

OHR Bulletin 21 - October 17, 1996

No. 21, issued October 17, 1996

Table of Contents

1. **Bildt Interview**
RS TV Live interview given on 15 October.
2. **Mostar**
Police monitoring responsibilities re-assigned.
3. **Right to Return**
New procedures and principles for refugees and DPs wishing to return to their homes in the ZOS.
4. **Contact Group**
Contact Group condemns obstructionism.
5. **Elections**
Ambassador Frowick visit to Prijedor
6. **Human Rights**
The UN Special Rapporteur for Human Rights, Elizabeth Rehn, concludes visit to Bosnia and Herzegovina.
7. **Freedom of Movement**
First postwar coach line from Belgrade to Sarajevo operational. Lendruma and Durrant bridges opened
8. **Economic Reconstruction**
Emergency Education Reconstruction funds allocated.
9. **Legal Issues**
OHR Legal Department concludes RS Law on Use of Abandoned Property and BH Law on Abandoned Apartments violate Peace Agreement.
10. **Succession Issues**
Further Succession Issues discussions.

Please consult our [Bulletin Category List](#) for related information

Bildt Interview

In a two hour live interview on RS TV (Pale) on the evening of the 15 October, the High Representative, Carl Bildt, addressed some pressing concerns of the general population in Republika Srpska (RS). Responding also to phone-in questions, Mr. Bildt explained why the RS had received only 1.5 % of the economic reconstruction funds distributed so far by the international community. *"They were invited to come to the Donors' Conference in Brussels in April and answered us with nationalist rhetoric. They were invited again to Florence in July, but they had already missed a great opportunity. If their representatives don't attend these meetings, they cannot then ask why they don't receive the money",* he said.

On the issue of Brcko, Bildt pointed out the need for the RS representative for arbitration, Mr. Popovic, to take a vigorous role in the arbitration procedures, in the same way that the Federation member was doing. Only in this way could the RS voice be properly heard, and RS interests properly represented.

Refusing to be drawn into the history of the war and who was to blame for its onset, Mr. Bildt emphasized that the causes of the war were one thing, and that was a political issue, but what actually happened during the war was clearly subject to internationally endorsed conventions on warfare conduct, such as the Geneva Convention, and

these had to be respected by all warring parties. The Hague Tribunal was established specifically to deal with violations of this nature.

In answer to a question on whether or not Mr. Bildt intended to write a book about his experiences in BH, as so many prominent figures had done before him, Mr. Bildt replied that he would like to write a book – about the truth of what happened in Srebrenica. But he hoped that someone from the RS would write the truth about this before him. Only when people on all sides stopped defending the horrors that had been perpetrated and examined the real causes and circumstances would the real reconciliation be able to begin, said Mr. Bildt.

Mostar

At a hand-over ceremony on 15 October, the United Nations International Police Task Force (UN IPTF) formally assumed the role of monitoring police activity in the former Blue Zone in Mostar, as well as the security situation in the city, from the Western European Union (WEU) police. Simultaneously, the overall responsibility for the policing of Mostar was transferred to the cantonal authorities. The UN IPTF will help coordinate the work of the Unified Police Force of Mostar (UPFM) and monitor its progress. To oversee this, the UN IPTF Commissioner, Peter Fitzgerald, has appointed Lieutenant-Colonel Jorge Barreira as UN IPTF Coordinator for monitoring the UPFM. UN IPTF will perform joint patrols with UPFM, as well as monitor investigations and assist with the management of police shifts. UPFM will continue its work until the Federation Police Force is fully established.

Right to Return

The Principle Deputy High Representative, Ambassador Michael Steiner, chaired a meeting at the OHR on 15 October which addressed the issue of the right of refugees to return to their homes in the Zone of Separation (ZOS). UNHCR, IPTF, IFOR, the European Union Commission and other international organisations attended the meeting, as well as representatives from the BH state, the Federation and the RS.

In a press conference following the meeting, Steiner outlined the main points of the newly established procedures and principles which would be implemented with immediate effect and which would be followed by all refugees and DPs wishing to return to their homes in the ZOS on the territory of an entity in which they do not presently reside.

Completed application forms are to be submitted to the regional UNHCR office for immediate delivery to the International Commission. This Commission, composed of UNHCR (chair), OHR, IPTF and IFOR, will then decide promptly on applications. Relevant authorities of both Entities of approved applications will be informed. Entity representatives will also be invited to attend the Commission's sessions and to assist in an advisory capacity. Ownership documents must be presented along with the application form, as well as a signed statement acknowledging the applicant's intention to live in the territory of the respective entity and to abide by its rules, provided those rules are in accordance with the Peace Agreement. It is the responsibility of the Entities to promote a process of confidence building.

Steiner stressed that the international members had exercised their authority to devise these procedures for the ZOS. Their decisions had been presented to the Parties for comments, but not for consent. He added that these new Procedures which were "*aimed at transforming the Zone of Separation into a Zone of Cooperation*" were a comprehensive but flexible mechanism which should create a stabilizing effect to help avoid future incidents such as Jusici and Mahala.

Contact Group

At their meeting in London on 10 October, the Contact Group reaffirmed its commitment to a unified democratic BH and its strong expectation that the Parties would fulfill the constitutional obligations under the Peace Agreement. These obligations include, as well as the Joint Presidency, the establishment of the Council of Ministers, the two Chambers of the Parliamentary assembly, the Constitutional Court and the Central Bank. Although work is

proceeding in these institutions, the Contact Group believes that further rapid progress in all areas is essential to enable the new institutions to conduct the business of government. Lending its support to the OHR and other relevant international organisations, the Contact Group nevertheless believed that primary responsibility for action rests with the Parties themselves.

The Contact Group condemned the failure of the Serbian member of the Presidency and the majority of RS members of the House of Representatives to attend the inauguration ceremony on 5 October and urged Mr. Krajisnik to sign the Solemn Declaration and to attend the next meeting of the Joint Presidency, which, they said, should be arranged urgently in Sarajevo. Stressing that further obstructionism from any party over issues such as the venue for meetings would be unacceptable, the Contact Group referred to the UN Security Council [resolution 1074](#) and urged consideration of the imposition of measures should any party fail significantly to meet its obligations under the [Peace Agreement](#).

Noting that the reconstruction of BH remained a key priority, the Contact Group warned that the international community's willingness and ability to distribute the considerable resources available depended on the attitude and support of those communities to the new central institutions.

On 12 October Momcilo Krajisnik, the Serb member of the Joint Presidency met with German Foreign Minister, Klaus Kinkel. Mr. Kinkel described the talks as a step forward but expressed disappointment that Mr. Krajisnik had still refused to sign the Solemn Declaration.

Regular meetings continue to be held at OHR in Sarajevo, enabling the High Representative to concert policy with representatives of the Contact Group countries.

Elections

In the first of a series of visits to be carried out before the elections on 23-24 November, Chief of OSCE Mission in BH, Ambassador Frowick, travelled to Prijedor on 16 October. These visits are intended to form an essential part of [OSCE](#) efforts to assist the Parties in creating appropriate conditions for the municipal elections.

Human Rights

The UN Special Rapporteur for Human Rights, Elizabeth Rehn, concluded a three-day visit to Bosnia and Herzegovina on 11 October. During her visit she met members of the Presidency Krajisnik and Zubak, Federation Vice-President Ganic, the heads of international organisations, and the Federation Ombudspersons. She also visited the local organisation "Medica" in Zenica which is working with victims of war-trauma and human rights abuses, and the "Zovic" Mental Retardation Institute in Pazaric. Rehn also examined conditions in Jusici first-hand and offered her support as a mediator to calm the situation. During her meetings with local residents, Rehn stressed the right to voluntary return, but also demanded that returnees not bring weapons into the area. The Special Rapporteur said that she would continue to closely monitor the situation.

International organisations in the Banja Luka area are following up on complaints from opposition parties that a number of hospital workers have recently lost their jobs because of their political affiliation and are looking into a report that an official of the Socialist Party RS (SPRS) in Banja Luka was detained for questioning by Ministry of Interior police on 9 October. OSCE has recently received complaints from SPRS members in Zvornik that they have become the targets of evictions and arbitrary firings based on their political affiliation.

International organisations report that 12 of the 17 Fikret Abdic (President of the Democratic National Community - DNZ) supporters that had been arrested during 9 - 11 October in the Velika Kladusa - Cazin area have been released, and five remain in detention in Bihac on charges of war crimes, along with seven other recent returnees from Kuplensko who were arrested in August and charged with war crimes. International organisations have protested against the arbitrary arrests of these individuals and the authorities' insufficient cooperation with ICTY.

Freedom of Movement

The first postwar coach line from Belgrade to Sarajevo began operating on 14 October. The contract between the Belgrade company "Lasta" and Sarajevo's "Centrotrans" enables the coaches to shuttle between the two cities on a daily basis for the first time since 1992. This cooperation represents a preliminary indication of success with regard to the implementation of recently agreed measures signed in Paris by the Chairman of the BH Presidency, Alija Izetbegovic and FRY's President Slobodan Milosevic. The success of this project is seen by some as an indicative sign that bilateral normalisation of relations is flourishing, and a clear message to those opposed to this process that it actually can and will occur.

UNHCR reports that the Prijedor-Sanski Most bus lines have been running regularly and without incident. In what is described as an encouraging trend, UNHCR believes the bus will contribute significantly to confidence-building between the residents of these two politically sensitive and complex municipalities.

On 11 October, Sir Nicholas Bonsor, Minister of State at the British Foreign and Commonwealth Office, officially opened Lendruma and Durrant bridges. The bridges, which reinstate the main prewar route from Banja Luka to Donji Vakuf, were designed and constructed by British Royal Engineers from 22 and 36 Engineer Regiment with funding from the British Overseas Development Administration.

Economic Reconstruction

Under current 1996 World Bank financing, as of this week, all funds have been committed in the Federation for the Emergency Education Reconstruction Project. This project has the primary objective of restoring classroom conditions to permit effective teaching and learning – particularly in primary schooling. Twenty eight schools have been contracted and are currently under reconstruction. A secondary objective is to help build government implementation capacity to plan and deliver education programmes at the entity, cantonal and municipality levels. New school textbooks have been printed, and are now ready for distribution. On the RS side, World Bank staff are currently working hard with the authorities in order to select eligible schools for repairs under the current 1996 financing for education in the RS.

Legal Issues

The OHR Legal Department recently concluded that both the RS Law on the Use of Abandoned Property and the BH Law on Abandoned Apartments are in violation of several Peace Agreement provisions, as well as of the provisions of the European Convention of Human Rights. In particular, the right to return, the right to property and the right to a fair and public hearing are infringed by the legislation. These rights are similarly affected by the BH Law which annuls purchase contracts regarding former-JNA (Yugoslav National Army) apartments, as well as by the BH Law on Temporary Abandoned Property. Following a meeting chaired by the OHR, and with participation of Representatives of BH the RS, the Federation, OSCE, IFOR, UNMIBH and UNHCR, the Parties recognised the need to conform with these instruments and for harmonisation in both Entities. It was agreed that existing laws would be suspended and repealed and that new legislation would be adopted at one of the first sessions of the newly elected Assemblies.

New legislation is currently being drafted by both the Federation and the RS and will be discussed with the OHR and other interested organisations. The OHR is offering all necessary assistance so as to ensure that the new legislation restores the rights of owners of occupancy rights, taking into account, at the same time, the needs of those who currently occupy the property and have no other shelter at present.

The OSCE in Banja Luka has played a key role in obtaining technical support for a Legal Aid Lawyers Group for eviction and property cases. The privately-funded pilot project, launched last month, is designed to alleviate the frustration in communities in which few concrete measures can be taken to resolve property problems. The project is intended to bolster the reconciliation process by encouraging professionals of different ethnicities to work together.

Succession Issues

Further exploratory discussions on Succession Issues took place at the Office of the High Representative in Brussels on October 14 and 15. Delegations from all five states participated. The discussions were constructive and will be resumed in three or four weeks time.

Looking Ahead

- **14 November:** Steering Board Meeting in Paris, Ministerial level.
- **23-24 November:** Municipal elections
- **4-5 December:** Meeting of the Peace Implementation Council, London

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 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