# OHR Bulletin 19 – September 29, 1996

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### Elections

On 29 September, the Provisional Election Commission (PEC) of the OSCE agreed to certify the results of the 14 September multi-party elections in Bosnia and Herzegovina. In his statement announcing the decision, the Head of the OSCE Mission, Ambassador Robert Frowick, described the elections as being regarded by the international monitors and the PEC as a

*"reasonably democratic electoral process, one in keeping with internationally accepted practices of eligibility, access, participation and transparency – elections which have reflected the will of the people."*

The official results announced by the OSCE revealed that Alija Izetbegovic, Momcilo Krajsnik and Kresimir Zubak would form the three member BH Presidency. Izetbegovic, who won most votes, will serve as Chairman of the Presidency for the first 2 years.

In the 42-member House of Representatives, the SDA won a total of 19 seats, while the SDS took nine seats and the HDZ eight. Opposition parties with representatives in the House are the Party for BH, the Joint List and the Union for Peace and Progress, with 2 seats each. In the Federation House of Representatives, the SDA claimed 78 seats, while the SDS captured 45 seats in the RS National Assembly.

At a press conference held in Sarajevo on 19 September, the High Representative, Carl Bildt, said that following meetings with Izetbegovic, Kraijsnik and Zubak he had received pledges regarding their willingness to work together. Emphasising that civilian structures would need to be strengthened in order to solidify commitment to collective rule, Mr. Bildt outlined the steps required to smooth the transition to joint institutions and joint government. Mr. Bildt called on the three members of the Joint Presidency to show statesmanship in the period ahead. *"The Mandelas should not only come from South Africa"*, he said.

In his statement of 16 September, the Coordinator for International Monitoring (CIM), Eduard van Thijn, expressed satisfaction with the technical aspects of the elections but noted that the *"general climate in which the elections took place was in some cases below the minimum standards of the OSCE Copenhagen Commitments"*. Of notable concern were discrepancies in voter registration and absentee polling

issues, as well as the lack of movement across the IEBL on polling day. However, despite numerous shortcomings, Van Thijn assessed that there was *"no pattern of recurring infractions or organisational incompetence that seriously compromised election day"* and emphasised that *"these elections, although characterised by imperfections, took place in such a way that they provide a first cautious step for the democratic functioning of the governing structures of BH."*

These conclusions were confirmed and substantiated in a second statement of the CIM which followed the analysis of more than 4000 forms and reports on election day, handed in by observers, and the preliminary observations of more than 60 observers covering the counting and appeals process, both of which are essential and integral parts of the complete election cycle.

## Legal Issues

Pursuant to the opinion of the Venice Commission of the Council of Europe on the compliance of the RS Constitution with the Constitution of BH, the RS National Assembly adopted amendments to the Constitution at its session on 12 September. Most of the Commission's suggestions were taken into account. The Federation Constituent Assembly adopted in June this year amendments which brought, in most areas, the Federation Constitution into compliance with the BH Constitution. A new set of amendments was not adopted at the last session of the Assembly due to the lack of agreement on the future organisation of Sarajevo and customs matters. It will now be up to the BH Constitutional Court to decide to what extent the Entities Constitutions are in violation of the BH Constitution.

Upon certification of the election results, the Constituent Assembly of BH will cease to exist and there will be an immediate transition from the existing to the newly elected

Presidency. This will ensure the uninterrupted state continuity of BH. The new Presidency will convene without delay and urgently proceed with the establishment of the new Council of Ministers so ensuring the shortest possible transition period. The existing Presidency and Ministers perform only caretaker functions (i.e. engage only in routine tasks necessary to fulfill existing obligations) until the first meeting of the newly elected Presidency and Council of Ministers assume office.

A "Quick Start" package of proposals for the minimum legislation necessary to establish a functioning state is being drafted by the OHR in consultation with specialists from international organisations including the International Monetary Fund and the European Commission. These proposals will be purely advisory, but are intended to help the new authorities to adopt the necessary laws on questions like citizenship, parliamentary immunity, Central Bank legislation, and air traffic regulations.

## United Nations

Mr. Carl Bildt, High Representative, briefed the UN Security Council in New York on 26 September. He explained the challenges of building the joint institutions in BH in advance of his regular report to the UN which would be sent following certification of the elections.

The Contact Group (CG) also met, at Ministerial level, in New York on 25 September. Regular meetings of CG representatives are now being held in Sarajevo in the OHR, chaired by Mr. Bildt, to assist the process of institution building.

## Human Rights

In a statement released on 17 September UN Special Rapporteur for Human Rights, Elisabeth Rehn, expressed satisfaction that voting had taken place in a "relatively peaceful atmosphere".

Though discouraged by the low level of voter movement across the IEBL, as well as pre-election incidents which she said had marred the campaign, she hoped that the newly elected leaders would not lose any time in building the institutions and structures of a democratic state.

In response to the 16 September incident in which the Prijedor Chief of Police, Simo Drljaca, and IFOR troops exchanged warning shots after Drljaca refused to hand over an automatic weapon in his possession, IFOR Commander, Admiral Lopez, wrote to RS Acting President, Biljana Plavsic, insisting that the Police Chief be replaced and the weapons used in the incident handed over to IFOR for destruction. On 20 September, RS Interior Minister Dragan Kijac informed General Michael Walker, Commander of NATO ground forces in BH, that Drljaca had been removed from his post.

## Freedom of Movement

Russian IFOR troops confiscated a number of weapons, including automatic rifles and hand grenades from a group of over 100 Moslem men who had entered the destroyed village of Jusici in eastern Bosnia over the weekend of 21-22 September in a reported attempt to repair their houses. The village, almost totally destroyed during the war, lies in the Zone of Separation near former front lines where weapons are banned under the terms of the Peace Agreement. The men, who claimed to be exercising their right to return to their homes as guaranteed under the Peace Agreement, refused to leave the village despite protests from RS authorities. A similar incident last month led to a violent confrontation at the nearby village of Mahala when RS police, armed with pistols and clubs, attacked a group of Moslem returnees.

The Jusici incident has derailed attempts by IFOR to have the Federation and RS interior ministers agree to a framework for displaced persons trying to visit their pre-war homes but

efforts continue to reach a peaceful settlement of the problem based on procedures agreed by the Parties with UNHCR, IFOR, IPTF and OHR.

## Humanitarian Affairs

The Commission for Real Property Claims of Displaced Persons and Refugees launched an appeal on 16 September for contributions to its operations for 1996-97. The Commission is an international and independent body of nine members (three members from Western Europe and six from BH) who meet regularly to analyse complex property laws and set principles for future decisions. Operationally, the work of the Commission will be to process the thousands of property claims soon to be received from people both in BH and abroad.

On 16 September the ICRC began distributing the second edition of a book containing the names of 13,961 people registered as missing and appealed to the population to contact them if they have information which might help them with their search. Only 458 cases have been closed so far – and most of these people are found to be no longer alive.

## Economic Assistance

A joint World Bank / European Commission statement released on 19 September outlined progress achieved to date on the implementation of the Priority Reconstruction Programme for BH. The statement noted that some US $ 880 million was under implementation (i.e. contracts tendered, signed or underway), of which US $ 558 million had been disbursed for critical reconstruction and related activities. A further US $ 500 million is expected to be tendered or contracted by the end of the year. This brings the total under implementation to US $ 1.4 billion, or around 75% of 1996 pledges. Of concern was that donor activity in the RS had reached only a fraction of that in the Federation. It was noted that a major donor effort

would be required to enable the RS to catch up with the reconstruction progress made in the rest of the country.

The statement also provided a brief outline of efforts needed to maintain the accelerated pace of reconstruction efforts:

1. US $ 473 million pledges need approval to convert them to firm commitments.
2. Next year's needs must be budgeted to prevent implementation delays.
3. Increased sectoral task force empowerment for resource coordination and mobilisation.
4. Sustainability of investments to enable the continuation of work already started.

A US $ 1 million grant provided by Portugal in the form of a "Quick Impact Regional Fund" will benefit Working Groups (WG) on Economic Reconstruction established under the regional Joint Civilian Commissions (JCCs). This Fund will be available as a flexible financing instrument for project proposals arranged under the regional WGs and will cover a large variety of sectors. Project proposals must fulfill certain criteria with the final decision coming jointly from the OHR and the Portuguese Mission in Sarajevo. The priority is projects which have a cross-entity impact and promote implementation of the Peace Agreement.

As one of the foremost providers of assistance during the war, the European Commission (EC) will now focus its efforts on assisting BH with its development into a market-based economy and stable political society, anchored into the future of Europe.

EC funding for BH in 1996 for four different categories is as follows:

- **Humanitarian Aid: ECU 230 million**
  The EC Humanitarian Office (ECHO) continues to provide assistance though this will decline as funding for

reconstruction efforts gather pace.

- **Civilian Support: ECU 40.7 million**
  Support for civilian process of the Peace Agreement include resettling refugees, reinforcing media independence, guaranteeing human rights and laying the basis for free and fair elections. The Commission is also a major contributor to the OHR as well as funding the Office of the Special Envoy in Mostar.
- **Reconstruction: ECU 162.3 million**
  The Essential Aid Programme (EAP) targets all the major infrastructure areas.
- **Economy Transition: ECU 7 million**
  The EC PHARE unit (est. 1990) aims to assist countries of central and eastern Europe evolve from command economies into market democracies. As civilian society stabilises in BH this form of assistance will gradually take precedence over EAP-type programmes.

On 17 September Lieutenant-General Sir Michael Walker officially opened the 200th completed joint ODA/IFOR project. The opening of the primary school and ambulanta in Ostra Luka was undertaken entirely by a workforce made up of DPs from Sanski Most, Bihac and Prijedor.

## Looking Ahead

- **2 October:** PIC Steering Board, Sarajevo
- **3 October:** Meeting between Presidents Izetbegovic and Milosevic, Paris
- **4 October:** Open Broadcast Network Governing Council, Brussels

*See our Chronology 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*

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