OHR Bulletin 13 – August 6, 1996

No. 13, issued August 6, 1996

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Mostar

On 6 August, after four days of intense negotiation following the refusal of the Croatian Democratic Union (HDZ) to accept the results of the 30 June municipal elections in Mostar, an agreement was reached on forming a joint town administration for the city.

The Agreement, signed by the Mayors of E. Mostar, Orucevic, and W. Mostar, Brajkovic, reads as follows:

1. We, the undersigned accept the Joint Action No 96/442/PESC of 15 July of the Council of the European Union (EU) for Mostar which requires the establishment of a functioning city administration.
2. We undertake to co-operate fully with the Special Envoy of the European Union for the City of Mostar.
3. We take note of the objections of the HDZ against the decision of the EU Ombudsman and its complaint to the appropriate court of the Federation. We expect the Court to take an urgent decision on this matter within the time frame set by Article 24 of the Interim Statute of the City of Mostar.
4. Both sides call on their leaders to expedite the establishment, i.e. the work of the appropriate Court regarding the case referred to in paragraph 3.
5. The City Council shall convene in August and elect the Mayor and the Deputy Mayor. This will enable essential executive functions of the City to be carried out. The Council shall meet again after the Court has handed down its decision in accordance with paragraph 3 above.
6. The Mayor and Deputy Mayor shall co-operate closely with the Special Envoy of the European Union in fulfilling his mandate. The Mayor in particular shall, as soon as possible, carry out the tasks in Article 39 of the Interim Statue of the city of Mostar on the basis of consensus with the Deputy Mayor, during the life of this Agreement.
7. The Mayor will be a Croat, taking into account that the Governor of the Neretva Canton and the Mayor of Mostar must be of different peoples.
8. This Agreement is without prejudice to the legal standpoint of any party. This Agreement is also without prejudice to the Interim Statute of Mostar.
9. On the basis of this Agreement, we request the European Union to put into effect the Joint Action, No 96/442/PESC for Mostar.
10. This Agreement will be presented to the Presidency of

the European Union and its designated Special Envoy.

Federation

The fourth plenary session of the Federation Forum met in Sarajevo on 31 July and was chaired by US Assistant Secretary of State, John Kornblum. Participants included the President and Vice President of the Federation, the President of Bosnia Herzegovina, Principal Deputy High Representative, Michael Steiner, OSCE Chief of Mission, Ambassador Frowick, and other senior officials.

It was agreed that, in view of the pending elections, urgent action is needed to complete the establishment of Federation institutions and structures. Mr. Kornblum expressed strong concern over the state of co-operation in the Federation. Deficiencies were identified with the implementation of prior agreements and the transfer of powers to the Federation by both partners. Special concerns were also raised regarding the situation in Mostar, recent instances of ethnically based violence on Federation territory and continued obstruction of the establishment and strengthening of the Federation.

It was agreed that work would begin on 1 August to produce a document specifying a practical and feasible plan to be put into force no later than 8 August. Participants agreed to devise this plan on the following consensus principles:

1. formation of Federation structures needs to be completed;
2. the Federation will function on the basis of unified structures; and
3. to achieve this, a concrete timetable will be established.

Elections

The Election Appeals Sub-Commission (EASC) ruled on 26 July on

two major cases:

1. The dismissal of the complaint by Republika Srpska (RS) that the Provisional Election Committee (PEC) Rules and Regulations wrongfully permit parties from the Federation of BH to present candidates and lists of deputies for election to political office in the RS.
2. The dismissal of the complaint by independent candidate Vladimir Srebrov in which he argued that two political parties should be prevented from running in the elections because the individuals who head them are ineligible.

Stressing that further postponements were not possible, the OSCE called upon all refugees wishing to vote to complete steps for registration without delay. The deadline for registration is 8 August. OSCE emphasised that administrative preparations could not be further adjusted and still permit elections to take place within the agreed time frame in the General Framework Agreement. As of I August 130,305 refugees in 42 host countries have registered to vote.

Human Rights

The Detention Issues Subcommittee of the Human Rights Task Force met on 31 July to discuss approaches to addressing allegations of hidden detention. IPTF, OSCE, ICRC, IFOR, the International Crisis Group and Human Rights Watch attended the meeting. The focus of the meeting was to support IPTF efforts to establish a credible, transparent mechanism for responding to allegations of hidden detention. An effective mechanism to address substantiated claims of hidden detainees was deemed necessary both to counter unfounded claims of detention and to support existing efforts to locate unregistered detainees.

On 2 August, following three hours of negotiation with the Military Housing Affairs authorities, the OHR, IPTF, IFOR and the Federation police managed to postpone the eviction of an

elderly Serb man from his previously Yugoslav National Army (JNA)-owned apartment in Sarajevo. Subsequent conversations with the Chief of Cabinet of General Delic's office, resulted in assurances to suspend the eviction order pending an Ombudperson's review of the case.

The Federation Ombudsmen issued an English translation of their human rights report released in July. The report criticises the lack of co-operation by local officials with the Ombudsmen and notes continuing property rights violations, obstacles to freedom of movement, inappropriate handling of "war crimes" cases, and the lack of political will to improve the human rights situation.

The report concludes that the overall human rights situation has worsened in the past six months.

Refugee & Humanitarian Affairs

Representatives from OHR and IFOR met with RS Vice Prime Minister Ostojic, Health Minister Kalinic, and Exchange Commissioner Bulajic in Pale, on 2 August, at the invitation of the Serb side to discuss the exhumation process. No conclusions were reached on the question of hidden detentions.

In a press conference following the meeting, Ambassador Michael Steiner said that he hoped work on all of the priority sites would be finished expediently, and that, although the goal of these exhumations was to inform the families of the fate of their missing relatives, this did not exclude the gathering of evidence from the grave sites.

Economic Reconstruction

Executive Directors of the International Development Association (IDA) approved credits on 30 July for reconstruction projects in BH as follows:

1. US$ 15 million – Emergency Housing Repair Project
2. US$ 35 million – Emergency Electric Power Reconstruction Project
3. US$ 10 million – Emergency Public Works and Employment Project
4. US$ 7.5 million – Emergency Land mines Clearance Project
5. US$ 7.5 million – Emergency Demobilisation and reintegration Project

USAID and the Disaster Assistance Relief team (DART) completed repairs of 10 houses, and have started the repairs of 1.073 out of 2,500 homes selected for repair in the shelter programme.

On 5 August, the European Commission delivered 6 out of a total of 26 ambulances to the Federation Ministry of Health in Sarajevo. The rest of the delivery will be made by September. The ambulances form a part of the Commission's ECU 10 million reconstruction programme in the health sector and are valued at ECU 1,167,032.

The EU Commission's Essential Aid programme (EAP) for BH is purchasing materials worth ECU 120 million, of which half have either been ordered or are being delivered. Where possible, EAP materials are made in BH, helping to kick-start the economy and providing local jobs.

Freedom of Movement

An increase in crossings of the inter-entity boundary line (IEBL) was noted at the Joint Civilian Commission North East meeting in Tuzla last week. These crossings are facilitated in part by successful UNHCR initiatives such as the Tuzla-Bjeljina bus line.

IPTF Deputy Commander in Tuzla, Abdul Waris, speaking at the JCC/NE meeting warned of deteriorating conditions on the Arizona route in the Posavina corridor, where attempts to

impose illegal checkpoints and general harassment of people of different ethnic backgrounds was noted. He cited four recent incidents from the previous week, adding that the local police had been uncooperative in dealing with these incidents, saying they either knew nothing or were acting on orders from their superiors.

OHR discussions with the highest legal authorities of the RS has resulted in RS agreement to rebuild the railroad bridge over the Sava in Brcko. This move will bring significant economic benefits to both entities through links with Croatia and the rest of Europe.

See our Calendar 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. Suggestions and contributions are welcome and should be addressed to the Public Affairs Department of the Office of the High Representative in Sarajevo (387-71) 447 275 ext. 562, Fax (387-71) 447 420. Callers from outside BH dial via Brussels switchboard: Tel. (32-2) 737 7500 & Fax (32-2) 737 7501