The High Representative Imposes Arbitration in Dobrinje I and IV

The High Representative, Wolfgang Petritsch, today issued a decision which ties both the Republika Srpska (RS) and the Federation of BiH (FBiH) into final and binding arbitration on the Inter Entity Boundary Line (IEBL) in the Sarajevo suburbs of Dobrinja I and IV. The decision of the High Representative also names Mr. Justice Diarmuid Sheridan, an Irish judge, as arbitrator.

The High Representative's decision imposes a procedure specified under Annex 5 of the GFAP that has unused up until now. Article 5 enables the entities to agree that a fair and independent adjudication procedure should be carried out on issues where they can not agree, and in such a way resolve disputes. However, the Entity Prime Ministers were not even able to agree to such an independent process in the case of Dobrinja.

The High Representatives decision substitutes the Entities agreement to this procedure. The RS and the FBiH, local residents and other relevant bodies will have the opportunity to present their case to the Arbitrator, who can request evidence from the concerned parties. The Arbitrators decision is expected during April of this year. The Entities will be bound to implement the Arbitrators decision, and the very nature of arbitration means that no further debate or appeal will be possible. Before the implementation of the Arbitrators decision there will be a period during which the local authorities and the international agencies will consider the impact the decision will have, if any, on the day to day lives Dobrinja residents and how to best implement the arbitration decision.

The IEBL in Dobrinja has been a contested issue since the GFAP was signed. IEBL commissions set up to resolve such issues never came to a final conclusion in this area, where the IEBL runs through individual apartment buildings. More recently the Entity Prime Ministers have failed to make any effort to resolve this question, preferring to instead to make Dobrinja a political football, despite several requests form the High Representative to find a way to resolve the dispute constructively.

The High Representative has taken this decision according to his powers under Annex 10 of the GFAP, and Article 11 of the of the Conclusions of the Peace Implementation Council Conference held in Bonn in December 1999, which give the High Representative final authority on civilian implementation of the peace settlement. As confirmation of agreed changes in the location of the IEBL fall under Annex 2 of the GFAP, the Arbitrators decision will have to be confirmed by SFOR before entering into force.