

Decision integrating the municipality of Zepce

In light of the persistent failure of the responsible politicians to address the untenable situation of lawlessness and parallel structures in Zepce and thus overcome the legacy of the Bosniac-Croat war in that area, there is a requirement for a comprehensive and balanced set of arrangements that meet the legitimate political, social, economic and security interests of the parties. Therefore, under the powers vested in the High Representative in Annex 10 of the General Framework Agreement for Peace and reaffirmed by the Bonn, Madrid and Brussels Peace Implementation Council, I issue the following

DECISION

on integrating the municipality of Zepce

Introduction

Since 1997 representatives of the international community, led by the Office of the High Representative, have worked on finding an agreement acceptable to all parties to break a triple deadlock in the Zepce area: a) to integrate two parallel municipal administrations, b) to dismantle the institutions of the former Croat Republic of Herceg-Bosna and integrate all of Zepce municipality within the legal structures of Zenica-Doboj Canton, and c) to reach a compromise solution on the demands of Croats, living in areas bordering Zepce municipality, to be integrated with the latter.

The Federation Forum of 16 April 1998 noted that 'participants agreed that the continued functioning of parallel municipalities after the establishment of joint municipal

authorities could not be tolerated. The Federation President and the Vice-President will personally engage themselves in municipalities in all cantons in which parallel administrations continue to exist, and ensure that these will be united'. This has not happened within Zepce.

In December 1998 OHR Senior Deputy High Representative Hanns Schumacher invited all parties to Final Status Negotiations on Zepce in January 1999. The invitation notified all parties that prior to participating in this process they had to accept the authority of OHR, in the case of a renewed failure to reach an agreed solution, 'to make an arbitration of various aspects of the Zepce conundrum'. All responsible parties participated in the negotiations, which lasted from January to May 1999. No agreement was reached and provisional solutions remain in place for the police and the judiciary. The administration remains divided. Croat institutions in the north of Zepce are outside the legal framework of the Canton.

It is the repeated failure of elected politicians to reach a solution by themselves which prompts me to issue this Decision, in accordance with the acceptance all parties have given to the principle of arbitration by accepting the OHR invitation to final status negotiations in January 1999.

As citizens build their lives on the basis of legal institutions, the widely used wartime and post-war terminology of Territory under Croat control and Territory under Bosniac control must cease to have any concrete meaning. A mode of thinking in which strategic planning, based on ethnic control of territory, dominated and led to parallel administrations in divided municipalities must be overcome to solve the problem of Zepce.

In addition to the Decision, and in order to facilitate the process of political integration, I strongly encourage the Federation Ministry of Defence to reduce the number of soldiers stationed in the Zepce municipality, either as a part

of the BiH 15% reductions to be achieved by 31 December 2000, or as part of an overall repositioning of forces. The goal would be to have a maximum of one company (non-combat) stationed in Zepce within three months of the date of this Decision. The level of reduction achieved will be a significant factor in my judgement on full and final implementation of this Decision.

Implementation

1. Within one month of the date of this Decision, all tax payments will go from the former Croat part of Zepce to the cantonal treasury in accordance with the relevant legislation. The present branches of the ZAP and ZPP operating in Zepce and Begov Han will be merged into one branch in Zepce town and will conduct all transfers of funds through the Zenica ZPP office.
2. Given the special nature and responsibilities of Zepce municipality, the percentage of the revenue that the canton will return to Zepce municipality will be at least 10 percent more than that returned to the average municipality in the canton, unless agreed differently between the Canton and the Mayor and Deputy Mayor of Zepce following the next municipal elections.
3. Within three months of the date of this Decision all of Zepce's territory will be fully integrated within the cantonal system of forestry administration. Sume Herceg-Bosne will cease to operate on the territory of Zepce municipality from that date unless licensed by the legitimate Federal and Cantonal authorities.
4. Within one month of the date of this Decision the municipality of Zepce will cease to be a shareholder in any public company associated with the Croat Community of Herceg-Bosna, including Elektroprivreda Herceg-Bosna. OHR will develop a strategy for the integration of public utilities in the Zepce area to be implemented in the course of the next year.

5. Within one month of the date of this Decision all contributions for health insurance for all citizens will be paid in accordance with the relevant cantonal legislation to the cantonal fund. The board of the Zepce community health centre will draw up a staffing plan within three months of the date of this Decision to offer re-employment for Bosniac and Serb professionals who worked in the medical sector in Zepce before the War.
6. All curricula presently used in Zepce municipality will remain legitimate in a unified municipality, as long as this is not in violation of the relevant Federation legislation. All schools presently on the territory of Zepce municipality will continue to be financed by the cantonal authorities. Any changes to this would have to be agreed by the cantonal administration and by the Mayor and Deputy Mayor of Zepce municipality following the next municipal elections.
7. The following inhabited settlements (naseljeno mjesto) presently part of the municipalities of Maglaj and Zavidovici will be included in Zepce municipality, on an interim basis, from the date of this Decision: Adze, Pire, Ponijevo, Matina, Ljubatovici, Grabovica, Custo Brdo, Komsici, Radunice, Globalica (presently in Maglaj); Brankovici, Donji Lug, Gornji Lug, Vrbica, Debelo Brdo, Osova, Viniste and Gornja Lovnica (presently in Zavidovici). All other parts of Maglaj and Zavidovici municipalities will remain fully integrated within their new boundaries.
8. Police and Judiciary. While the new Zepce Municipal boundary, as specified in this Decision, will be declared only when the International Review Panel has provided its assessment to the High Representative as per paragraph 11, the Zepce police and Minor Offence and Municipal Courts will exert jurisdiction within the new area as per paragraph 7, as of the date of this Decision. Cases that are currently being prosecuted and

those that are pending at the Minor Offence and Municipal Courts will be completed by those authorities. Should the necessary conditions of this Decision not be fulfilled within the required time-frame, the Zepce police and the jurisdiction of the respective Courts will, by a further Decree of the High Representative, revert to the current boundaries of Zepce Municipality. The Minister of Interior and Minister of Justice of the Zenica-Doboj Canton are to work with UNMIBH to achieve, within two weeks of the date of this Decision, the following, as well as any other needs identified by UNMIBH, all without prejudice to the final decision of the Review Board:

(1.) The Police Administration (PA) in Zepce will, as stated above, exercise immediate jurisdiction in all aspects of policing over the area specified in this Decision and is to complete all necessary administrative re-dispositions within two weeks. Zavidovici and Maglaj PAs are to make appropriate territorial and administrative adjustments within the same timeframe

(2.) The Novi Seher Police Department (PD) is to cease immediately issuing official documents to citizens, close the issuing office, and transfer this function, in accordance with the boundary re-alignments, to Maglaj and Zepce PAs respectively within two weeks of the date of this Decision. Novi Seher PD is also to be reintegrated within Maglaj PA within two weeks of the date of this Decision.

(3.) The Maglaj PA, Zavidovici PA, and Novi Seher PD, are to transfer immediately all necessary documentation to Zepce PA to enable its police and document issuing office to service all citizens within the area specified in this Decision

(4.) The Zepce PA will continue to use the stamp authorised by UNMIBH and issued by the Ministry of

Interior of the Zenica-Doboj Canton

(5.) The Minor Offense Courts, Municipal Courts, and Prosecutors in Zepce, Zavidovici, and Maglaj Municipalities are to assume immediately respective