

Declaration by the PIC Steering Board

The Steering Board of the Peace Implementation Council (PIC) met at the level of political directors in Sarajevo on 11th and 12th of June 2003 in Sarajevo. Representatives of Bosnia and Herzegovina's State and Entity governments also attended.

The Steering Board will be issuing a separate statement following their meeting on Friday 13 June to discuss the BiH economy.

Europe

Following a presentation by Prime Minister Terzic, the Steering Board discussed BiH's progress with the European Union's Stabilisation and Association process. They reaffirmed that the road to EU membership offered the best prospects for long-term prosperity and stability for BiH, but whether and when BiH joined the EU depended on BiH and the pace of its reforms. It is up to BiH, as for all potential candidates for EU membership, to meet the standards required and to show that it shares the values upon which the Union is founded. The faster it does so, the more rapidly it can make progress on the road to Europe, as several of its neighbours have demonstrated already. The Thessaloniki summit later in June will be an important opportunity for BiH to demonstrate to the EU that it was determined to undertake the necessary reforms.

Education

Ministers Safet Halilovic, Gojko Savanovic and Zija Pasic updated the Steering Board on their progress in implementing the Education targets agreed by the BiH authorities and endorsed by the Steering Board in November. They reported that significant progress had been made in several areas. They

cited the following developments in particular:

- The adoption of the draft state-level framework law on primary and secondary education by the State House of Representatives last week.
- Steps towards harmonising the three “ethnic” curricula into one BiH-wide common core curriculum, for all subjects taught in primary and general secondary schools.

The Steering Board congratulated the ministers, and SDHR Schrömbgens, on the progress so far and urged the BiH authorities to implement these reforms in time for the beginning of the new school year. Despite some progress in the education of returnee children, the Steering Board were deeply concerned that ethnic segregation still existed between schools in Republika Srpska, and within 52 schools in the Federation. Stating that no modern European democracy should tolerate such ethnic segregation, and that the youth of this country are best placed to promote reconciliation, the Steering Board called on the Federation Minister of Education to ensure that these schools were unified before the next school year and to inform OHR and OSCE of the concrete steps to be taken to accomplish this goal by that date. The Steering Board recognised that the BiH authorities would need to focus on higher education reform over the next six months, and urged immediate action to recognize international higher education qualifications.

Refugee Return

Mirsad Kebo, the Minister for Human Rights and Refugees, updated the Steering Board on the implementation of the Annex VII (GFAP) Strategy agreed in January. The Steering Board stressed that refugee return was central to BiH’s European aspirations, acknowledged the progress made on many issues, including property issues and called upon the BiH authorities to address issues where there had been delays. The Steering

Board focussed on four issues in particular:

- They strongly recommend that state and entity refugee ministers be made ex-officio members of the State Commission for Refugees.
- They urged the BiH authorities to finalise the unified Return Fund, established to promote returns through additional donor contributions and subsidised loans.
- They hoped that BiH's membership in the Council of Europe's Development Bank would also unlock new alternative financing.
- They underlined the importance of finalising agreements to transfer CRPC (Commission for Real Property Claims) property claims to local institutions and establish an appeals process, while at the same time focusing on the enforcement of CRPC decisions made as an integral part of the property law implementation plan.

The Steering Board urged the BiH authorities to make every possible effort to identify additional resources to bolster the Ministry's capacity to assume RRTF tasks, and to ensure that the returns that have already occurred are sustainable. They welcomed the OHR's and UNHCR's efforts, as co-chairs of the RRTF, as well as those of partner agencies, to support the Ministry for Human Rights and Refugees' initiatives facilitating the return process. The Steering Board stressed the importance of economic reform in securing additional resources for sustainable return.

Defence Reform

The Steering Board expressed its full support for the efforts of the Defense Reform Commission (DRC) and its Chairman, Hon. James Locher III. They called on the BiH authorities to support fully the Commission, and to adopt the reforms necessary to achieve BiH's stated goal of preparing the country for membership in NATO's Partnership for Peace by January of 2004. The Steering Board also noted the

responsibility of the BiH authorities to implement on-going reforms, including the adoption of the “Book of Rules of the SCMM Secretariat Staffing and Operations”. They called on all authorities in BiH to take the necessary steps to develop state level defense institutions, and noted the efforts of the State Parliament to form a permanent Committee on Security Policy for parliamentary oversight of defence and security issues, which is a fundamental element of a functioning modern democracy. The Steering Board stressed the importance of continuity in driving through defence reform. They strongly agreed with the OHR that the recent decision of the Presidency to rotate the position of the Secretary General of the SCMM is deeply regrettable, and would need to be considered by the DRC.

Future Handling of War Crimes Prosecution in BiH

Recalling that full cooperation with the ICTY remains an obligation for the BiH authorities, and that the arrest of indicted war criminals is a top priority, the Steering Board examined ways to improve the domestic capacity for war crimes prosecution in BiH. SDHR Bernard Fassier, supported by ICTY President Ted Meron, briefed the Steering Board on the joint OHR/ICTY project to establish a War Crimes Chamber within the Court of BiH, and a War Crimes Department within the State Prosecutor’s Office. The Steering Board endorsed the approach outlined, emphasized the importance of war crimes prosecution in BiH, and decided the following:

- To task the OHR to establish and co-chair with the relevant BiH authorities an Inter-Agency Implementation Task Force (ITF), involving other relevant international organizations, to coordinate the implementation of the project.
- To support the principle that the ITF should become a Monitoring Task Force at the end of the OHR’s mandate, chaired by the BiH Minister of Justice.
- To make realization of the project contingent upon the

availability of financial resources.

The Steering Board requested the OHR, at their next meeting in September, to brief them on the measures taken to create the ITF, on the outcome of the Donors' Conference planned for mid September in The Hague and the planned joint OHR/ICTY presentation to the UN Security Council, and on the implementation timelines for 2004.

Future of BiH Human Rights Chamber

The Steering Board, reaffirming the importance of effective protection of human rights in BiH according to European standards, considered the report presented by SDHR Bernard Fassier on the future of the Human Rights Chamber (HRC). They recalled that the HRC had been established under Annex VI of the Dayton Peace Agreement at a time when BiH was not a member of the Council of Europe and its judiciary was incapable of handling human rights cases. They agreed that the mandate of HRC should be transferred to the institutions of BiH as part of the process of strengthening and localizing human rights protection in BiH, and that the HRC should cease accepting new cases in the near future, with a target date of 31 July 2003.

While the modalities of the transfer require further discussion with relevant institutions, they urged the HRC to take all appropriate measures to deal with pending cases by 31 December 2003. The Steering Board stressed again that the transfer plan must provide effective protection of human rights in BiH in accordance with European standards.

Brcko

The Steering Board were briefed by Ambassador Clarke on the situation in Brcko. The Steering Board welcomed the progress achieved, congratulated Ambassador Clarke for his professional handling of Brcko's affairs, and thanked him for his dedication and commitment to his mandate and to the citizens of Brcko. The Steering Board expressed their full support

for the vigorous implementation of the final award of the international arbitration tribunal for Brcko. The Steering Board called upon the Entities to respect the self-governing status of the District within the institutions of BiH, and their obligations to it.

The Steering Board commended the government of BiH, Croatia, Serbia and Montenegro, and Slovenia, for their signature of the framework treaty on the Sava river basin, and the Protocol on navigation, urging them to ratify these documents and resolve the location of the seat of the Sava River Commission expeditiously. The Steering Board welcomed the High Representative's report that he expected the Brcko-Gunja border crossing point to be opened shortly.

Canton 7

The Steering Board were deeply concerned that a government had still not been formed in Canton 7, a full eight months after the elections. The absence of a functioning government was affecting basic public services in the Canton. This situation undermined BiH's ability to deliver effective, functional and responsible government including at the local level, an essential requirement for integration with the European Union. The Steering Board strongly endorsed the OHR's decision to impose progressive sanctions on the parties concerned until they took their responsibilities to the citizens seriously and formed a government.