

# OHR Bulletin 53 – July 05, 1997

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## Table of Contents

[Constitutional Crisis in RS](#)

[Appointment of new Principal Deputy HR](#)

[Contact Group](#)

[Presidency](#)

[Council of Ministers](#)

[OSCE](#)

[BiH Federation](#)

[Economic Issues](#)

[Council of Europe](#)

[Legal Issues](#)

[European Commission](#)

[Notice to Humanitarian Organisations on behalf of ICVA](#)

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

## Constitutional Crisis in RS

Political divisions in the Republika Srpska reached crisis point on 4 July when the RS National Assembly, in defiance of an order issued by RS President Biljana Plavsic to dissolve it, began a session challenging her authority and constitutional position. As well as her instruction for the dissolution of Parliament, Mrs. Plavsic also called for new elections to be held on 1 September

The political cross-fire between President Plavsic and some of the most senior RS Government officials, including RS Member of the Presidency of BiH, Momcilo Krajisnik and Speaker of the RS National Assembly, Dragan Kalanic, erupted after President

Plavsic indicated that certain reports from a special police investigation into the financial operations of the companies "Selekt-impeks" and "Centreks" contained sufficient information on irregularities for prosecution. Following the attempt by Minister of the Interior, Dragan Kijac, to remove certain officers and units from Banja Luka believed to have been involved in compiling the special report, President Plavsic suspended Mr. Kijac and reinstated the officials. Her actions were condemned by the RS Government, supported by the SDS Main Board and senior officers of the Interior Ministry, as "illegal and unconstitutional".

After her irregular detention at Belgrade airport by FRY police, Mrs. Plavsic went to Banja Luka where she has since remained, refusing to yield to demands that she attend meetings in the RS hard-liner stronghold of Pale. In a statement aired on RS TV she defended her attempt to dismiss Mr. Kijac claiming that the Ministry of Interior had been *"either directly involved in illegal trade, or had allowed it to happen"*. Her 40 minute broadcast referred to other *"shady contracts"* and *"unconstitutional and illegal behaviour"* which she said was *"tarnishing the reputation of the State"*. Mrs. Plavsic warned that the international community would not wait much longer for the RS *"to establish a State of law, which is the only condition for survival"*. *"They are tired, but before they give up on us they will do what is simplest for them, but for us represents death, suicide: they will merge the RS into a unified BiH with the explanation that we are incapable of establishing order and constitutionality in our own State Š in order to avoid this lethal outcome for the Serb nation, I will use all the possibilities given to me by the constitution to avoid a catastrophe"*, she said. Referring to the power struggle between herself and those loyal to Karadzic, she said, *"there cannot be two people in charge of an ordinary household. A State is too great a thing and it is too dangerous to behave in this adventurist manner"*.

The Agenda of the extraordinary Assembly session, which is scheduled to continue until the present crisis has been resolved, includes:

1. Current political situation in RS following the decision by Mrs. Plavsic to dissolve the parliament;
2. Initiative to examine the constitutional position of the dissolution order by Mrs. Plavsic;
3. Defence law amendments – urgent procedure
4. Army law amendments – urgent procedure; and
5. Proposal for initiative for recall of RS President Plavsic.

The RS Constitutional Court has also been asked to provide a judgement on the constitutional position.

Following events in Jahorina on 5 July, the High Representative, Carlos Westendorp, said that as it had been dissolved, the National Assembly meeting was unconstitutional and therefore any decisions or amendments adopted by the Assembly had no validity.

At its 2 July meeting in the Hague, the Contact Group expressed its “sharp concern” over the current political situation in the RS. A statement released after their meeting said that recent developments had a direct bearing on the implementation of the Peace Agreement and on the prospects for the growth of democracy throughout BiH. *“The legitimate authorities and institutions of RS must be respected. Radovan Karadzic, for his part, has been indicted for war crimes and should be handed over by the RS authorities for trial in the Hague”*, the statement said. Any recourse to force or violence in the present circumstances would not be tolerated by the international community. It was the responsibility of those concerned to come to a peaceful resolution of their differences under the terms of the Constitution; and of the authorities in Belgrade, who were committed to implementing the Peace Agreement, to support this process. *“Republika*

*Srpska otherwise risks even greater isolation from international sympathy and assistance".*

## **Appointment of new Principal Deputy HR**

The High Representative, Carlos Westendorp, announced on 1 July in the Hague that Ambassador Jacques Paul Klein of the United States had been appointed as his new Principal Deputy High Representative. Mr. Westendorp had asked the US Government to nominate a candidate who had recent experience in the region and who had already been engaged with some of the key personalities. *"The US offered me just such a man in Jacques Klein and I warmly welcome him on to my staff",* said Mr. Westendorp. *"As I wanted, he will bring with him considerable knowledge of the politics of the area through his experience and outstanding work as head of the United National Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES). I look forward very much to working with him in the months ahead".*

In New York the United Nations Secretary-General, Mr. Kofi Annan, made a concurrent official announcement agreeing to curtail the assignment of Ambassador Klein as Administrator in the UNTAES mission. Mr. Annan said he regretted Mr. Klein's departure and, wishing him every success in his new role, expressed his deep appreciation for the outstanding work Mr. Klein had achieved in the Eastern Slavonia region.

## **Contact Group**

In addition to their statement on the political situation in the RS, the Contact Group at their meeting on 2 July welcomed Mr. Westendorp's appointment as High Representative promising him their full support.

The Contact Group recalled the provision in the Sintra Declaration that the holding of the Donors Conference depended on an agreement between BiH and the IMF, and reaffirmed its

support for this conditionality. It noted the importance of the Donors Conference going ahead soon to enable international assistance to make a rapid impact in BiH. It urged the BiH authorities to make additional efforts to secure agreement within the next seven days, without which the support of the Donor Community risked being forfeited.

The Contact Group reaffirmed its commitment to all other provisions of the Sintra Declaration and invited the High Representative to prepare proposals on concerted action in the event of non-compliance.

The Contact Group recalled the responsibilities of the Governments of Croatia and FRY to support the peace process in Bosnia, in particular in establishing functioning borders for Bosnia; to surrender to the tribunal any indictees on their territories; and to assist refugees from their territories to return to their homes.

## **Presidency**

The Presidency of BiH (Mr. Alija Izetbegovic, Mr. Kresimir Zubak and Mr. Momcilo Krajisnik) met at the National Museum with US Special Envoy, Mr. Robert Gelbard, on 1 July. Main topics of discussion were the International Monetary Fund ([IMF](#)) Agreement and the Donors Conference. Following their meeting with Mr. Gelbard, the Presidency had an informal meeting lasting one and a half hours. The division of Ambassadorial posts was said to be the main topic discussed.

## **Council of Ministers**

The BiH Council of Ministers convened on 3 July in Lukavica to discuss the finalisation of a memorandum with the International Monetary Fund ([IMF](#)). The session was attended by IMF Mission Chief for BiH, Mr. Scott Brown, and the U.S. Deputy Chief of Mission, Mr. Michael Parmley. The CoM adopted the Law on the Official Gazette of BH as a Draft Law and this

will now be submitted to the BiH Parliamentary Assembly. Minister/Deputy Ministers of Foreign Trade and Economic Relations were also tasked by the CoM with selecting three members each to a Commission on Customs Tariffs, as requested by the decision of the Parliamentary Assembly at its last session.

The Minister and Deputy Ministers of Foreign Trade and Economic Relations met with the Finance Ministers of the Entities on 4 July to try to finalise the memorandum with the IMF.

## OSCE

The [OSCE](#) Head of Mission in BiH, Ambassador Robert Frowick, issued a statement on 30 June after the discovery by OSCE officials that indicted war criminal Radovan Karadzic had registered to vote in the forthcoming municipal elections. "In my capacity as Chairman of the Provisional Election Commission, I hereby disallow the registration of Radovan Karadzic to vote in the 13-14 September 1997 municipal elections, since he signed a solemn pledge on 18 July 1996 not *"to participate in an way in the elections"* that were called for under the [General Framework Agreement](#) for Peace in BiH", said Ambassador Frowick in his statement.

Following this incident, Ambassador Frowick made a Chairman's decision at the PEC meeting on 1 July to an amendment to Article 15 of the PEC Rules and Regulations. This Article, which relates to persons under indictment by the [International Criminal Tribunal](#), disallows such persons from standing as a candidate or holding any appointive, elective or other public office in the territory of BiH. The new amendment further stipulates: *"nor shall any such person be eligible to vote in the 1997 municipal elections"*

## **BiH Federation**

The Herzegovina-Neretva Canton Assembly continued its 7th session on 3 July, failing to adopt the Constitutional Amendments and take up the Budget. Neither discussions during the session nor a closed meeting of Governor, Deputy Governor, PM, Speaker, Deputy Speaker, and Presidents of the Croat and Bosniac clubs succeeded to yield any agreement. The Bosniac side proposed to put the draft amendments agreed on 6 June to the vote whereas Croat side proposed some changes. The session was postponed until next week. The high level Cantonal officials will continue their consultations in the meantime.

Head of OHR South, Sir Martin Garrod expressed disappointment with the outcome of the session and, recalling that Bosniac and Croat high officials in the Federation had agreed on the amendments last month, said that Croat officials should say why they changed their position after giving their consent to the amendments on June 6 in Sarajevo. Croat representatives had claimed not to have agreed on 6 June Amendments and come up with new objections. Sir Martin denied the Croat official's claims, saying that all participants at the Sarajevo meeting had given their consent.

## **Economic Issues**

Speaking at a press conference on 4 July, IMF Mission Chief, Mr. Scott Brown, said he was *"frustrated, but happy"* with the current status of the IMF agreement with BiH. In the two weeks since the adoption of the Quick Start Package (on 20 June) there had been further positive discussions of policy matters under the responsibility of the two Entities, including their budgets and plans for key structural reforms. *"As a result, we can now state our understanding that agreement has been reached on almost all of the elements of a draft economic programme that could be supported by the IMF"*, said Mr. Brown.

Expressing confidence that the remaining points relating to

the Federation budget could be “*resolved within the next day or two*”, based on oral assurances from Prime Minister Bicakcic and Minister Bilandzija, Mr. Brown said that unfortunately the draft legislation and decrees that had been submitted by the responsible Ministries had not, so far, corresponded to the agreements with the Prime Minister. There was also one remaining issue which needed to be resolved before the programme could be submitted to the IMF management for review – an agreement on the specific designs to be used for the new currency of BiH. Mr. Brown added that since this was this was likely to be the last remaining obstacle to meet economic conditions of the Donors Conference for BiH, he was confident that it would be resolved by the beginning of next week, under the leadership of Governor Robert of the Central Bank.

## **Council of Europe**

A delegation from the Council of Europe ([CoE](#)), including two experts, visited Pale and Sokolac on 1-2 July in the first concrete cooperation between the CoE and RS in the field of local and regional authorities. The main purpose of the visit was to discuss the 1994 Law on Territorial Organisation and Local Self-Government and to provide expertise from the CoE in order to assist the announced change of this law. In the meeting it was agreed with the minister of Administration and Self-Government, Mr. Ostoja Kremenovic, that the new legislation, in preparation through the assistance of the CoE experts, should take into account the provisions of the European Charter of Local Self-Government. It was also agreed to extend the cooperation by organising study visits for officials from RS to member States of the Council of Europe in order to study legislation and practice regarding local self-government.

## **Legal Issues**

In a collaborative effort, Bosnian non-governmental



organizations, the Open Society Fund of BiH, the International Rescue Committee, the World Bank, and the International Council of Voluntary Agencies have launched an 18-month project to provide financial and technical support to Bosnian NGOs and lawyers in both entities and assist them in the creation of a healthy legal framework. It will also conduct a country-wide public information and education campaign on the nature and value of NGOs. The project, entitled "*Law, Education and Advocacy LEA/LINK*", aims to strengthen NGO collaboration and collective advocacy in view of the fact while the Bosnian NGO community continues to grow, the environment in which they must operate is far from ideal. The project hopes to address obstacles impeding the performance and development of NGOs, including restrictive and often times ambiguous legal requirements; lack of public knowledge as to the workings of the non-governmental, non-profit sector; inconsistent or non-existent mechanisms for joint consultation and collective action; and, the inability to effectively articulate the value of NGO assistance efforts to both governmental and public audiences.

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The International Human Rights Law Group, a non-governmental, non-profit organisation of legal professionals and human rights activists, in cooperation with OSCE, recently held their first training workshops in the RS. The Law Group travelled to Sokolac on 24 June, Foca on 27 June and Banja Luka on 2 July to conduct training for lawyers and judges about the use of non-discrimination provisions contained in the European Convention for Human Rights and Fundamental Freedoms and the Constitutions of BiH and the RS. The Law

Group's training is designed to advance the efforts of local attorneys to litigate human rights cases and formulate strategies for pursuing such claims before the local courts and human rights institutions created under the [Dayton Peace Agreement](#). Further training sessions are planned for Tuzla (8 July) and Mostar (10 July).

For further information contact:

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## **European Commission**

The [European Commission](#) and the BiH Federation on 3 July signed a memorandum of understanding (MoU) worth 7.8 million ECU (US\$9.8 million) for the improvement of Sarajevo's water supply system. The MoU was signed by the chief of the European Commission office in Sarajevo, Donato Chiarini, and Minister of Agriculture, Water and Forestry Ahmed Smajic. The funds, which form part of the commission's 35 million ECU (\$44 million) programme – "Europe for Sarajevo" – will enable work to begin on the improvement of the water supply and distribution network, as well as the reconstruction of major pipelines.

## **Notice to Humanitarian Organisations on behalf of ICVA**

The International Council of Voluntary Agencies (ICVA) is currently updating its "*Directory of Humanitarian Organisations in BiH*". All non-governmental organisations (NGOs) and other humanitarian agencies which wish to be listed in the revised Directory are encouraged to complete and return a Directory Questionnaire by Friday 11 July 1997. For a copy of the Questionnaire, please contact: ICVA Sarajevo – Obala

Kulina Bana 4, tel. 387-71-668-297/298. The updated Directory will be released in mid-August 1997. Please note: only those agencies which submit a questionnaire will be included in the Directory.

## Looking Ahead

### 7 July:

BiH Presidency meet with SACEUR General Joulwan, National Museum

### 8 July:

BiH Presidency meet with Minister of Foreign Affairs of Malaysia, Abdullah Ahmad Batawi, followed by a working session, National Museum

See our [Chronology](#) for a full list of activities

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