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Robin Cook's Visit

Representing the presidency of the European Union, British Foreign Secretary Robin Cook visited BiH on 4 March. He held discussions in Sarajevo with both Government and opposition leaders, then travelled to the RS, meeting in Banja Luka with RS President Biljana Plavsic, and Prime Minister Milorad Dodik. He subsequently addressed the members of the RS Parliament.

At a press conference he gave in Sarajevo, Cook spoke positively of the changes he observed since his last visit to BiH:

'On my last visit to Sarajevo eight months ago, I found that there had been little progress in implementing Dayton...Today, I sense that things are being done; not always rapidly but solidly. The extremists are being rolled back. There is a real hope that Bosnia's divided past can be replaced by a shared future...Most of the progress has been made by the people of Bosnia who are deciding that they want Dayton to work. They want to build a modern and tolerant Bosnia with two successful and pluralist Entities. If they stay on track, the International Community will help them further.'

Cook expressed his appreciation of the progress in the RS, saying he would address the RS Parliament in acknowledgment of the Entity's new openness, and the achievements of its new government. He urged the RS to play its part in enabling the BiH central institutions to function, and told leaders of both Entities to 'raise their game' in implementing refugee return procedures.

He spoke of the necessity for the reform of media laws to promote democracy before the September elections. He praised the progress that has been made in the state's financial management, with the help of the World Bank and the EU Customs Team. He added his hopes for further success in the fight against corruption. He also mentioned the need for continued cooperation with the International Crime Tribunal for the former Yugoslavia (ICTY). 'The events of recent months show that the people of Bosnia can rise above the violence and ethnic hatred of the past few years. If their leaders can show the same vision, Bosnia will find its future in the family of European nations', he ended.

EU Help for RS Government

Cook also spoke of the budgetary aid with which the EU is supporting the new RS Government. With OHR acting as intermediary, the General Affairs Council of the European Union has put together a package of immediate fiscal support to enable the RS Government to pay off its immediate wage arrears. State-paid workers such as doctors, teachers, policemen and public administrators are starting to receive salaries again.

The General Council of the EU contributed six million ECUs to the package, with the Dutch and Swedish Governments contributing a further million. Britain is also promising a contribution. The OHR is channelling the money to the government in three phases, with detailed auditing after each phase. An optimum total of 15 million ECUs is recommended by the OHR. The United States, Germany, and the European Commission have also been providing the Government with technical support.

Economic Task Force

On 4 March, after meeting with RS President Biljana Plavsic, the High Representative attended a meeting of the Economic Task Force (ETF) for Reconstruction. This body comprises the OHR, the EU, the World Bank, and the IME, and on this occasion invited members of the RS government. This was the first meeting the ETF has held in Banja Luka. Procedures for improving the disbursement of aid to the Republika Srpska were discussed.

Presidency

On 26 February the 30th session of the BiH Presidency concluded on the opening of a Croatian Consulate in Banja Luka, and drew up its budgetary plan. They agreed to cooperate with the OHR on finding a solution for the structuring of the CoM and the BiH ministries.

Council of Ministers

The CoM held a session on 26 February, the first at which the new BiH flag was raised, and on 5 March. Discussion continued on proposals for the organisation and location of the CoM.

Contact Group

The members of the Contact Group met in Moscow on 25 February.

In the statement issued after the meeting, the Contact Group endorsed the steps taken by the High Representative to accelerate the peace process, pursuant to the authority given by the Dayton Accords and the Bonn Peace Implementation Conference.

The Contact Group, however, emphasized that the actions of the High Representative do not in any way relieve the Bosnian sides of their responsibility and the need to take decisions on their own. The Contact Group endorsed the High Representative's assessment that full OSCE supervision of the elections scheduled for September 1998 would be necessary. The Contact Group also underlined the need to expedite the elaboration of the electoral law and for this to be the founding principle for establishment of the Permanent Election Commission.

The Contact Group welcomed positive developments in the Republika Srpska, expressing support for Prime Minister Dodik; and his decision to allow the International Criminal Tribunal for the former Yugoslavia (ICTY) to open an office in Republika Srpska. They also welcomed the decision of three residents of the Republika Srpska to voluntarily surrender to the Tribunal's custody, and urged other indictees to do likewise.

The Contact Group also emphasized that 1998 must bring decisive steps to achieve the return of refugees and displaced persons to their places of origin. They supported the activities of the UNHCR, in cooperation with the Return and Reconstruction Task Force (RRTF), and other international agencies.

They called on all states in the region to cooperate in an all-way program of returns, and highlighted the necessity of preventing provocations or discrimination against returning refugees and displaced persons. There was more stress on the need to implement the results of the Returns Conference in Sarajevo.

The Contact Group also noted the importance of an early International Monetary Fund (IMF) agreement, and regretted that this is at present being blocked. They called on all those concerned to resolve their difficulties by the time the IMF Mission returns to Bosnia.

The Contact Group reminded all parties to the Dayton Agreement of their fundamental obligation to promote, in word and action, national reconciliation. In that context, they expressed concern regarding President Tudjman's 20 February speech to the HDZ Congress.

The Contact Group also expressed concern about recent acts of intimidation and violence against Croatian Serbs in eastern Slavonia and called on the government of Croatia to take the necessary steps to meet its obligations under the Dayton Agreement and the Letter of Intent of January 13th 1997.

Exhumations

The week of 2 – 8 March saw a marked change in the mentality dominating local approaches to exhumation activities. Previously, absolute reciprocity – the exchange of body for body, site for site – has always been insisted on. The Bonn Declaration, made by the Peace Implementation Council in December stated this must change. Last week for the first time the Bosniaks, Bosnian Croats and Bosnian Serbs all consented to exhumation activities taking place in sites of varying sizes, located in territory dominated by a different ethnic group to that of the victims being sought. This achievement is strongly supported by OHR, which has participated directly in all negotiations.

The exhumation process takes place with the cooperation of a considerable number of organisations and authorities, coordinated by OHR. Local police ensure security for the exhumation operations, and the and local government officials are asked to provide cooperation. The International Police Task Force (IPTF) monitors the work of the local police. SFOR guarantees general area security. The UN BiH Mine Action Centre (MAC) undertakes to assess each site for potential landmine dangers. The International Committee of the Red Cross assists with identification processes, and provides logistic support. OHR coordinates all aspects of organisation, timing, and location.

On Monday 2 March the Bosnian Serb Commission for Missing Persons started work on a site near Jajce, a city dominated by the Croatian Democratic Union. On 6 March Bosnian Croats started digging in sites in Kakanj, now a Bosniak-majority area. The Bosniaks will start operations on 16 March in Mostar.

These diggings were all carried out with the supervision of Agneta Johanson of OHR, together with the relevant local Commission for Missing Persons (CMP). A high level of cooperation was provided by the local police. Principal Deputy High Representative Jacques Klein was present at Kakanj and Jajce – borrowing from the mayor of Kakanj a bulldozer to assist with the Kakanj digging operations. In a statement to the press he spoke of the importance of de-politicising the exhumation of war victims.

A total of 25 bodies, both soldiers and civilians, lying in several different sites, were found in Kakanj. The graves dated from 1993. These occurred during the period of conflict throughout BiH between Bosniaks and Bosnian Croats.

In Jajce a total of 78 bodies, again both soldiers and civilians, were found. The two sites in which they were found date from 1995, when the territory was retaken from the Bosnian Serbs.

Identifications will start on 11 March. Autopsies for Croat victims will be carried out in Split, Croatia, and for Serb victims in Banja Luka, RS.

Physicians for Human Rights

This US-based organisation provides specialist doctors in forensic pathology and forensic anthropology, to be present at exhumation sites. The organisation is also involved in the creation of an Ante-Mortem Data-Base in Tuzla, which stores details taken from relatives for identifying victims. When a victim has been potentially identified by such information, blood samples from close relatives are sent to the US, to test whether their DNA compares with that of the victim. Funding for these projects, and for additional basic exhumation equipment, is being raised by the International Commission for Missing Persons (ICMP). Its chairman, Bob Dole, is expected to arrive in BiH in May this year.

Demining

- **Mines in Sarajevo Suburbs**

The OHR has helped to attract funding from the US Jewish Community to clear the Sarajevo suburb of Grbavica of remaining land mines. The project, being undertaken by Norwegian People's Aid, is on the point of ceasing through lack of funds. It is planned to clear a large residential area as well as Sarajevo's ancient Jewish cemetery. Fundraising is now ongoing in the US.

- **Board of Donors**

The Board of Donors for demining in BiH, chaired by the United Nations and OHR, and including SFOR, the World Bank, The EU, Norwegian Peoples' Aid, and the UNHCR, met on 12 February.

The Board is helping the Entities establish their Mine Action Centres (MACs) by 31 March 1998, and to effect the full transfer of assets from the UN to the BiH Mine Action Centre.

- **Ottawa Treaty**

The Federation Parliament ratified the Ottawa treaty (5 December) on demining, at their seventh session. OHR is seeking a response from the RS and Federation Governments on their schedule for implementing the articles of the treaty. This is in accordance with the Bonn Declaration (12 December), which requires that information on the process of stopping landmine production, destroying stocks, and identifying minefield locations, be given by 31 March. All information on minefield locations will be given to the BiH Mine Action Centre, which is supported by the UN.

- **SCMM**

Andrew Brentnall will take up his post as Coordinator of the Secretariat of the Standing

Committee on Military Matters. He will be helping the Secretariat to formulate the agendas for future SCMM meetings. He has previously served as a ECMM monitor in Croatia in 1991, and was Political Advisor to General Cordy-Simpson in SFOR from March to the end of September last year.

- **Amnesty**

There has been a positive public response to the Amnesty on Mines, Ordnance, and Warlike Material' declared by the SCMM on 11 February. OHR is now drafting legislation to be placed before the Entity Governments, which will enable the second phase of the amnesty procedure – the Amnesty for Weapons – to begin.

Media

- All transmitters of SRT have again been connected into a unified system, and SRT is functioning as a united network with its headquarters in Banja Luka. According to SFOR spokesman Major Peter Clark, all equipment earlier removed from the Veliki Zep and Komar transmitters has been returned in good order, so that the programme of SRT can now be received by way of the terrestrial network, and not only by way of a satellite signal. SFOR is continuing at present to control approach to the transmitters.

The restoration of the SRT Banja Luka infrastructure was preceded by an agreement on a package of assistance for SRT, and charter on the reconstruction of SRT. Subsequently the RS government dismissed the former board of directors of SRT. The RS Parliament is due to adopt a new statute and charter, and appoint a new board of directors.

Also on 13 February, the RS Government nominated Andjelko Kozomara (formerly a reporter for the Belgrade daily Vecernje Novosti), a highly respected and experienced journalist, as the Acting Director General of SRT. In accordance with the agreement, which provides for an international administrator for the network, based in Banja Luka, the OHR has appointed Dragan Gasic to the post. Dragan has already had considerable experience of the Mostar media scene, and prior to this has had extensive and wide-ranging television experience in Germany.

- **IMSLC**

A consulting agency comprising experts in media law, regulations, and technical issues, has been appointed by OHR to establish the Intermediate Media Standards and Licensing Commission (IMSLC). This body proposed at December's meeting of the Peace Implementation Council in Bonn. IMSLC will deal with media licencing, standards and regulations, complaints, and disciplinary procedures. It will establish permanent statutory bodies for the BiH media.

IMSLC is an important part of the jigsaw which, on completion, will bring BiH nearer the media norms of the European Community. Its establishment will help align BiH media with the European market structures.

- **OBN**

A recently completed survey on the Open Broadcast Network (OBN) audience share, produced under the auspices of USAID, shows clearly that OBN holds a sound position in the Bosnia media scene and that it competes strongly with the other TV channels in the country. The Bosnia-wide survey found that over 76% of the audience watches OBN regularly and that OBN is seen as independent, objective, professional and impartial. The report concluded that the OBN has realised in good measure its founding purpose and that its cross-entity character is clearly identified.

A pledging conference for the OBN is to take place on 19 March in Brussels. It is hoped that this will be the last year OBN is reliant on donor financing before it moves towards full commercial sustainability.

Municipalities

115 municipalities have received certification from the Provisional Election Commission (PEC), and four more are currently under review as likely candidates. Arbitration decisions have been brought by the OSCE and OHR in four: Kresevo, Novi Travnik, Gornje Vakuf and Zepce, to resolve deadlock between parties on the structure of the municipal councils. Implementation of the arbitration agreement will mean these municipalities can also be referred to the PEC for certification. Negotiations which the OSCE and OHR are facilitating in several more municipalities seem set to reach a positive conclusion, rendering arbitration unnecessary in their cases.

Human Rights

- **Recognition of Rules of the Road as Applicable Domestic Law**

On 18 February 1998, the Human Rights Chamber delivered its decision in the case of *Hermas v. FBiH*. Samy Hermas, a Bosniak arrested by HVO military police, was kept in detention between February and August 1996 by Bosnian Croat authorities on charges of war crimes. The Chamber found violations of Articles 3, 4, 5, 13 and 14 of the European Convention on Human Rights.

Two paragraphs of this decision in particular are of great importance for the implementation of the Rome Agreement of 18 February 1996 (Rules of the Road). In paragraph 18 of its decision, the Chamber cites the statement of the Agent of the Respondent Party (FBiH) which reads in part: "Legally the... 'Rules of the Road'... has an obligatory character. ...[I]t is in force and legally binding because the Parties who signed the Agreement of 18 February 1996 in Rome agreed about the procedure and instructions to the Parties in the event of prosecution of war crimes...." In paragraph 46 of its decision the Chamber then concludes: "...[T]he 'Rules of the Road' apply as domestic law in the Federation".

This decision is the first to recognize the Rules of the Road as applicable law in one of the Entities of Bosnia and Herzegovina. Even more importantly, this recognition is based on a statement of the Agent of the Federation of Bosnia and Herzegovina which indicates the will of national authorities to not only respect the Rules of the Road upon international intervention but to respect them as binding and applicable domestic law. The relevant authorities, therefore, have a legal obligation under paragraph 5 of the Rome Agreement, to arrest individuals on war crime charges only pursuant to an order, warrant, or indictment that has been reviewed and deemed consistent with international legal standards by [ICTY](#).

- **Bosnian Serb Surrenders to the Hague**

On 4 March, the fourth Bosnian Serb, indicted by the International Tribunal for former Yugoslavia, surrendered to SFOR troops and was later transferred to the Hague. Kunarac is charged with two counts of crimes against humanity and one count of violation of laws and customs of war, in addition to a grave breach of the Geneva conventions.

Returns

- **Sarajevo Return Committee**

This body held its first meeting on 5 March, to review progress in implementation of the Sarajevo Return Declaration conclusions. The Committee, comprising officials from the RS, Federation and Sarajevo Canton Governments, representatives of citizens and displaced persons groups, and of the International Community, focused on the three most critical areas within the Sarajevo Declaration. These are the adoption of appropriate property legislation, the creation of housing space through elimination of multiple occupancy and other abuses, and the creation of a suitable security environment. The High Representative stressed, in his speech at the opening of the session: 'We need to ensure that the momentum and goodwill established

at the Sarajevo Return Conference is not lost,' he said.

- **Sarajevo Housing Committee**

Deputy High Representative for Returns and Reconstruction, Andy Bearpark, the UNHCR, and Sarajevo Canton Governor Midhat Haracic, signed a Memorandum of Understanding on 9 March establishing the Sarajevo Housing Committee. The Committee, envisaged by the conclusions of the Sarajevo Return Conference (3 February), will assist the Cantonal authorities in their approach to housing problems, ensuring housing is available for returnees and eliminating multiple occupancy. It will implement agreed procedures as the means to ensure the rights of pre-war owners of apartments and occupancy right holders to physically and legally repossess their apartments.

The steering board of the Committee will consist of representatives from the Presidency, the Council of Ministers, the relevant Cantonal Ministries, the UNHCR, and the OHR.

The Commission for Real Property Claims of Displaced Persons and Refugees, the UN Mission in BiH, the European Commission, and the BiH Coalition for Return hold observer status. Donors who are financing housing reconstruction will be invited to participate as observers when appropriate.

- **RRTF Restructured**

The Bonn Conclusions called upon the Return and Reconstruction Task Force to reorganise and restructure. The aims of restructuring are to support the RRTF's goal of promoting sustainable return in accordance with Annex 7 of the Dayton Peace Agreement. The RRTF, whose members include the European Commission and the World Bank, as well as all leading international agencies present in BiH, is tasked with ensuring integration of reconstruction and return activities. Other tasks include informing and influencing the international political debate on returns, encouraging the creation of security and political conditions enabling return. RRTF is also supposed to provide a forum for policy-making, coordination of strategy, and guidance on resource allocation.

Restructuring activities aim to ensure better connections between member organisations in the RRTF. OHR Refugee and Humanitarian Affairs department will be reorganised into three sections: an RRTF Secretariat, a Regional Task Forces section, and a Special Projects Unit. The Secretariat will be responsible for development of sectoral policies, and resources allocation guidance. The Special Projects Unit will be responsible for coordinating RRTF activities with other departments of OHR. The Regional Task Forces section will help guide and coordinate regional return structures, in some cases establishing satellite offices.

- **Mayor Of Stolac**

On the morning of 5 March a letter was delivered from the Office of the High Representative to Pero Raguz, then Mayor of Stolac. This letter was the final step in a chain of OHR actions supporting the blocked UNHCR Pilot Project for the return of refugees to Stolac. This town in West Herzegovina is dominated by the Croatian Democratic Union (HDZ), and in particular by the hardline Raguz.

The letter was written in respect of the Mayor's failure to live up to his obligations under Dayton, including establishing a functioning returns centre, a proper Joint Housing Assessment Team, and commitment to the Cantonal Return Plan. The Mayor also failed to publicise, according to his commitments, the results of police investigations. As a result, the High Representative announced, 'I have now no choice but to use the authority given to me by the Bonn Peace Implementation Council, and to dismiss you from your function as mayor, with immediate effect. I have asked the HDZ leadership to identify someone dedicated to implementation of the Peace Agreement to take over.'

On the same day, Raguz tendered his resignation. The OHR and the UNHCR both warmly welcomed this decision, and hope for a new era of cooperation with the new Mayor.

- **Acting Supervisor**

Ian McLeod has been designated as the acting Supervisor of Brcko during the medical absence of Ambassador Robert Farrand. As Deputy Supervisor McLeod has worked closely with the local political leaders dealing with the implementation of the multi-ethnic administration. A retired brigadier in the British Army, McLeod has been with OHR in Brcko since April of last year, but he has been in Bosnia since 1995, initially working with the European Community Monitor Mission. He will assume the duties of Supervisor until Farrand's return at the beginning of May.

- **Waiting for Arbitration**

All activities in and around Brcko are laced with interest in the upcoming announcement of a decision by the Brcko Arbitration Tribunal, expected on March 15. OHR is stressing that its members are also compelled to wait for the decision of the Arbitral Tribunal, and that the arbitration process is independent of OHR and is legally binding. OHR's role is only that of implementing agency, and the office will work with all leaders to move forward with whatever decision emerges. OHR feels that both the RS and Federation have shown commitment to the arbitration process by their efforts to implement the interim arbitral award decision passed last year.

OHR is also emphasising that any actions to disrupt the process will be counterproductive. The international community is committed to continuing to implement Dayton in Brcko and OHR will give its support to those who remain engaged in that process.

- **Water Trucks From Japan**

Japanese Minister Hideto Mitamura, the deputy chief of mission to Vienna, was in Brcko recently for a signing ceremony at OHR in which the Japanese government agreed to donate two water trucks to the Sava Water Company. The water trucks will be built in Belgrade and delivered in approximately eight weeks to service five villages in the Brcko Water District with severe water needs. This assistance from Japan has followed from the water conference held at OHR-North earlier this year.

Freedom of Movement

- **Trains**

A historic goods train, from Tuzla to Ploce harbour, entered Sarajevo on 26 February, passing on to Ploce a few days later. This was the first civilian, commercial inter-Entity train to run since the 7 February signing of the Memorandum of Understanding between the Entities, on the resumption of rail traffic. It ran after agreements on inter-Entity and state-wide rail traffic were finalised at a meeting in OHR on 24 February.

The BiH rail network infrastructure is essentially complete. Much of the heavy amount of repair needed was made by SFOR, in particular the Italian Rail regiment, and funded by DFOR's donors. German SFOR was active in reconstruction in Western BiH. USAID funded the crucial stretch from Brcko to Vinovci, connecting BiH with European networks.

Rail companies from both Entities met in Paris on 9 and 10 March, for talks on establishing railway corporations. The BiH Ministry of Transport and Communications and OHR have produced draft laws to provide for a level of State regulation of the Entity corporations and rail traffic regulations. The European Bank for Reconstruction and Development is also advising on rail corporation and regulation issues.

Aspects of BiH rail structure still much in need of reconstruction are bridges and communication systems. A major bridge, the Samac connection, is still completely destroyed, as well as the more minor connection of

Slavonski Brod. Meanwhile the signals and communications systems are still, at present, at an inadequate level. IPTF established a temporary, mobile telecommunication unit for the inter-Entity crossing of the Tuzla-Ploce train. OHR is trying to find the funds for a permanent solution for the communications systems.

- **Planes: Eurocontrol Agreement**

On 2 March the BiH Department of Civil Aviation (BH DCA) concluded a bilateral agreement with Eurocontrol with respect to route charges. This will see approximately 1.2 million US dollars coming into BiH for use in the aviation sector. Funding for the full DCA 1998 budget (6.2 million Deutschemarks) has yet to be finalised, however, delaying progress in this area.

- **First Flight**

A temporary undertaking has been signed between the Yugoslav Airline (JAT) and Air Bosna to begin reciprocal air carrier operations between BiH and the Federal Republic of Yugoslavia (FRY). This undertaking is the precursor to a bilateral air services agreement between the two nations.

The first flight by JAT, from Belgrade to Banja Luka landed on 2 March. This marked the resumption of air transport between FRY and BiH for the first time since 1992. Further scheduled flights are expected, with JAT flights from Belgrade to Banja Luka and Sarajevo, and flights from Sarajevo to Belgrade and Pristina by Air Bosna.

Meanwhile negotiations are still ongoing over the opening of Mostar Airport. A draft Interim Arrangement has been distributed to all parties concerned, and this is still under consideration.

Inter-Entity Trade Issues

- **Trades Union Cooperation**

On 10 March the High Representative met with the Chairmen of the Trades Unions Confederations of BiH, and of the RS, for a protocol signing ceremony, establishing a commission for Trades Union cooperation. The Commission will provide a new labour relations mechanism, which will focus on the improvement of the economic and social situation of workers, the unemployed and their families.

- **Reconnecting Links**

One of the first positive steps towards the re-establishment of cooperation between Entity companies is currently being made. It should result in the provision of products and services for both domestic and export markets.

The Director of Energoinvest-Transmission Lines Company from Sarajevo asked the assistance of the OHR to investigate a possibility of commercial collaboration with Transmission Towers Fabrication Factory located in Doboj RS. (Doboj Plant)

Energoinvest Sarajevo hoped to rent, on a commercial basis, services to dismantle an old and erect a new galvanization tub. (The tub weighs over 300 tons and special equipment is required). Prior to the war equipment was jointly shared among six companies, but is now owned by Doboj Plant. Doboj Plant has therefore been asked to supply special equipment and operators to Energoinvest Sarajevo on a commercial basis

Doboj Plant is currently working far below capacity. They agreed they would like to establish commercial ties with Energoinvest Sarajevo. If this is possible Doboj Plant could be ready for full production within 40 days. Energoinvest Sarajevo received concurrence from the Government of BiH Federation to proceed with this opportunity. The counterpart RS Minister of Industry gave his concurrence in response to a request from OHR.

Similar support was expressed by the Doboj Plant Deputy Director who accepted to meet in Doboj, with

representatives from both OHR and Energoinvest-Sarajevo. This meeting was held on 2 March.

Doboj Plant Management requested a guarantee from OHR for safety of equipment and operators during their stay in Sarajevo and safe travel to and from Doboj. (This was subsequently granted.)

Doboj Plant undertook to prepare a "draft offer" for the cooperation of Doboj Plant by 14 March, 1998, at the latest.

OHR supports the initiative for cooperation between the two companies, while warning that the venture has to be based on mutual commercial interests and competitive prices. OHR is prepared to assist negotiations, and to help with the resolution of unresolved debt and ownership issues currently outstanding between the two companies.

Diary

12 March:

CoM session

15 March:

Deadline for passing of decision by the Brcko Arbitration Tribunal.

17 March:

First monthly donor meeting of ETF Secretariat

19 March:

RRTF Meeting

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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