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Flag For BiH

Following the failure of the Parliamentary Assembly to adopt the Law on the Flag of Bosnia and Herzegovina at its sixth session on 3 February, the High Representative Carlos Westendorp on 4 February announced the choice of a common flag for Bosnia and Herzegovina. A few hours later the new flag was flown from the BiH Presidency building.

The new flag was raised outside the UN building in New York at a ceremony on 6 February Secretary General Kofi Annan welcomed the new flag to 'the family of nations.' He added 'the new flag represents Bosnia and Herzegovina's commitment to consolidating its hard-won peace and assuring respect for the human rights of all its citizens…The world stands ready to help. But it is for them to make this peace their own.' He paid tribute to the OHR 'for enabling this historic moment.'

The following day the new flag was raised at the opening ceremony of the Winter Olympic Games in Nagano.

According to the Law on the Flag of Bosnia and Herzegovina, the flag shall be displayed on the buildings of all common institutions, at all Embassies and Consulates, whenever BiH is represented abroad and at the border crossings of Bosnia and Herzegovina. It is also to be raised at departures and arrivals of the Presidency members abroad and from abroad, and is displayed on their official means of transport.

Coat of Arms

At the Bonn conference in December the Peace Implementation Council (PIC) asked the High Representative "to establish a process leading to a decision on a new flag and symbols if the

parties cannot agree on their own by 31 December 1997". With the failure of the parties to respect this deadline , the High Representative on 12 January 1998 established an independent commission to propose allternatives for a new flag of Bosnia and Herzegovina. Having successfully accomplished its first task, the commission has now been requested by the HR to continue its work and propose alternatives for the Coat of Arms of Bosnia and Herzegovina.

The commission has unanimously agreed to continue its work, and has agreed to submit its proposals for a BiH Coat of Arms to the High Representative by 15 April 1998. The High Representative, following appropriate consultation, will then consider the question of which procedure would best ensure that a decision is reached by the competent authorities, in a fair and democratic manner, by 15 May 1998 at the latest.

Passport

The new BiH common passport is to be issued in May, the BiH Ministry of Civil Affairs and Communications announced on 19 February. According to the Bonn conference conclusions, the new passport is to be recognised by all foreign countries as of 1 June.

The passports, made in accordance with the European Union (EU) standards, will be issued in 21 places in Bosnia and in 15 locations within the diplomatic-consular agencies The present passports will be valid until the end of 1998 only to refugees in foreign countries, who intend to return to Bosnia according to the law on travel documents.

Presidency

For the 28th session of the BiH Presidency, on 2 February, Co-Chairman of the Council of Ministers Haris Silajdzic, substituted for the Presidency Chair, Alija Izetbegovic. BiH Foreign Minister Jadranko Prlic and his two deputies, Huseijn

Zivalj and Dragan Bozanic also attended the session, which confirmed Bozanic's appointment as BiH Ambassador to Washington.

The decision to appoint the commission for inter-Entity judicial cooperation was also announced. The organisation of the BiH Consulates, nine of which were approved, was also agreed, but informally. The 28th session took place on 19 February, and also focused on foreign policy issues. The Presidency met with the 33 newly appointed BiH ambassadors, who are commencing their 10-day training programme arranged by the Ministry of Foreign Affairs with the logistical support of OHR The Presidency agreed on a foreign policy platform, establishing guidelines for the BiH ambassadors to follow when they take up their posts abroad.

The Presidency deferred, however, any discussion of establishing diplomatic relations with the Federal Republic of Yugoslavia (FRY). The High Representative is anxious to promote talks on this issue, to enable normalisation of the relationship between the two countries, and to open the way for discussion of the relationship of the FRY and the RS.

Council of Ministers

Recent CoM sessions, on 4, 5 and 19 February, have continued to focus on the key requirements for implementing the CoM Law. These include decisions on: permanent locations for the CoM and the Ministries of Foreign Affairs, Foreign Trade and Economic Relations, and Civil Affairs and Communication; establishment of the administrative structures necessary to support the CoM's work; and development of organizational plans for the three Ministries. The OHR continues to work with the CoM to resolve these crucial issues, which if not addressed soon, will continue to block progress in meeting Bosnia's needs for effective government structures.

SFOR'S Successor

On Friday 20 February a NATO statement was issued confirming that both NATO and non-NATO countries taking part in the alliance's Stabilization Force in Bosnia have unanimously approved the creation of a new peacekeeping force. This will take over in June, with the expiry of the mandate of the present force. The new force will continue under the present name of Stabilisation Force (SFOR).

Most of the countries involved will maintain their troops in the existing 35,000-strong SFOR at least until the general elections scheduled for September, citing no specific deadline.

The NATO alliance members have agreed that the replacement force will initially comprise the same number of personnel as SFOR, but then be scaled back to some 20,000-25,000 after the elections, with no specific deadline. Force levels will be reviewed "later this year and at regular intervals with the aim of achieving both progressive strategy and the transfer of responsibilities to the common institutions, other civil authorities, the UN, the High Representative, the OSCE and other international organizations as appropriate," the NATO statement said.

"The new NATO-led multinational force will have the mission to deter renewed hostilities and to contribute to a secure environment for the ongoing civil implementation efforts in order to stabilize and consolidate the peace in Bosnia and Herzegovina," the statement concluded.

In a statement on 14 February Secretary General Javier Solana expressed optimism on the peace process, pointing to 'encouraging signs..which justify our perseverance.' He referred to recent arrests of indicted war criminals, the new government in the Republika Srpska, the new common currency soon to be in circulation, and common vehicle licence plates.

SCMM

An Amnesty for ‘Mines, Ordinance and Warlike Material’ was declared at the latest session of the Standing Committee on Military Matters. The session was held on 11 February, with President of the Presidency Momcilo Krajisnik presiding.

NATO Secretary General Javier Solana emphasised the importance of organising such an amnesty during his visit to BiH at the end of January. The Amnesty initiative, led by both Entities, was hailed by SFOR as a significant step away from war and confrontation. It was also greeted as a demonstration of the Entities’ willingness to implement confidence-building measures..

SFOR stressed appreciation of the role that the Entity armies and police forces are playing in supporting this measure.

The mines, ordnance and other warlike material which are held in private hands, constitute a threat to the secure environment and a danger to the general public. The amnesty will provide an opportunity to those who hold such material, including anti-personnel land mines, to dispose of it safely and without risk of prosecution.

SFOR will play a support role in the Amnesty program, monitoring the work of the local police and entities. SFOR engineers will be actively involved, providing advice and guidance.

The Amnesty comes into force on 19 February. Centres will be opened across the country for citizens to hand in arms and ammunition.

Media

The High Representative’s three prong approach to restructuring the BiH media, assisting with independent alternatives and providing balanced public service information

is beginning to show practical results.

- ## Republika Srpska Media

  The RS government and OHR reached agreement over an assistance package for Srpska Radio-Television (SRT) on 13 February. The package is aimed at restructuring the network in accordance with western democratic standards of public service broadcasting. An international administrator has been appointed who will assist with editorial policy and the restructuring process in general. This administrator will work closely with the RS government and the SRT staff during the transitional period, bringing both technical, professional and financial help.

  The package includes a new statute and charter for the station, which will be placed before RS Parliament for adoption at their next session.. These lay down a company structure and code of ethics that will ensure the impartiality, accountability and professionalism of the network. The Parliament will appoint a new board of governors, in accordance with this new statute and charter.

  Signed by RS President Biljana Plavsic, Prime Minister Milorad Dodik, and RS Minister of Information Rajko Vasic, the assistance package will help to turn SRT into a model for all other broadcasters in BiH.

  Additionally the RS .Government and the SRT management undertook to recover the missing parts that had been taken from the transmission backbone during the time of the previous administration. This has been achieved and the parts were recovered on 24 February and are currently being installed by SRT engineers. The government also undertook to agree with SFOR concerning the transfer, control and security of the SRT

transmitter towers currently in SFOR’s custody.

- **IMSLC**

  The Intermediate Media Standards and Licensing Commission (IMSLC) proposed at December’s meeting of the Peace Implementation Council in Bonn, is soon to be established. The PIC stressed the vital requirement for pluralism, neutrality and independence in the media in BiH as well as the need for inter-entity broadcasting which encouraged reconciliation. Current local media structures have to a large extent reinforced separatism, and have been vulnerable to political control.

  IMSLC, and the statutory bodies that it will establish, will enable the restructuring of the media and in particular the broadcast media, in accordance with internationally accepted democratic and professional standards.

  The concept proposed at Bonn was a body with three principal divisions. It would at a suitable time inherit the functions of the present Media Experts Commission (MEC), ensuring that local media do not violate the current regulations laid down by the Provisional Election Commission (PEC) to prevent inflammatory or biased output. An All Media Complaints Commission will be established to perform this function.

  In addition, IMSLC will incorporate a Broadcast Licencing authority. This will require all broadcasters across BiH to be licensed and held to a set of minimum structural and editorial standards, consistent with internationally recognised standards of broadcasting. It will include a judicial body, with powers of sanction to ensure compliance.

  The Media Support Advisory Group (MSAG) will remain the

mechanism which applies the specific powers granted to the the High Representative at Sintra. The MSAG will act on referral from IMSLC's third division, its Intervention Tribunal. This will rule on disciplinary procedures, and will order certain penalties in cases which do not require referral to the MSAG.

The IMSLC establishment process will be phased, to allow for the drafting of interim regulations and rules of procedure, and to harmonise existing legislation with future proposed BiH and Entity laws on broadcasting, tele-communications, and media generally. IMSLC is to remain in operation until permanent bodies are founded at the state, entity and possibly cantonal levels, to perform the same functions.

- **OBN**

The OBN is about to move into the third phase of its development. This will see it moving from a project run as a quasi Non Government Organisation into a locally embedded commercially funded and self sustaining TV network. To enable this to happen, and to overcome the local problems of incorporation caused by the chaotic situation with obsolete pre war media, telecommunications and foreign investment law, the OBN has been registered as an International Trust Company. This will have a local representative office in Sarajevo that will run the TV project. However, it will also have a European based international office that will concentrate on setting objectives, acquiring external programming and finding international finance and sponsorship. This process will be completed within the next two months.

Part of this process has been the rationalisation of the work force in Sarajevo. Three members in particular of

the news and programming team have been let go. This has caused some consternation and inaccurate local press reports. But the reality was that this was a decision that was taken in full consultation with the OBN Steering Committee. In a letter to the International federation of Journalists the Chairman of the OBN Steering Committee explained that the decision was taken after warnings had been issued on the grounds of a general lack of commitment to the project aims and charter, non-cooperation with the local management and misconduct.

Other press coverage related to the financial management of OBN. The second of the series of annual audits conducted by a distinguished firm of international auditors, again showed that the OBN can adequately account for both revenue and expenditure, and that finances have been managed transparently and efficiently. The OBN will be publishing an annual report at the end of this financial year – March 1998.

Other recent local press coverage of the OBN has been extremely encouraging, in particular a recent poll by a Federation daily paper of OBN viewership rates. In addition, this showed a significant proportion of those polled watch the OBN newscast as their main source of information.

The USAID-sponsored audience research survey also shows that the OBN is now an established part of the BiH TV landscape: accepted on both sides of the IEBL and seen as neutral and trustworthy. The OBN remains the only cross- entity TV Network, and is now beginning to have a major impact on BiH viewing habits.

- **Public Service Information Campaign.**

The OHR will launch a TV based Public Service

Information Campaign in April. This will have two strands. The first will involve traditional Public Service Advertising with a campaign designed to encourage the population to think of the future for their children. The second will be a series of TV programmes that will be designed to provide balanced information on all Dayton related issues.

Municipalities

The National Elections Results Implementation Committee (NERIC) will be referring several municipalities to the Provisional Elections Commission (PEC), in the last week of February. If the PEC accepts them for certification, the number of municipalities in which the election results have been implemented will be well over 100. (86 municipalities have been certified so far as having local governments established fully in accordance with the terms of the September 1997 election results.) The OSCE and OHR, both of whom, together with IPTF, the UN Mission to BiH, SFOR, and representatives of the relevant Entity Ministries, make up the NERIC, work closely together over each municipality. OSCE and OHR facilitate negotiations in cases when the elected parties are unable to reach agreement on choosing the executive officials in the municipal government in accordance with the regulations of the PEC.

Particularly encouraging is the final certification of election results by the OSCE of municipalities in areas such as Brcko, Jajce, Vares and Bijelina, which have particularly painful memories from the war, and which have a history, since the DPA was signed, of opposition to refugee return. This gives all the more significance to the successful inauguration of multi-ethnic municipal governments which has taken place in these areas and others with similar histories.

Brcko

During the final hearing of the Arbitration Tribunal in Vienna, progress on the ground in Brcko, concerning the newly established multi-ethnic administration, police and judiciary, continued. The executive board of administration have been jointly working to outline their priorities in order to channel international donor assistance to Brcko more efficiently. Changes in personnel have enhanced the cooperation of the police: the new RS Minister of the Interior, Milovan Stankovic reinstated several former police officers who had been replaced by the Serb Democratic Party (SDS) last year. Multi-ethnic patrols are now operating in Brcko town itself, which marks the completion of IPTF's phased implementation plan. The judiciary is fully-staffed with qualified, experienced lawyers, almost all of whom worked in Brcko before the war, and know each other personally. However, both the judiciary and the administration still urgently need financial and material assistance to facilitate their work.

OHR Brcko hosted a seminar for lawyers from both Entities, on the European Convention for Human Rights, organised by OSCE's Democratisation office, and given by the Human Rights Law Group. Many of the 30 lawyers and judges who attended were from Brcko: their group meets on a regular basis.

Also hosted by OHR Brcko was the 19 February launch of the Bosnian Women's Initiative in Brcko, sponsored by OHR and Mercy Corps Europe/Scottish European Aid. The BWI is a fund available to assist the activities of local women's groups, and was founded in 1996 by UNHCR.

Economically, matters are looking brighter for Brcko. Brcko's mayor, Boro Reljic, paid a first official trip to the Federation, on 18 February, discussing economic matters with Selim Beslagic, mayor of Tuzla, and Sead Jamakosmanovic, Governor of the Tuzla-Podrinska Canton. Topics they discussed included the opening of the Tuzla-Vinkovici railway. On the

previous day Principal High Representative Jacques Klein, visiting Brcko, said ‘the progress here is magnificent’, and praised the local administration.

Brcko Supervisor Robert Farrand, returning from giving his testimony to the Arbitration Tribunal in Vienna, said, in an address to the residents of Brcko: ‘Whatever the outcome of the Tribunal’s deliberations, I am confident our international presence will continue in the Brcko area for some time to come. In the meantime, I and my office will work to consolidate and develop the progress already made in recreating multi-ethnic institutions in Brcko. We will continue to push measures that enhance your freedom of movement. For example a fortnight ago, I was able, alongside UN IPTF, to deliver new license plates to Minister of the Interior Stankovic in Bijeljina. I intend now to concentrate my efforts on revitalising the economy in Brcko. Brcko can and must be an open and prosperous town again – a town that is attractive to investors and that draws on and develops the creative and entrepreneurial skills of all its citizens. This is the direction in which your future and that of your children lies.’

Returns

- ### Crucial Laws

  The 3 February Sarajevo Return Conference set down in its concluding Declaration deadlines for amendments to several Federation property and housing laws. These laws were prioritised, as in their current form they block the return of pre-war residents of Sarajevo who left their homes since 1991. In order to rectify this problem, amendments to three laws relating to both private and socially-owned property were required. The Sarajevo Declaration sets deadlines for amendment of all three laws by the Federation Government and Houses of

Parliament, and raises the prospect of sanctions should these deadlines not be met.

The law on private property has already been passed by both Houses of Parliament, but one additional amendment needs to be made to the statute. Federation officials and OHR have agreed to the text of this amendment, and OHR is optimistic this law will be brought into compliance with Annex 7 soon. The second law has been introduced in Parliament and should soon be adopted. Now the Law on Cessation of the Law on Abandoned Apartments is approaching final solution. OHR and Federation authorities are near consensus on a version of the bill, which should be submitted to Parliament in the last week of February. The deadline set for this law was 1 March. The finalisation of these laws will be a substantial development, since they provide the necessary legal framework for full implementation of Annex 7 of the Dayton Agreement by ensuring the refugees and displaced persons will be able to return to their homes.

- **Sarajevo Return Commission**

The major body envisaged by the Sarajevo Return Declaration, this body was established by the High Representative on 17 February.

The Sarajevo Return Commission will have significant responsibilities for overseeing implementation of the Sarajevo Declaration, and supporting the work of the Sarajevo Housing Committee, the Education Working Group, and the Employment and Return Committee, all of which will be established in the next few weeks. According to HR Westendorp, the Commission 'will be one of the most important bodies formed this year.' It will play the key role in supervising the progress Sarajevo makes as an Open Canton, and in meeting the Sarajevo Declaration

target figure of 20 000 returns by the end of 1998.

Membership of the Commission includes President of the Presidency Izetbegovic; the Mayor and Governor of Sarajevo Canton; Federation Ministers of Civil Affairs, Displaced Persons and Refugees, Education and Urban Planning; the Federation Ombudsmen's office; relevant Cantonal Ministers, representatives of civil organisations, associations of displaced persons and refugees, and minority associations. International members include UNHCR, the UN Mission to BiH, and OHR.

International observers will include the European Commission, the United

- **States Government and the World Bank.**

The Sanski Most – Prijedor Declaration on Returns

This declaration is a counterpart to the Sarajevo Declaration on Return. However, the Prijedor – Sanski Most Declaration was initiated by the citizens of these two Republika Srpska towns themselves.

The Declaration was made in Prijedor on 7 February 1998. It took place in the presence of the authorities of Sanski Most and Prijedor Municipalities, representatives of the Una-Sana Canton and of the Government of the Republika Srpska. Also present were members of the Reconstruction and Return Taskforce (RRTF): UNHCR, the UN Mission to BiH, IPTF, the OSCE, the OHR, the European Commission, and other representatives of the International Community. All were present at the invitation of local Displaced Persons and Refugees associations, representing all three constituent peoples of BiH.

All present renewed their commitment to full

implementation of the General Framework Agreement on Peace, as laid down by Dayton. They also agreed on an immediate start to reconstruction work in the two municipalities, and the facilitation of returns to identified locations. The declaration contained points covering housing issues, the media, and integration.

Human Rights Cases

4 ICTY Cases

During this month three men indicted by the International Criminal Tribunal for former Yugoslavia (ICTY) arrived at The Hague. Also sent was the dossier of a fourth, who was arrested on the criminal charge of murder by Federation police, despite the fact that the act alleged could be considered a war crime. All four were Bosnian Serbs.

Accompanied by their lawyers, Miroslav Tadic, 60, and Milan Simic, 39, turned themselves in to police in Bosanski Samac, close to the RS border with Croatia, and were transferred to an SFOR base after saying goodbye to their families. They were then placed on board a NATO plane to The Hague.

Tadic and Simic are part of a group of six Serbs indicted in June 1995 by the ICTY on charges involving the arrest and detention of Bosnian Croats and Moslems in the Bosanski Samac region. They are said to have set up camps where prisoners were killed, beaten, tortured, sexually and otherwise mistreated. The six are also accused of undertaking a campaign of terror designed to force most Bosnian Croat and Moslem residents to leave the area. Simic and Tadic have both pleaded not guilty to war crimes or crimes against humanity.

UN chief prosecutor Louise Arbour welcomed the surrender as “significant” since the first time indicted persons living in the RS have cooperated in this way with the tribunal. “Nobody

pressured me, the indictment is enough pressure," Simic said.

The surrender followed a few days after an announcement by the new RS Prime Minister Miroslav Dodik that his government would allow the ICTY to set up an office on RS territory. It also followed the arrest at the end of January of Bosnian Serb Goran Jelisic, by US SFOR troops. Jelisic, who is accused of running a prison camp near Brcko is also now in The Hague.

The fourth case to come before The Hague this month was the dossier of Bosnian Serb Goran Vasic. Vasic, 26, is alleged to have shot the prime minister of BiH, Hakija Turajlic, in 1993. Turajlic was killed when RS army troops stopped a French UN Protection Force transporter, and shot at Turajlic who was travelling inside, under the escort of the UN troops.

Vasic was arrested by Federation police in Dobrinje (near Sarajevo), in the Zone of Separation between the Entities. His arrest on criminal charges violated the Rules of the Road, in which all cases which could be considered to involve war crimes must be reviewed by ICTY before an arrest is made. Upon notification of this violation, Federation authorities sent the file regarding Vasic to the Hague, and the ICTY Prosecutor subsequently found that there was sufficient evidence for an arrest on war crimes charges. ICTY did not, however, choose to prosecute the case itself, so it remains in the Federation courts. International officials have also objected to the manner in which the arrest occurred, including the use of long-barrel weapons.

Freedom of Movement

Rail Traffic

A Memorandum of Understanding betweeen the Entities, agreeing on the resumption of rail traffic, was signed in the Sarajevo rail station on February 11.

With the help of international aid the BiH rail system has been almost completely restored – by June, the last stretches of line will have been repaired. As yet, few trains are running. However, the signing of the MoU has been facilitated by the change of government in the Republika Srpska – the new transport minister, Marko Pavic, attended the ceremony. Principal High Deputy Jacques Klein spoke at the ceremony of the need to re-start the rail service in order to encourage trade and investment. Commenting that the railway is at present the worst of BiH's public utilities, he added 'things need not be like this, and we are committed to ensuring that they do not stay this way.'

Postal Service

More than a million letters and parcels that have been accumulating in Sarajevo since 1992 were delivered to the Republika Srpska this month. The BiH post office dispatched, under UN police escort, three truckloads of mail to Banja Luka in the first week of February.

Hardliners among the RS authorities had refused any contact with the BiH postal services. But the new RS government has cooperated in restarting the mail service. To mark the occasion, there was a short ceremony in Banja Luka's central postal office on 6 February, attended by Principal Deputy High Representative Jacques Klein and ministers from the RS and Federation.

'The new start of a career for me as a postman…it is not everyday that a postman gets to deliver a million letters on his first day', said Klein, adding that the OSCE has worked many months to resolve the issue, and the UN provided all the logistic support to deliver the mail. He concluded: 'Today is just a further example of the dramatic progress we have seen in recent weeks..we are seeing steps which are bringing real benefits to the lives of the people of the RS. We have seen a new licence plate introduced, a new currency announced, a new

flag unveiled. And we have seen the difference a government committed to working constructively with the International Community can make.'

Diary

25 February:
CoM
25 – 28 February:
Banja Luka Trade Fair in Sarajevo
5 March:
BiH Parliament

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.

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