

Returns

RRTF
The Return and Reconstruction Task Force (RRTF) is in the final stages of defining its return strategy for 1998. In a presentation given to the Steering Board of the Peace Implementation Council on 26 March, Andy Bearpark, Deputy High Representative for Reconstruction and Return, outlined the strategy. 600 000 refugees are currently living abroad, 750 000 displaced persons are living within BiH, with 40 000 Croatian Serbs now living in the RS. Seven main obstacles to the return of refugees were identified. These obstacles are:

- lack of political will on the part of leadership;
- absence of a regional solution (Croatia's obstruction of Croatian Serb return);
- absence of a sense of personal security; cultural divergence (especially in the education sector);
- lack of economic opportunity;
- lack of coordination of International Community and donor efforts;
- inadequate information flows.

OHR's proposed action plan includes strategies to achieve the following:

- The delivery of a consistent message to political leaders;
- The preparation of strategies to promote their cooperation;
- The exertion of international pressure on Croatia;
- The implementation of a BiH-wide media campaign via the OHR;
- The increase of support for the activity of the IPTF, including linkage with the European Community Monitoring Mission (ECMM);
- The acceleration of infrastructural development in the RS;
- The acceleration of educational reform and civil society development in Sarajevo;
- The improvement of effectiveness of existing aid resources;
- The increase of provision of employment opportunities, and economic development.

Other RRTF Activities
At its high-level meeting on 19 March, the RRTF achieved broad consensus around a plan to advise donors on the most effective allocation of resources in support of return in 1998. This plan will be presented to governments in advance of the EC/World Bank donors conference tentatively scheduled for early May.

Also, a proposal is being elaborated for a conference in Banja Luka in late April to address regional return and reconstruction questions. The objectives will be to highlight the interdependency of return to Croatia and Bosnia and Herzegovina, and to reiterate the international community's willingness to apply conditionality in both countries to achieve full implementation of the Peace Agreement.

Federation Adoption of Amended Property and Housing Laws In a statement of 17 March, the OHR described the recent adoption of the Law on Cessation of the Application of the Law on Abandoned Apartments by the Federation Parliament as a crucial step towards implementation of Annex 7 of the Dayton Peace Agreement.

This law, along with the other two laws in the property legislation package, provides the essential legal framework for the return of refugees and displaced persons to their pre-war homes. The OHR applauds the fact that this frequently-delayed step has now been taken, and commends the efforts of those who have worked diligently to

ensure passage of this important legislation.

As noted, all three laws in the package have now passed both Houses of the Federation Parliament in versions which are acceptable to the OHR, and should soon be signed and published in the Official Gazette. The challenging task of implementing the laws will begin. OHR, along with the involved international and Federation organisations, will be working closely with Federation authorities to ensure that the laws are implemented fully and fairly, in a manner wholly consistent with both the letter and spirit of the laws.

The OHR reiterated its commitment to the adoption of property and housing legislation in the Republika Srpska which is fully consistent with both the Peace Agreement and with the laws adopted by the Federation. Intensive discussions on this subject are already under way, and draft laws should be proposed to the Republika Srpska government in the immediate future.

Municipalities

At the date of this bulletin's issue, a total of 127 municipal councils out of 136 have received certification from the Provisional Election Commission (PEC). Arbitration decisions have been brought by the OSCE and the OHR for nine municipalities, but two of these, Gornje Vakuf and Novi Travnik have since been certified, and positive advances are taking place in some of the others. Two other municipalities, Cazin and Teslic, have not yet been certified because of procedures queries, although in their case no arbitration decision has been necessary.

Elections

Election Laws
The Chairman of the Provisional Election Commission (PEC), Ambassador Robert Barry, head of the BiH Mission of OSCE, announced that the BiH Presidential elections would be held on 12-13 September 1998. He gave this announcement on 11 March.

An OHR-OSCE co-sponsored symposium was subsequently held in Sarajevo on 12-13 March 1998 This was organised to review alternative election systems which promote multi-ethnic parties capable of attracting voter support across ethnic lines within the context of the Constitution of BiH. Eight international and national election experts presented papers on alternative election systems to be considered as part of the consultative process, in preparation for the drafting of a permanent election law.

Alternative proposals discussed at the Symposium will also be evaluated for potential introduction in the Rules and Regulations of the Provisional Election Commission. These Rules will guide the conduct of the 1998 State, Entity and Canton elections.

The Symposium was organized to address the conclusions of the Peace Implementation Council which met in Bonn on 9-10 December, that multi-ethnicity is a "fundamental goal for the consolidation of a stable and democratic Bosnia and Herzegovina." The Council invited OHR, OSCE and the Council of Europe to take this objective into due account when reviewing the election law.

In an open forum presenters and participants discussed various systems of representation and models for voting designed to dilute the nationalist themes which have previously dominated campaign rhetoric and voting trends. The discussions encompassed a wide range of proposals. In particular discussions centered around suggestions which would call for a pre-determined ethnic balance within elected bodies with a dedicated number of seats set aside for each group. Several proposals called for systems which would adjust for population imbalances. Others included modification of electoral districts from which a number of candidates would be elected, and preference voting which would allow voters to indicate their order of preference for various candidates on a party list.

Throughout the Symposium there was general agreement that reform should be encouraged to meet the overall objective although no specific conclusions were drawn. The themes presented will be reviewed and evaluated by the working groups responsible for drafting the permanent election law and provisional Rules and Regulations.

The Symposium speakers included: Ben Reilly, of the Institute for Democracy and Electoral Assistance; Suad Arnautovic, Professor of the Political Institute of Sarajevo; Pierre Garrone, from the Council of Europe; Sabrija Poljskic of the BiH SDP; and Chris Bennett, of the International Crisis Group. Other speakers were Nedjo Malicevic, of the Sarajevo intellectual group Circle 99; Simon Osborn, of the Electoral Reform International Service; and Ivo Komsic, of the Croatian Peasant Party (HSS).

PIC On Elections
Among the items discussed at the meeting of the Steering Board of the Peace Implementation Council on 26 March, was election strategy.

On elections it was confirmed that they would be held on 13 and 14 September 1998, from the Cantonal level up to the Presidency level A new four year mandate would result. There was agreement that the goal of these elections should be to promote multi-ethnicity and pluralist, non-nationalist political parties.

Freedom of Movement

Trains
Negotiations on the restructuring of the railway sector in BiH have significantly progressed in recent weeks. Following the signature in Sarajevo (7 February 1998) of the Memorandum of Understanding on the resumption of inter-Entity rail traffic, meetings were organised and co-chaired in Paris at the International Union of Railways (UIC) by the Chairman of the Commission on Public Corporations (Annex 9 of the Dayton Agreement) and the head of the Economic Department of the OHR. Those meetings were attended by representatives appointed by the Minister of Transport and Communication of the BiH Federation, and the Minister of Traffic and Communications of Republika Srpska (two of the representatives are members of the Commission on Public Corporations) as well as by representatives appointed by the Minister of Civil Affairs and Communications. UIC experts participated in the discussions.

A consensus was reached on the creation of a joint railway public corporation and on its relationship with the railway companies of the Entities. The purpose of the Corporation is to establish institutionalised cooperation among the Entities. It is also to provide for the taking of whatever decisions are necessary to ensure smooth, safe and regular inter-Entity and international traffic.

It is expected that the agreement establishing the Railway Corporation will be signed in the course of the week beginning 30 March, and that the Corporation will become operational soon thereafter. This achievement is in line with the conclusions of the Peace Implementation Conference objectives agreed in Bonn in December 1997.

During a meeting held on 19 March in the Office of the High Representative, railway experts of the two Entities confirmed that there are no further political difficulties in resuming traffic. Despite some remaining technical issues, trains can run in the major part of the network, in both Entities.

The OHR invites businesses with freight rail transport needs to contact railway operators in both Entities.

Railway freight traffic with Croatia and FRY is expected to resume at the beginning of April.

Planes
Failing agreement on the opening of Mostar Airport by the competent authorities, despite extensive discussion over several months, High Representative Carlos Westendorp sent a letter to the Mayor and Deputy Mayor of Mostar. This letter imposed a temporary solution for the arrangements necessary to open Mostar airport for civil air traffic.

This solution draws on the powers given to the High Representative in the Dayton Peace Agreement, as endorsed by the Bonn Peace Implementation Council. It underlines the urgency of having a fully functioning airport in the Herzegovina region, essential to the local economy.

The High Representative has announced that the airport will be governed by an Airport Authority consisting of seven persons, three of whom will be nominated by the Mayor of the City of Mostar, three by the Deputy Mayor, and one international representative. The latter will the Chairman, and will be nominated by the High

Representative. This regime will allow the airport to be opened within a month's time and it will be valid for a period of six months. At the end of the six month period, it is expected that the Mostar City Authority will have concluded its discussions on establishing a permanent solution governing solution for the airport.

Inter-Entity Links

The European Commission reconstruction project which has created a backbone network in the RS has three spurs which link up with the telecommunications systems of PTT BiH and PTT Mostar. The links are Bijelina-Tuzla, Sarajevo inter-Entity, and Trebinje-Mostar. The links have a low 30 channel capacity, but inter-Entity telephone traffic has been re-established.

An additional 30 direct channels between Sarajevo and Banja Luka will also be made available.

Another 30 channels between Mostar and Trebinje have been made available. This too will contribute to greater inter-Entity traffic, allowing in particular for easier contact between Mostar and Banja Luka.

These links will not be sufficient to meet demand, but efforts are ongoing to increase the number of calls which can be made at any one time. The installation of new exchanges which will be phased over the next few months will greatly contribute to improving the situation.

Diary

1 April:
OHR photography exhibition in the Novi Hram gallery, Sarajevo
2 April:
CoM session
8 April:
OBN Governing Council

See our Chronology for a full list of activities

The OHR Bulletin is produced by the Public Affairs Department of the Office of the High Representative in Sarajevo and aims to give an overview of what is happening on the ground in the civilian implementation of the Dayton Agreement.

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