OHR Bulletin 59 – 5 September 1997

No. 59, issued 5 September 1997

Table of Contents

Civil Aviation Agreement Reached
Contact Group – Brussels
Tension In Brcko
North Atlantic Council
Media Issues
Freedom Of Movement – Brcko
Right To Return
Human Rights
World Bank
Economic Issues – Gas
Joint Military Commission
European Commission

Please consult our Bulletin Category List for related information

Civil Aviation Agreement Reached

The BiH Joint Aviation Commission comprising Bosniak, Serb and Croat representatives, reached on 5 September an agreement on the principles which will govern the central body for civil aviation matters in BiH. This body will be known as the BiH Department of Civil Aviation (DCA) and will be responsible to the BiH Council of Ministers. The agreement, brokered by Air Vice Marshall Wright of the OHR, will be the point of interface between BiH and major international aviation organisations such as the ICAO (International Civil Aviation Organisation) and Eurocontrol.

The signing of this important agreement, which has yet to be ratified by the Council of Ministers, represents a major breakthrough on an issue which had been targeted by the Sintra Declaration as a vital step in the formation of the Joint Institutions for BiH. The Steering Board had warned that they would recommend that international aviation authorities cease co-operation with the existing body if the BiH Civil Aviation Authorities were not quickly reconstituted.

The agreement, which outlines the DCA structure, function, and post allocations, is a major step towards the opening of the regional airports of Mostar, Tuzla and Banja Luka.

Contact Group – Brussels

At their meeting in Brussels on 4 September the Contact Group reaffirmed the integrity of Bosnia and Herzegovina (BiH) as a single state, and of each of its two entities. It further reaffirmed that all signatories of the Dayton Agreement, which include the Federal Republic of Yugoslavia and Croatia, were committed to the full and unconditional implementation of the Peace Agreement, including the realization of pluralist democracy and the rule of law. The Contact Group reiterated the decisions of the Peace Implementation Council (PIC) Steering

Board to support those parties which were fully implementing the Dayton Peace Agreement, and to levy sanctions against those which were not. The Contact Group agreed that:

1. Municipal elections throughout Bosnia and Herzegovina would proceed as scheduled, on 13-14 September, under OSCE supervision;
2. Assembly elections had been called for in the Republika Srpska. The Contact Group confirmed its determination to support supervision by the OSCE of these and other elections to be held in the Republika Srpska, according to constitutional provisions;
3. Terrorist acts and provocations, including those against international personnel, in BiH were unacceptable and would be met with an appropriate response, as envisaged by the Peace Agreement;
4. The media in BiH must be impartial, open and truthful. Inflammatory broadcasts, including attacks on the international community, would not be tolerated. The media must be accessible to all political forces; the High Representative would make forceful use of the authority provided to him under Article 70 of the Sintra Declaration to curtail or suspend any media network or program whose output was in persistent and blatant contravention of either the spirit or letter of the Peace Agreement;
5. The Contact Group stressed the need immediately to continue and accelerate reform of the police forces throughout BiH, based on the principles of democratic policing;
6. The Contact Group condemned the corruption which is pervasive throughout BiH. The High Representative would report to the next meeting of the PIC Steering Board on actions to be taken to address this problem.

Tension In Brcko

In the early hours of 28 August, violence erupted in Brcko when crowds of 200-300 people began throwing rocks, bottles and sticks at SFOR troops and other members of the international community. SFOR fired several warning shots as a deterrent, but to no avail. During the day the crowd grew in size and the potential for violence increased significantly, exacerbated by certain elements of the RS media who misreported incidents and claimed that SFOR were trying to occupy the local police stations. Various media reports also attempted to incite the population to commit violent acts against the international community. Though Serb Member of the Joint Presidency, Krajisnik called for calm, many other leading politicians in the RS openly congratulated the crowds in Brcko for their actions.

As the crowd increased, SFOR soldiers were forced to use tear gas in order to deter further use of Molotov cocktails, and to reduce the threat to their forces. In response to a request from the UN, SFOR assisted with the evacuation of IPTF personnel from the town. The 40 unarmed IPTF officers were subjected to tremendous pressure for several hours before being withdrawn. Some 50 other UN monitors were taken out under extremely difficult circumstances by members of the UN itself. The violence left two SFOR soldiers slightly wounded and more than 40 vehicles damaged, some completely destroyed. The IPTF station was also badly damaged.

The international community roundly condemned the violence. SFOR's Commander of Multi-National Division North, General Grange, said that SFOR had received information that there would be civil unrest in Brcko and Bijeljina as rival factions competed over police stations, TV towers and radio towers, as well as control over freedom of movement. SFOR had acted within its mandate which required SFOR to monitor and ensure compliance by the Entity Armed forces and the special police. General Grange applauded the Entity Armies compliance during the unrest. Condemning the violence, General Grange reminded that threats of attacks against SFOR or the international community would not be tolerated.

Deputy High Representative in Brcko, Ambassador Farrand commented on the events saying they were *"part of a deliberate, orchestrated plan to discredit the efforts of the international community, especially SFOR and the UN IPTF monitors, by the use of violence against them"*. Emphasising that *"the majority of Brcko citizens played no part in these engineered events and in no way share[d] the aims of those who encourage violence"* Ambassador Farrand added that, *"the pursuit of a government based on fear [would] not bring to Brcko an environment where economic development [could] occur, and where the quality of life [could] improve"*. UN IPTF reported that RS police had *"singularly failed to carry out their most basic of tasks; public security"*. UN IPTF emphasised that it had in no way been involved in any alleged attempts to take over any police facilities. A statement by the Special Representative of the UN Secretary General, Ambassador Kai Eide urged that RS leaders appeal for calm, that

investigations into the incident commence, and that those who had committed acts of violence or incitements be brought to justice.

Further evidence of the heightened tension came on 28 August when two bomb explosions in Doboj were reported at the offices of the independent journal “Alternativa”, and inside offices of the Socialist Party. No one was injured in the blast, but it was the first such attack in months. On 29 August, a bomb exploded in Banja Luka killing one person and injuring two others. UN IPTF are monitoring police investigations into the incidents.

North Atlantic Council

The North Atlantic Council (NAC) met on 30 August to continue its consideration of the developing situation in the RS. It reaffirmed the statement given on 29 August by the Secretary General condemning recent violence and confirming that SFOR would continue to carry out its mission firmly but fairly and would not tolerate the use of force or intimidation.

The NAC responded positively to a request by HR Westendorp to authorise SFOR to provide the necessary support to suspend or curtail any media network whose output was in persistent and blatant violation of either the spirit or the letter of the Peace Agreement, in accordance with the Sintra Declaration.

In addition, the NAC reaffirmed that SFOR would not hesitate to take the necessary measures including the use of force against media inciting attacks on SFOR or other international organisations.

Media Issues

On 1 September up to 250 people gathered around the Udrigovo transmitter site access to which had been secured by SFOR troops following the recent unrest in the RS. The angry crowd menaced SFOR with sticks and rocks in an attempt to force them to leave the site. In order to disperse the growing crowd the SFOR deployed a single canister of tear gas. The situation calmed down and the crowd finally began to disperse later that night.

On 2 September Principal Deputy HR, Jacques Klein and COMSFOR General Eric Shinseki reached an agreement with the Serb member of the BiH Joint Presidency, Momcilo Krajisnik in his capacity as Chairman of the Board of Directors of Serb Radio and Television (SRT) to curb the inflammatory reporting by the RS media against the international community, including SFOR. In consultation with the OHR, Mr. Krajisnik, on behalf of SRT agreed that:

- SRT would refrain from inflammatory reporting against SFOR and international organisations supporting the Dayton Peace Agreement.
- SRT would provide one hour of programming during prime time each day without exception during which other political views would be aired.
- SRT would provide the HR one half-hour during prime time within the next few days to introduce himself and explain the events which took place in Brcko, Bijejina and Banja Luka. Such time would be unedited and not commented on in advance or after airing by SRT commentators.
- RS agreed to participate in a full and consistent manner in a Media Support Advisory Group (MSAG) conducted by the OHR to discuss and regulate the work of the media in accordance with the spirit and letter of the Dayton Peace Agreement.

The agreement was formally signed by the Commander of Multi National Division (North) Major-General David Grange, the SRT Editor-in-Chief, Drago Vukovic and the Deputy Minister of Interior, General Karisik.

SFOR forces would remain in the vicinity of the Udrigovo transmitter site to secure the facility and ensure it would not be used to incite violence against SFOR or the international community. Serb compliance with the above agreement and restraint from violence would enable SFOR forces to return to their normal deployment patterns.

At their meeting on 22 August the Media Experts Commission issued a decision in light of the continued and grave violations of the Provisional Election Commission (PEC) Rules and Regulations by SRT. The MEC decided the

following:

1. SRT was requested to refrain from any continued violations of the PEC Rules and Regulations concerning the media;
2. The General Director of SRT was invited to appear before the Media Experts Commission (MEC) on Friday, 29 August 1997 at 1000 at the OSCE Mission to Bosnia and Herzegovina Head Office in Sarajevo to provide an accounting of SRT's broadcasts in violation of PEC Rules and Regulations concerning the media;
3. SRT was requested to broadcast a statement of the UN as a right of reply to distorted news broadcasts of SRT during the early evening news on three consecutive nights immediately following service of this Decision. This statement would be provided to SRT following the service of this decision. SRT should not present the statements in any way that seeks to change their content; and,
4. SRT was requested to broadcast a public statement by Senior Deputy HR Ambassador Wagner at a time and in a manner stipulated by the OHR. This statement would be provided to SRT following the service of this Decision. SRT would not present the statement in any way that seeks to change its content.
5. If SRT failed to adhere to these requests of the MEC, the matter would be referred to the Election Appeals Sub-Commission (EASC) and OHR for further consideration.

In view of the fact that these decisions were not fully complied with – i.e. UN were not given the right to reply, and, although Ambassador Wagner's statement was aired, it was followed with a negative letter of response by SRT Director Mr. Toholj – and a repeat of the video clip likening SFOR with Nazi forces – it was decided that the matter would be forwarded to the OHR for further consideration.

On 1 September the Sarajevo daily newspaper Vecernje Novine and the Banja Luka based Nezavisne Novine began an initiative to counter the information blockade between the two Entities. 3,000 copies of Nezavisne Novine and Vecernje Novine are now available in Sarajevo and Banja Luka respectively. OHR Spokesman, Duncan Bullivant said that the joint venture was *"in the spirit of reconciliation, freedom of speech, freedom of movement and everything that [the] Dayton [Peace Agreement] represents."* He added that, *"both papers ought to be supported and congratulated on what is essentially a commercial exercise which will lead, no doubt, to greater understanding and cooperation between the entities."*

Freedom Of Movement – Brcko

Deputy High Representative in Brcko, Ambassador Farrand, on 30 August issued a Supervisory Order instructing RS police authorities to immediately halt the practice of charging visa fees for vehicles crossing the Brcko bridge from Croatia. Ambassador Farrand also ordered that all activities by RS police and customs authorities related to the collection of road toll charges at the bridge be stopped without delay.

The latter issue had been addressed previously by Senior Deputy HR Ambassador Gerd Wagner who had written to RS President Plavsic and Prime Minister Klickovic notifying them that the RS road toll regulations and the practice of enforcing such tolls were in violation of the Constitution of BiH as they constituted unlawful discriminiation, obstructed freedom of movement, and violated the competencies of BiH by establishing foreign policy.

Right To Return

On 27 August Ambassador Wagner chaired the second Federation meeting on the Central Bosnian Canton (CBC). The meeting was attended by top Federation officials including Federation President Soljic, Vice President Ganic, Minister for Refugees Kadic and his deputy Ljubic, and Minister of Interior Zilic and his deputy Leutar. The Governor of CBC, and his deputy, as well other canton officials were also present, whilst representation from the international community, included SFOR, UNMiBH, UNHCR, OSCE. Federation Ombudsmen also attended the

meeting.

Recalling the agreement of 5 August, the participants reviewed measures that had been taken to facilitate the return of refugees and DPs to their homes in the CBC in a safe manner. The OHR and the International Community welcomed efforts by the Federation leadership to resolve return problems Federation-wide and expressed their readiness to support those efforts. The participants noted that the arrest of four persons suspected of causing destruction to homes in Bugojno was a positive step that must now be followed up with proper legal proceedings, which would be monitored by human rights observers. The participants deplored the mine incidents that occurred in connection with returns on 20 and 22 August. It was agreed that immediate and thorough investigations were needed to clarify whether these had been newly planted mines, as the evidence suggested. If this was found to be the case, arrests and prosecutions of perpetrators must be conducted without delay.

The meeting concluded that returns to uninhabited houses should take place immediately in all of the municipalities within the Canton and that an overall return plan would be finalised by 10 September. This would involve surveying all of the pre-war housing of people who had left their homes, and the allocation of funds for reconstruction by Federation and Canton authorities. In concluding, the participants decided to meet again in two weeks time to review progress.

On 26 August Senior Deputy HR Ambassador Gerd Wagner held a productive meeting with the Association of Refugees from BiH in FRY. The association represents 200,000 mainly Serbs from BiH, presently living in FRY. Two significant points came out of the meeting: Firstly, that all members of the association wish to return to their pre-war homes. Secondly, that the association supports the immediate arrest of all indicted war criminals.

Ambassador Wagner summed up the meeting by stating that, *"it was time to pay more than just lip service to refugee return – what was needed was action on the ground."*

On 27 August the OHR released the latest figures for the returns to Brcko. So far 1,271 approvals, representing 5,220 people, have now been accepted by the International Housing Commission and the OHR Procedure for Return to Brcko Commissions. To date 283 families have now returned to the Brcko municipality.

Human Rights

On 30 August, local police informed UN IPTF that two Croat men (a father and his son who had returned to the area in 1996) were killed in the Travnik area when someone fired nine shots at them through a window of their home. Croat and Bosniak police are jointly investigating the case, and forensic and ballistics examinations are underway. The motive for the crime is reportedly still unclear and there had been no reports of harassment of the two men or of any other Croats in this village. UN IPTF is monitoring the investigation, which they noted was one of the first joint efforts by Croat and Bosniak police in the area.

UN IPTF officials reported that an IPTF team was on the scene monitoring exhumations currently taking place at the Hrgar grave site in north west BiH. The exhumations are being made at a level of 60 meters and the team has so far observed at least five or six human skulls, as well as other human and animal remains.

According to a report by the team, operations are being complicated due to the presence of vast amounts of garbage and industrial wastes, including numerous drums and five litres plastic jugs which may contain a caustic substance, believed to be acid. This substance is causing minor irritation to the nose and throat and if found in substantial enough amounts, and disturbed, could prove to be a significant hazard to those entering and working in the cave. The cave is believed to continue for at least another 25 meters, and there are estimates of an additional 75 to 300 bodies. So far the recovery of four bodies has been monitored by IPTF officials, who said that numerous identification documentation were also recovered. IPTF will continue monitoring the exhumation.

World Bank

The World Bank's (WB) Board of Executive Directors recently endorsed the WB assistance strategy for the coming years and approved two additional (International Development Association) IDA credits, of US$ 11 million and

US$39 million for emergency reconstruction projects in the education and transport sectors.

Second Emergency Education Reconstruction Project

- School rehabilitation: US$ 9.3 million to rebuild 18 war-damaged primary schools in the Federation and 7 in the RS, and to replace school furniture.
- Books and educational materials: US$ 0.8 million to print and distribute textbooks, supplementary reading materials for libraries, basic educational materials and equipment to primary schools.
- Education Finance and Administration: US$ 0.5 million to address the need to clarify the roles of the various levels of government – Entities, the Federation Cantons, the RS regions/municipalities – in providing and financing education through a sector study and the dissemination of its findings.

Second Emergency Transportation Reconstruction Project

The WB will concentrate its financial support on:

1. the rehabilitation of roads and reconstruction of bridges, related mine clearing and technical assistance, within the Federation and the RS;
2. supply of maintenance equipment to RS; and
3. the establishment, within the Federation, and the strengthening, within the RS, of road administration. The credit's adjustment component will support key economic policy reforms in the RS, whilst helping this Entity meet budgetary expenditures.

Both projects have a modular design and therefore can easily accommodate additional funding provided by other donors. The projects also meet basic needs and will facilitate inter-Entity communications whilst beginning to promote a more balanced development across the Entities.

Economic Issues – Gas

A proposal for a solution to the gas payment issue to enable the resumption of gas supplies throughout BiH was developed at a meeting between the Energy ministers of the two BiH Entities (hosted by the World Bank on 19 August). The proposal developed, suggested a 50/50 split of the unallocated amount and offered World Bank assistance to identify donors willing to help RS pay their share of the disputed amount.

This proposal was to be submitted to the approval of the Entities' Prime Ministers. To that end, they were invited by Senior Deputy HR Ambassador Gerd Wagner to a meeting on 2 September in the OHR. The RS Prime Minister's failure to appear – or to appoint an authorized representative – confirmed that there was no readiness from RS to come to a joint solution, while the Federation endorsed the proposed agreement. For lack of a common approach, and with winter quickly approaching, it was decided that the only alternative for the Federation would be to enter into independent negotiations with Gazexport.

The resumption of gas – under a long-term contract with the Russian Gazexport company – requires the settlement of an outstanding debt of US$ 12.4 million for gas consumed in the period between October 1995 and December 1996. Of this amount, US$ 6 million remains to be allocated among the Entities.

Joint Military Commission

Generals Colic, Delic and Budimir represented the Entity armies at the Joint Military Commission held on 26 August at SFOR Headquarters in Ilidza. The SFOR Deputy Commander for Operations, Lieutenant General Cordy Simpson, reviewed events since the last Joint Military Commission in June. He stated that there had been no major violations of the commander's instructions to the parties, and that the situation had remained, from a military perspective, calm. The commanders of the Entity armies were congratulated on their achievements in this area, particularly in light of continuing underlying political tensions. All three commanders were reminded that their armies had no part to play in the ongoing events in the RS, which should not be seen as unusual in the development of a political system. Armed action or the threat of it, was no longer an option in BiH. SFOR was the guarantee of this for all.

General Cordy Simpson also explained that SFOR had imposed a ban on training, movement and the call up of reservists over the period of the municipal elections in September. This intended to ensure that there were no incidents or misunderstandings involving Entity forces during the elections, and throughout the subsequent installation of the new municipal administrations.

The demining program was covered in detail concerning compliance, targeting, allocation of resources and initiatives. General Cordy Simpson acknowledged that compliance was now more widespread and productive than at any time since the beginning of the campaign, but expressed there was still considerable room for improvement. It was noted that at this period in time over 1,000 mines a week were being cleared by all three Entity armies.

European Commission

The European Commission held a ceremony on Mount Igman on 29 August to mark the completion of the first stage of a demining project, under which 72 Bosniak deminers are currently being trained. The project is part of an ECU 3.9 million (DEM 7.8 million) training programme financed by the EC, under which a total of twelve-men demining teams will be fully trained and equipped both in the RS and the Federation. Basic training has already been completed for the RS and the Croat part of the Federation. Following completion of the programme, the control of the demining teams and of their equipment will be handed over to national management authorities. Almost 250 national personnel will be employed and trained under this programme which is being carried out by a company contracted by the EC, Defense Systems Limited (DSL). When fully trained, the deminers will be capable of clearing an average of up to 40m2 per day per pair of deminers.

Marking an end of the first phase of a European Union funded project to restore telephone networks within BiH, the European Commission (EC) reached an agreement with the telecoms authorities in the Federation and RS on the final practical arrangements for the opening of direct two-way inter-Entity telephone links.

To make calls to the other Entity, callers in both the Federation and the RS will dial existing area codes. The only change is that a caller in the RS trying to reach a subscriber in the Federation will have to add "0" after the area code. So, for example to call Zenica from the RS a caller needs to dial 0720 instead of the previously used 072.

For inter-Entity calls within the area 071, callers will have to add the area prefix. Thus to call Pale from Sarajevo a caller must first dial 071 followed by the subscriber number.

The numbering changes are temporary and will be replaced as soon as a definitive national numbering plan has been agreed and implemented at the State level.

Looking Ahead

13-14 September:

Municipal elections in Bosnia and Herzegovina

16 September:

Both Houses of the BiH Parliamentary Assembly scheduled to meet in Lukavica

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.

Tel. (387-71) 447 275 ext. 562. & Fax (387-71) 447 420.

Callers from outside BiH dial via Brussels switchboard: Tel. (32-2) 737 7500 & Fax (32-2) 737 7501.

If you would like to be added to the OHR Bulletin e-mailing list, or if you have any information/comments about the Bulletin, please 'phone/fax on the above numbers, attention Monika Stedul or send an e-mail to: monika.stedul@ohr.int

You are warmly welcome to visit to our OHR web site which offers substantial information about the OHR and its work, local BiH news summaries (updated daily), HR statements, press briefing transcripts, major conference conclusions, OHR Bulletin back issues, chronology, further links and more. https://www.ohr.int