

Additional Decisions Furthering the Implementation of the Dayton Peace Agreement in Bosnia and Herzegovina

In addition to the Decisions on Public Service Broadcasting, Freedom of Information, and Decriminalisation of Libel and Defamation in Bosnia and Herzegovina as well as on Judicial Proceedings in the Federation, which were announced on Saturday, the High Representative Carlos Westendorp issued the following Decisions on Friday 30 July 1999:

- Decision on Identity Cards
- Decision on the Reconnection of Pre-Conflict Subscribers to the Telephone Networks in Bosnia and Herzegovina
- Decision on Common Insignia and Symbols
- Law on Administrative Fees of Bosnia and Herzegovina
- Decision on Dragan Cavic

Decision on Identity Cards

A significant obstacle to the free return of refugees and displaced persons are the problems they face in obtaining identity cards from the competent bodies in municipalities to which they return. Identity cards are a pre-condition for the initiation of certain administrative processes; they are necessary to obtain certain basic rights, and laws in both Entities require citizens over the age of 18 to have them.

In order to safeguard the free return of refugees and displaced people in accordance with Annex 7 of the Dayton Peace Agreement, the High Representative has issued a Decision to protect the rights of returning refugees and displaced people to obtain an identity card, and ensure the obligations on competent authorities in both Entities to issue them.

Under the Decision, all public documents issued by a competent body of the former Socialist Federal Republic of Yugoslavia (SFRY) and the former Socialist Republic of Bosnia and Herzegovina (SRBH) are recognized as official proof of the facts stated therein – such as evidence of identity and residence – and must be accepted by public officials at all levels, municipalities, cities, cantons, the Entities and the State.

Specifically, personal identity cards issued by a competent SFRY/SRBH body, which were valid on April 6, 1992, may be exchanged until April 5, 2002, for new personal identity cards as envisaged by valid laws and regulations.

Applications for exchange are to be submitted to the body competent for issuing new identity cards, along with the old SFRY/SRBH card. In all cases, the competent body must immediately return the old card to the applicant and issue a receipt certifying the application.

A new identity card must be issued within 15 days of the application, even if the competent body questions the authenticity or validity of the old card.

Where the competent body questions the authenticity or validity of the old card, it may retain photocopies of it and initiate judicial proceedings, during which it bears the burden of proof. If the judicial proceedings establish that an old identity card is not authentic or valid, the user of the new card will no longer be entitled to the benefits obtained through its use, and all transactions conducted on the basis of the new card are null and void.

The OHR and other international organizations will monitor compliance with this Decision. The High Representative reserves the right to appoint international supervisors who shall be given full access to the premises, records and personnel of the competent administration, as well as the right to exercise his powers against public officials who obstruct this Decision.

This Decision supersedes all inconsistent legislation and regulations currently in force at every level in Bosnia and Herzegovina, the Republika Srpska, the Federation of BiH, at canton, city and municipal level, until legislation concerning identity cards is brought into force in accordance with Annex 7 of the Dayton Agreement.

The Decision is effective as of July 30, 1999.

Decision on the Reconnection of Pre-Conflict Subscribers to the Telephone Networks in Bosnia and Herzegovina

For several months, the OHR and other international organisations have tried to negotiate with the relevant Entity authorities and PTT representatives procedures that would allow refugees and displaced persons to regain access to the telephone networks at a reasonable price. In many cases, the PTTs have demanded that the returnees bear the telephone costs that accumulated while somebody else was living in their homes, or pay exaggerated fees for reconnection.

Access to telephone connection is an essential confidence-building measure for returnees, especially in minority areas, and as such one of the "political, economic and social conditions conducive to voluntary return and harmonious re-integration of refugees and displaced people", which the parties to the Dayton Peace Agreement agreed to create under Annex 7 of the Agreement.

As in particular the Federation Government has been uncompromising on this issue, the High Representative has been forced to issue a Decision to ensure the rights of refugees and displaced persons.

Under the Decision, returning pre-conflict subscribers will pay only an administrative fee of no more than 50 KM for reconnection to the telephone network operating in their area of return. Pre-conflict subscribers who have lost their telephone connection because it was cut or re-allocated during the conflict, but who never left their home, will be reconnected free of any charge and fees. In addition, no pre-conflict subscriber will have to pay any debts that accumulated during the period while somebody else occupied their home, or while it was empty.

Pre-conflict subscribers are expected to apply for reconnection within three months of the entry into force of this Decision (August 15), unless they have applied already, or within three months after taking actual repossession of their former home. Those who do not apply within these time limits may be treated as new subscribers.

In the event of disagreement between the pre-conflict subscriber wishing to be reconnected and the PTT, the case will be referred to an Advisory Committee. The Committee will be chaired by an independent person appointed by the OHR and include representatives from the relevant PTT and the UNHCR. Decisions of the Committee will be binding on all parties.

Pre-conflict subscribers will have priority over new requests whenever lines become available.

This Decision will enter into force on August 15 and remain in force until further notice.

Decision on Common Insignia and Symbols

From the beginning of the Dayton peace process, the use of insignia and symbols of a neutral or inoffensive nature has been an issue of great importance as the continued use of nationalist insignia and symbols creates a climate of intimidation and discrimination and hampers the return process. In April 1996 already, the signatories of the Bonn-Petersberg Agreement on Restructuring the Police in the Federation agreed that police uniforms are important symbols of commitment to the restructuring process. However, even today, nationalist insignia and symbols are in use.

Therefore, the High Representative has been forced to issue a Decision under which public police and judicial officials of any Canton, City or Municipality in the Federation must order and ensure the immediate display and use of common insignia and symbols of a neutral or inoffensive nature. Those include, but are not limited to: uniform badges, patches, and belt buckles, flags and coats-of-arms, and administrative seals and stamps, as determined by the OHR and the Commissioner of the International Police Task Force (IPTF).

In specific reference to police uniforms, all Cantonal Ministry of Interior police must wear the metal badge with the coat of arms of the Federation on the official cap.

Public officials failing to comply with the above shall be considered to be liable and punishable in terms of existing legislation regulating the responsibility of public officials in administrative procedures. In order to monitor compliance, the High Representative reserves the right for his Office to have full access to the premises, records and personnel of the competent administrations, as well as the right to exercise his powers against public officials

found to obstruct compliance with the present Decision. Public officials in violation of this decision, as determined by the OHR, also may be subject to the non-compliance and de-certification protocols of the IPTF Commissioner.

This Decision enters into force immediately and supersedes all inconsistent legislative and other legal and administrative provisions presently in force at the level of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or any Canton, City or Municipality.

Law on Administrative Fees of Bosnia and Herzegovina

The Law allows the Common Institutions of Bosnia and Herzegovina to raise administrative fees (for example in the field of international road and water transport, or consular fees), which will provide a small, but significant contribution to the state budget and strengthen the Common Institutions.

The Law on Administrative Fees of BiH was drafted by local authorities and already passed by the Council of Ministers on August 31, 1998, but never adopted by the BiH Parliament although all the amendments proposed by the parliamentary committee have been considered in the draft.

The Law is effective as of July 31, 1999.

Decision on Dragan Cavic

The High Representative has lifted with immediate effect the restrictions that he was forced to impose on the activities of SDS Vice-President Dragan Cavic on October 8, 1998, when he banned him from executing his duties as a member of the RS National Assembly, and from holding public office in Bosnia and Herzegovina. Mr Cavic's subsequent constructive attitude toward issues such as that of Srebrenica, and the fact that he has not made any statements like the ones that led to his removal, convinced the High Representative that the ban was no longer necessary. The High Representative, however, expects Mr Cavic to demonstrate his firm commitment to the full implementation of the Dayton Peace Agreement not only in words, but also in deeds. The OHR will closely monitor Mr Cavic's activities in that regard.

The Decisions and new legislation shall be published in the relevant Official Gazettes without any delay. The High Representative has made these Decisions exercising the powers vested in him by Annex 10 to the Dayton Peace Agreement and by Article XI of the Conclusions of the Peace Implementation Council Conference held in Bonn in December 1997.