

Brcko: What Bosnia Could Be

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MAP

BOSNIA AND HERZEGOVINA



Brcko: What Bosnia Could Be

EXECUTIVE SUMMARY

The fate of the Brcko area, whether it should be in the Federation or Republika Srpska, was considered too contentious to be resolved in the Dayton Peace Agreement (DPA) and was left to binding arbitration. The Arbitral Tribunal announced an interim decision on 14 February 1997: the Tribunal retained jurisdiction on the matter for another year; maintained the territorial *status quo* leaving the Inter-Entity Boundary Line (IEBL) which divides the pre-war municipality; enumerated obligations for the parties to fulfil, including the return and reintegration of displaced person and the establishment of a multi-ethnic administration in part of the municipality held by Republika Srpska; provided for the establishment of the office of an International Supervisor to oversee the implementation of those obligations; and conditioned the final outcome of the arbitration on the conduct of the parties during the year. The Tribunal is scheduled to give a final ruling by 15 March this year

In the year since the interim decision, the Republika Srpska authorities obstructed almost all measures promulgated by the Supervisor. Federation authorities also failed to fulfil part of their obligations. Despite these challenges, the Supervisor implemented plans for returns and reintegration of displaced persons, reconstruction and economic revitalisation, and the establishment of a multi-ethnic administration, with mixed results.

The long-delayed final Award could have serious consequences, but it must be announced by 15 March. If the decision is postponed again, the fate of Brcko will remain in limbo, hampering both returns and the reintegration of displaced persons, as well as the economic revitalisation of the municipality.

Awarding Brcko town and surrounding areas to the exclusive jurisdiction of the Federation cannot be supported fully. While such an outcome has some basis on legal and equitable grounds, it will not be conducive to long-term stability and peace. The Federation has also failed to fully fulfil its obligations, in particular by failing to create conditions necessary for displaced Serbs to return to Sarajevo. More importantly, the outcome urged by the Federation will split Republika Srpska in two.

The outcome urged by Republika Srpska -- maintaining the *status quo* as a final solution -- cannot be supported on any of the grounds enunciated by the Tribunal. Such an outcome will neither ultimately achieve an "equitable result" nor will it "ease the regional tensions that have given rise to this dispute", goals sought by the Tribunal. On the contrary, it will be a trophy awarded to ultra-nationalists for crimes against humanity committed during the war and, since then, for total obstruction of the DPA as well as the provisions of the interim Award.

The commitment to the DPA by recently elected Prime Minister of Republika Srpska Milorad Dodik is welcome and significant, but of itself it does not change the terms of the interim Award -- the determining factor for the final decision is the conduct of the parties during the past year.

The International Crisis Group (ICG) proposes an alternative, which avoids creating “winners” and “losers”, or strengthening hard-liners in both entities. ICG hopes its proposal can serve as a starting point for the parties themselves to develop a common position that would be submitted to the Arbitral Tribunal before 15 March. The proposal is the following:

- The entire pre-war municipality, including both Republika Srpska-held Brcko town and surrounding areas as well as territory under Federation control, should be placed under the shared jurisdiction of the two entities. Thus the two entities would overlap in Brcko. At the same time, a new municipal council, to be elected according to a new system, should have broad administration powers in order to minimise interference by the two entities or the Tuzla Canton.
- In order for the three communities in the municipality to develop the necessary confidence to reintegrate, limited autonomy rights could be provided for the preservation and development of their respective cultural, educational and religious rights.
- The Arbitral Tribunal should relinquish its jurisdiction on the dispute after the final award is published. The Supervisor’s mandate should be extended for two years and strengthened so that the retention of jurisdiction to adjust the award based on the conduct of the parties to the dispute will no longer be necessary. Moreover, the award should include general principles for the constitution of the shared municipality as detailed in the report.
- Except for NATO-led forces, the Brcko municipality should be a completely demilitarised zone. The Arbitral Award should provide additional powers to the International Police Task Force, especially the right to remove from office local police officers found in dereliction of their duties.

While complex, this proposal has the advantage of setting precedents for co-operation between the entities. However, the way in which the Arbitral Award is presented is crucial. The Tribunal must explain to the people of the Federation that it is not in their best interest to split Republika Srpska in two, leaving municipalities east of Brcko to the stranglehold of hard-liners in Pale. To the people of Republika Srpska, the Tribunal must explain that, during the past year, their hard-line leaders in Pale failed to implement the provisions of the Arbitral Award, and that the shared responsibility for the entire Brcko municipality is a reprieve for their new moderate Prime Minister.

Brcko: What Bosnia Could Be

I. INTRODUCTION

Brcko is a war-ravaged municipality in the north-eastern corner of Bosnia and Herzegovina (Bosnia), divided between the two entities of the country - the Federation of Bosnia and Herzegovina (Federation) and Republika Srpska. The General Framework Agreement for Peace in Bosnia and Herzegovina (usually referred to as the Dayton Peace Agreement or DPA) postponed a decision on the fate of the Brcko area, one of the peace talks' most contentious and potentially explosive issues, and left it to a later arbitration. Although the DPA states: "The Parties agree to binding arbitration of the disputed portion of the Inter-Entity Boundary Line in the Brcko area indicated on the map attached at the Appendix", no precise map was attached.¹ Consequently, not only was the status of Brcko to be determined but also the area subject to arbitration.

According to the DPA, the Federation and Republika Srpska appointed each one representative to the Arbitral Tribunal, Professor Cazim Sadikovic and Dr Vitomir Popovic respectively. The International Court of Justice appointed Roberts Owen, an American lawyer, as the presiding arbitrator.²

The arbitration, scheduled in DPA to take place by 14 December 1996, was postponed to 15 February 1997. On 14 February 1997, the Tribunal, unable to reach a final decision, announced an interim decision. In essence, the Tribunal retained jurisdiction on the matter for another year; maintained the territorial *status quo* leaving the Inter-Entity Boundary Line (IEBL) which divides the pre-war municipality; enumerated obligations for the parties to fulfil, including the return and reintegration of displaced persons and the establishment of a multi-ethnic administration in part of the municipality held by Republika Srpska; provided for the establishment of the office of an International Supervisor to oversee the implementation of those obligations; and conditioned the final outcome of the arbitration on the conduct of the parties during the year.

The year since the interim decision can be characterised by the almost total obstruction by Republika Srpska authorities of measures promulgated by the International Supervisor, Ambassador Robert Farrand. Federation authorities also failed to fulfil their obligations. Despite these challenges, the International Supervisor did proceed to implement plans for returns and reintegration of displaced persons, reconstruction and economic revitalisation, and the establishment of a multi-ethnic administration. The results have been mixed.

The final arbitration award is due by mid-March and a hearing started on 5 February in Vienna for the parties to present their views. This long-delayed final outcome could have serious consequences. Awarding Brcko exclusively to either Republika Srpska or the Federation risks creating "winners" and "losers" and strengthening hard-liners in both entities, dealing a blow to prospects for a long-term political reconciliation in Bosnia. If the final decision is postponed again, the fate of Brcko will remain in limbo, hampering both returns and the

¹ DPA, Annex 2, Article V. There was no other definition of the precise area that would be submitted to arbitration.

² According to DPA, the Federation and Republika Srpska were to choose the presiding international arbitrator. The International Court of Justice (ICJ) appointed Owen after Republika Srpska refused to agree on a common arbitrator.

reintegration of displaced persons, as well as the economic revitalisation of the municipality. Recent political developments in Republika Srpska also have to be taken into consideration.

This paper examines the genesis of the dispute, the conduct of the parties during the past year, and the various options which are currently under consideration.

II. BACKGROUND

Brcko is not just another war-ravaged Bosnian community. It is the double nexus linking, on the one hand, the eastern and western parts of Republika Srpska, and on the other hand, the industrial centre of Tuzla in the Federation with Croatia and beyond. Brcko municipality covers 487 sq. km. It had a pre-war population of 87,627; 44 per cent Bosniacs, 25.5 per cent Croats, 20.7 per cent Serbs and 9.8 per cent others. The town of Brcko and its suburbs covered about a fifth of the municipality's territory; and was home to 41,400 people, 55.5 per cent of them Bosniacs, 19.9 per cent Serbs, 7.1 per cent Croats and 17.5 per cent others.³

Brcko municipality was one of Bosnia's wealthiest communities. Its main assets were its location a few miles south of the Zagreb-Belgrade highway, the main overland trade route between central Europe and the southern Balkans, and its port on the Sava River, the largest river port in Bosnia, which before the war handled all water-borne imports to and exports from central Bosnia and Tuzla.

After six days of fighting, Bosnian Serb forces seized the town of Brcko on 7 May 1992. When the battle lines outside the town solidified, the Bosniacs and Croats were left in control of approximately two-thirds of the municipality and the Serbs held the rest, including the entire town and swathes of land to its east and west.

The Croats and Bosniacs fought the Serbs as allies and joined together in a municipal "government-in-exile" until May 1993 when their unified local military unit split up due to the eruption of fighting between Croat Defence Council (HVO) and Bosnian Army forces elsewhere in the republic. Although they continued to co-ordinate their military activities, Bosniac and Croat political leaders participated in the Brcko "government-in-exile" until June 1994, when the Croats formed a separate municipality called Ravne Brcko.

Brcko municipality is now divided into two by the Inter-Entity Boundary Line (IEBL): one-third including Brcko town in the north under the control of Republika Srpska; and two-thirds under the control of the Federation.

The current population of Brcko municipality consists of an estimated 47,000 on the Republika Srpska side (16,000 Serbs from the pre-war populace, 28,000 Serb settlers displaced from elsewhere, and 2,800 Bosniacs who have returned there during the past year). On the Federation side, some 39,000 displaced Bosniacs from Brcko town and the suburbs live in villages within the municipality. The number of Bosniacs who remain in their original homes on the Federation side is not determined. And the size of the Croat population of Brcko municipality has fallen from its pre-war total of 22,000 to an estimated 11,000.⁴

³ *Statistics Bulletin*, December 1993.

⁴ *BH Estimates*, IFOR, 30 June 1996.

III. FROM DAYTON CONFERENCE TO ARBITRAL AWARD

Because of Brcko's strategic, military and commercial importance to Republika Srpska, the incumbent local authorities tried to pre-empt the arbitration process throughout 1996 by resettling displaced Serbs in the damaged and deserted pre-war Bosniac villages on the southern flanks of the city. With Serb television, radio and hard-line Pale leaders exhorting, Serbs expected the arbitration process to reaffirm their control of Brcko town and maybe even to net them land now under Federation control. The Republika Srpska authorities offered the Federation transit rights to the port on the Sava River. Serb member of the Bosnian Presidency Momcilo Krajisnik threatened dire consequences if Brcko were to end up in the Federation, and said that the integrity of Republika Srpska via Brcko is more important than peace and that Bosnian Serbs "would go to war over Brcko."⁵

After months of boycotting the deliberations of the Arbitral Tribunal, on 2 December 1996, Republika Srpska pulled out altogether from the arbitration process. In a letter addressed to Presiding Arbitrator Roberts Owen, then-Prime Minister Gojko Klicovic accused him of favouring the Bosniac side and said: "Republika Srpska does not intend to participate any longer in such an arbitration proceeding."⁶ However, a few days after the formal arbitration hearing started in Rome in early January 1997, Republika Srpska changed its decision and Dr. Vitomir Popovic, the Serb member of the Tribunal, joined the proceedings.

Bosniacs from Brcko displaced to the Federation side of the pre-war municipality demanded to return to their property and cited DPA. They insisted that the arbitration should determine only the status of Brcko town and not the width of the Serb-controlled corridor between the IEBL and the Sava River. They expressed a particular interest in the north-south transportation lines (railway and road-bridges) and the port on the Sava, without which the Bosniacs in the Federation felt isolated and landlocked. Bosniac officials threatened that either Brcko should be placed under Federation control or the Bosnian Army would cut the corridor by force, adding that, once they control Brcko town again, they were prepared to provide the Serbs transit access.

The Croat leaders of Ravne-Brcko did not trust the ruling elite of *Hrvatska demokratska zajednica* (HDZ). Alarmed that they would be swallowed up by the Federation and that their local concerns would be overlooked, they proposed that the UN should take control of Brcko town so that all three ethnic groups can use the area as a cross-roads.

As the arbitration decision approached in early 1997, some in the international community suggested that the IEBL across Brcko municipality should not be changed, i.e. that Brcko town and part of the municipality should be left within Republika Srpska; displaced persons from the municipality be allowed to return and an expedited reconstruction programme to repair damaged homes be launched; the Sava River port be administered by the common institutions foreseen in the DPA Annex IX; and the Federation be provided with access to the port via a corridor road policed by an unspecified special force, possibly under the supervision of the UN International Police Task Force (IPTF).

⁵ Reuter, 8 January 1997.

⁶ Reuter, 2 December 1996.

IV. ICG PROPOSAL - JANUARY 1997

As a contribution to the arbitration process, ICG published on 22 January 1997 a report entitled *Brcko Arbitration: A Proposal for Peace* with the following recommendations:

- The Tribunal should determine the final status of the municipality from the outset, but retain jurisdiction over the matter for at least five years, during which time, the parties to the dispute should have the right to appeal to the Tribunal in cases of egregious violations.
- The area subject to arbitration should include the entire pre-war Brcko municipality.
- An international governorship should be established for an interim period of 18 months, after which Brcko municipality should be handed over to the common institutions of Bosnia for permanent administration. The main tasks for the governorship period should be the return of displaced persons, the reconstruction of housing and infrastructure to support returns, and security for the returnees as well as for those remaining.
- The international governorship should have a robust security mechanism to be ensured by NATO contingents for the duration of their mandate, and an international police force, assisted by local police, should be attached to the Brcko governorship.
- The Brcko municipality should become a completely demilitarised zone. Neither the Federation nor Republika Srpska should be allowed to station troops or military equipment in the municipality. However, both should have transit rights along designated routes.
- The international governorship should concentrate on ensuring the return of all displaced persons and refugees taking into account the needs of the new Serb settlers. A majority of these settlers are former residents of the Sarajevo suburbs; they should be encouraged to return to their original homes. The remaining settlers should be provided with new homes in the Brcko municipality.
- Brcko municipality should be transformed into a duty-free zone, thus encouraging trade between Croatia, the Federal Republic of Yugoslavia, Republika Srpska, and the Federation. International assistance programmes should be developed immediately.
- International military and police forces should remain in Brcko for at least three years, 18 months during the international governorship and another 18 months after the municipality is handed over to Bosnia's common institutions. After that, both forces should be phased out gradually.
- For two years subsequent to the withdrawal of all international forces from Brcko, the administration of Brcko by the common institutions should remain under the Arbitral Tribunal's jurisdiction.

V. ARBITRAL AWARD OF 14 FEBRUARY 1997

The Brcko Arbitral Tribunal published its long awaited decision on 14 February 1997.⁷ It was an interim decision postponing the disposition of Brcko's final political fate.

The decision preserved the *status quo* for one more year, left Brcko town and the surrounding area under the control of Republika Srpska, and reiterated the two entities' obligations under the DPA, especially regarding freedom of movement, the return of displaced persons, and the establishment of democratic institutions – obligations which, Presiding Arbitrator Roberts Owen acknowledged, had remained unfulfilled throughout the previous year.⁸ The Tribunal retained jurisdiction on the matter and stated that, if Republika Srpska failed to fulfil its obligations, it may reconsider its decision in March 1998, designate Brcko town a "special district", and turn it over to the common institutions of Bosnia.

The decision called for a Deputy High Representative to be appointed for Brcko to supervise the implementation of the DPA and to strengthen local democratic institutions. While the Deputy High Representative was granted authority to promulgate binding regulations and orders, the decision left the administration and security of Brcko town and the surrounding area to the Republika Srpska authorities, army and police. The decision, however, obligated the parties to create a multi-ethnic administration in part of the municipality controlled by Republika Srpska.

Predictably, for most of the year after the Arbitral Award of February 1997, the Republika Srpska authorities, on entity and municipal levels, failed to fulfil their obligations and obstructed the international community's effort.

⁷ Award, Arbitral Tribunal for Dispute Over Inter-Entity Boundary in Brcko Area, 14 February 1997.

⁸ In January 1997, pleading documents submitted by Republika Srpska to the Tribunal clearly stated the entity's intentions regarding freedom of movement and the return of displaced Bosniacs and Croats to the municipality. Republika Srpska declared that it was prepared to permit freedom of movement, but only on a road west of Brcko municipality to a crossing into Croatia. In the same documents, Republika Srpska defended the position that displaced persons, even if they could "establish legitimate title to property in Brcko municipality now within the territory of Republika Srpska," would be entitled only to compensation, but not recovery of their property. As the Tribunal correctly pointed out, "the fairly obvious purpose – and result – of this policy would be to keep Brcko an 'ethnically pure' Serb community in plain violation" of the DPA. Award, pp. 29-30.

VI. UNDER INTERNATIONAL SUPERVISION

A. Vienna Conference

The Steering Board of the Peace Implementation Council met in Vienna on 7 March 1997 to discuss the implementation of the Brcko Arbitral Award of 14 February 1997. Then-High Representative Carl Bildt appointed US diplomat Robert Farrand as Supervisor of Brcko for one year beginning on March 22. It was decided to increase the presence of international police monitors in the area, a joint police force overseen by the IPTF was envisioned, and economic revitalisation and development, refugee repatriation and the creation of conditions for municipal elections were identified as priority tasks. The conference decided that the Supervisor would be entitled to suspend all decisions that violated the DPA, the Bosnian Constitution or impeded the Supervisor's responsibilities.

B. Establishing Multiethnic Institutions

1. Election Fraud

In June 1997, massive fraud committed by the Republika Srpska leadership based in Pale and the SDS (*Srpska Demokratska stranka*) forced the Provisional Election Commission (PEC) to cancel four-weeks of voter registration in the Brcko municipality and start the process over. But this did not prevent the repeated fraud there during the second round of registration.⁹ One week before the 13-14 September municipal election, while the SDS threatened a boycott, an "error" discovered by the Organisation for Security and Co-operation in Europe (OSCE) staff boosted the electoral roster in Brcko municipality by 2,660 names. Days later, the SDS called off its boycott. Shortly after the elections, the EASC dismissed a complaint regarding this "error" without an adequate investigation or explanation.¹⁰

The doubts surrounding the municipal election in Brcko did not end there. On the evening of the first day of voting, the PEC made another unexplained concession to the SDS: it agreed to process locally all disputed ballots cast in Brcko, rather than at the central counting centre as stipulated in the electoral rules. The reasons for this "special treatment" were never made public, neither were the criteria nor the methodology of this process.

The accumulation of fraud, errors, discrepancies, questionable concessions and a superficial investigation by the EASC, compromised the integrity of the Brcko municipal election.

2. Post-Election Implementation

By September 1997, no progress had been made to include non-Serbs in Brcko's political scene, police force or administration. As the Supervisor stated on 16 September, "The SDS continues to be in sustained non-compliance with many aspects of the Arbitration Award, particularly on policing matters. Since the events of 28 August [see next paragraph], the SDS has reconsolidated its grip on the police, SDS members and political opposition in Brcko, reducing the likelihood of substantive compliance on many outstanding issues."

⁹ Election Appeals Sub-Commission (EASC), Decision ME-113, 22 July 1997.

¹⁰ EASC, Decision ME-163, 25 September 1997.

On 28 August 1997, the most dramatic violent incident since the DPA directed against the international community occurred when an organised crowd confronted SFOR and IPTF at the Brcko Police Station. Several SFOR soldiers and IPTF monitors were injured. The small IPTF station was ransacked.¹¹ Brcko radio broadcast war music, rallied the crowd to attack SFOR, which it labelled “the occupying army”. According to international monitors, SDS in Pale orchestrated the incident.¹² After the incident, Supervisor Farrand warned Republika Srpska then-Prime Minister Kllickovic: “You are to ensure that the rule of law applies and that the authorities immediately identify, charge, arrest and prosecute all those involved in the violence.”¹³ But those responsible were never identified.

The municipal elections and the implementation of the results provided a new impetus to realise a multiethnic administration. The SDS was, not surprisingly, non-compliant and only reluctantly made concessions at the very last moment under enormous international pressure.

Supervisor Farrand published the supervisory orders in October 1997 on the multiethnic administration, judiciary and police. They carefully balanced the different ethnic groups in positions of power, but the President of the municipal SDS board Mladen Bosic described the orders as “very drastic” and unimplementable and repeated the refrain that Brcko is part of Republika Srpska and therefore Republika Srpska laws should be applied with no exceptions.

After the publication of the Supervisory orders, the Office of the High Representative (OHR) received reports from Serb sources that the SDS was planning a violent episode, and on 29 October, the Meraje Orthodox church in Brcko was bombed, for which SDS blamed “Islamic terrorists”. On the same day, the Bosnian Serb Mayor Pajic sent a letter to the OHR stating that Farrand had no right to issue the orders, and the Serb parties withdrew from the Election Results Implementation Committee.¹⁴

The boycott was not overcome until 3 November 1997 when Supervisor Farrand met Republika Srpska President Biljana Plavsic, who by then had become a determined opponent of the Pale hardliners. After the orchestrated riot in August, the international community managed to gain leverage by using the power struggle between Pale and Banja Luka, and Plavsic, with some reluctance, endorsed the Supervisory orders and disavowed previous obstructions as “absurd”. She also suggested candidates for Serb executive positions who were loyal to her and willing to co-operate with the international community.

Furthermore, on 13 November, the Brcko municipal assembly elected executive board president (“Mayor”) Borko Reljic, a Bosniac assembly president Mirsad Djapo and a Serb Chief of police, Teodor Gavric, along with two non-Serb deputies. Another standstill followed, lasting almost until the end of December, with Djapo being branded by the SDS-controlled Serb media and politicians as a

¹¹ *Bulletin*, Helsinki Committee for Human Rights in Bosnia and Herzegovina, 15 September 1997.

¹² *Human Rights Weekly Report*, OSCE, 25 August - 1 September 1997.

¹³ Farrand confronted the prime minister with evidence of people “bussed in from the Eastern Republika Srpska and from outside Bosnia and Herzegovina itself.”

¹⁴ The Election Results Implementation Committee, a joint body including the major inter-governmental agencies in Bosnia, was set up to implement the results of the municipal elections.

war criminal. The municipal assembly, with Djapo as chairman, convene finally on 30 December, barely making the deadline set by OHR.

By September, six months through the period of supervision, the establishment of a multiethnic police remained in sustained non-compliance. The objective of the OHR was to “select the most able and suitable police officers, based on education, length of police service and whether they are native to the Brcko region”, criteria which would eliminate most Pale hard-liners. Out of 230 police officers for joint force, 120 would be Serbs, 90 Bosniacs and 20 Croats. According to Serb opposition politicians and international observers, the Bosnian Serb police force essentially ran the town on the orders of Pale. Then-Interior Minister Dragan Kijac retained control through the local state security police chief Bosko Maricic.

The first phase of the police restructuring process was to be completed by 31 December. The multiethnic police was finally established following Supervisor Farrand’s order in the first week of January. The chief of police is a Serb and he has one Bosniac and one Croat deputy, who are intended to hold “real substantive command positions within the police force.” Out of the 230 policemen, 28 left within the first two weeks, including seven Serbs, some of whom had been intimidated by the former uniformed police. The Serb police chief reiterated that the Serbs had been forced into accepting multi-ethnicity against their will, and that this should be taken into consideration for the arbitration. Moreover, the issue of how to deal with parallel power structures has emerged. The police reform left over 100 irate former policemen loyal to Pale out on the streets of Brcko. However, while the police had always been involved in a significant amount of corruption, such activities are now no longer disguised as legitimate.

C. Refugee Returns

1. Procedures and Numbers of Returns

On 24 April 1997, Supervisor Farrand established a procedure for the return of refugees and internally displaced persons and the Return Commission to assist in this process. The Return Commission is chaired by Farrand and consists of representatives from the Commission for Real Property Claims, OHR, UNHCR, IPTF, UN Civil Affairs and the three area mayors. Prospective returnees are instructed to notify the Return Commission of their intent to return and the earliest date on which they expect to return, and file a claim for their property with the local Real Property Claims office. After this office verifies the claim, the Return Commission visits the property and determines whether the claimant can return (is the property occupied, is the area mined). Despite the efforts of the Return Commission, however, returns have been disappointing.

By the end of January 1998, 2,461 mostly Bosniac families had received approval to return (according to OHR estimates about 9,800 people). Of those, 710 families actually returned, i.e. at least one member has spent at least one night in their homes. This makes Brcko the only area in Republika Srpska where there have been substantial minority returns in 1997.

Most Bosniacs returned between August and October, almost all to four villages - - Brod, Omerbegovaca, Stari Rasadnik and Dizdarsa, which lie in the zone of separation (ZOS), on the Serb side of the former confrontation line. Already in 1996, Bosniacs had started to repair homes there, which led to a series of

confrontations. Returns north of the zone of separation, for example to Brcko town, did not take place. And there were no returns of Serbs to villages in the Federation part of Brcko municipality.

2. Obstacles to Returns

When the Return Commission issued its first return permissions in June 1997, Brcko municipal authorities moved Serb displaced persons, originating from outside Brcko, into the targeted villages as "human shields". In response, Supervisor Farrand issued a directive forbidding any relocation without his prior consent. On 18 October, the Supervisor also ordered Mayor Pajic to stop settling displaced Serbs originating from Bihac into the formerly Croat villages of Gorice and Markovic Polje.¹⁵

Brcko municipal authorities attempted to limit freedom of movement in a variety of different ways, such as charging illegal tolls by demanding "Republika Srpska visas" from travellers crossing the bridge from Croatia into Brcko. In spite of the Supervisor ordering the police to end this practice in August 1997, IPTF reported cases of taxes being levied on the Brcko bridge. The situation improved at the end of the year, when traffic across the Sava bridge was no longer obstructed and no more tolls were levied.

Republika Srpska authorities also discouraged returnees from acquiring licenses for businesses to be set up in the return areas. Manoeuvring between Bosniac, Serb and Croat politicians had slowed down the issuing of Republika Srpska identity cards. International observers contend that Republika Srpska police have obstructed the issuance of identification cards to returnees.¹⁶

The SDS tried to symbolically assert a claim to Brcko in many ingenious ways. Building continued of the Serb Orthodox Church in Meraje, a formerly Bosniac suburb designated for Bosniac returns, despite letters from the Orthodox priest and the Mayor to Supervisor Farrand agreeing to suspend all work. Historical monuments and war memorials were also used to state claims. On 8 September, a four foot bronze statue of Draza Mihajlovic, a World War II Serb leader, who had no connection with Brcko during his life-time, was erected in the city centre. Two weeks later, a 15 foot memorial dedicated to "The Serb Defenders of Brcko" was unveiled.¹⁷

In 1997, there were several incidents of violence against returning Bosniacs. On 2 March, 150 Serbs entered the village of Gajevi and torched 11 prefabricated houses.¹⁸ On 1 May, Serbs in Brcko stoned two buses carrying displaced persons and a delegation of the Social Democratic Party returning from a visit to the Supervisor.¹⁹ On 5 August, Serb displaced persons accommodated in Bosniac homes in Brodusa, near Brcko, assaulted workers from the Commission

¹⁵ According to the 7 March Vienna conclusions, "Any new influx of refugees or displaced persons should occur only with the expressed consent of the Supervisor in consultation with UNHCR".

¹⁶ For example, the police failed to appear in the return village of Omerbegovaca on 11 September where the cards should have been issued.

¹⁷ *Human Rights Weekly Report*, OSCE, 8-15 September 1997; *Dnevnik*, 21 September 1997.

¹⁸ *Bulletin*, Helsinki Committee for Human Rights in Bosnia and Herzegovina, 15 March 15 1997; Reuter, 3 March 1997.

¹⁹ *Monitoring Report*, Bulletin of Media Plan and Institute for War and Peace Reporting, Vol. II, No. 15, 14 May 1997; *Dayton Implementation Review no. 17*, European Action Council for Peace in the Balkans, 31 May 1997.

for Reconstruction of Damaged Houses.²⁰ The Republika Srpska police, in these and many similar cases such as the 28 August visit, did nothing.

According to reports of international observers, one of the main types of violence in Brcko has been Serb on Serb violence, linked to protection rackets, black market activity, and the objective of intimidating those who might dissent from the SDS party line. Mladen Savic, representative of the Republika Srpska Ministry for Refugees in Brcko, is considered chief local manipulator of property rights. He is blamed for misusing his control over temporary occupancy decisions in at least 150 cases resulting in housing discrimination against Serbs, and in many cases mixed-marriage families.

Intimidation by the SDS has been one reason why attempts to help return Sarajevo Serbs in Brcko to their pre-war homes in Sarajevo have been less than satisfactory.²¹ In December, UNHCR and OHR organised an assessment visit to the Sarajevo municipality of Ilijas for seven Serb families. But while families might wish to return to Sarajevo in larger numbers, waiting in Brcko after they indicated this wish leaves them in a precarious position: discrimination and even open intimidation of prospective returnees from local Serb authorities are not uncommon.

D. Economic Revitalisation

Before the war, Brcko was an economic and cultural centre of the Bosnian province of Posavina. Today, little of that economic vitality remains, although it is often argued that the town is “vital in maintaining the economic longevity of both the Bosnian Federation to the south of the Zone of Separation and the Serbian sector to the west of Brcko”.²²

Unemployment is exacerbating return difficulties. Manufacturing has ground to a halt, agriculture is in disarray, the economy mostly based on retail shops. Some 40 percent of all prewar households in Brcko municipality were directly involved in agriculture, and much of the industry was related to agricultural products. However, many open tracts of land in the Zone of Separation are now mined, making farming impossible.

The major pre-war companies (such as the Bimal cooking-oil plant and the Bimex Meat Processing plant) are not in operation, while the textile company Interplet, which had 1,950 employees before the war, now has only 200. The managers of big companies and major public utilities are SDS leaders: the local Telecom is headed by Mladen Bosic (the SDS president), the Brcko Electric Company by another former SDS party chairman. The long-time head of the Public Security Center, Bosko Maricic, is director of a furniture factory.

Finding donors has proven difficult for the OHR, despite the Supervisor's statement that “without an immediate financial assistance package for Brcko to enable OHR-North to implement its strategy for Brcko's economy, it will be nearly impossible to implement Dayton in Brcko”. The city administration barely functions: waste disposal is in disarray, the city cannot afford street lights. Economic difficulties are mirrored in the infrastructure, with regular power cuts, inadequate water supply, and a crippled telecommunications system, which hinder any potential revival of industry or further displaced persons' returns. Last

²⁰ *Human Rights Report*, Office of the High Representative, 8 August 1997.

²¹ Sarajevo authorities have also failed to create conditions for their return.

²² *Brcko Assessment*, UN Civil Affairs, updated 17 October 1997.

autumn, most of the population had running water for only two hours a day, and it was not clean enough to drink.

Some business activity has blossomed across the confrontation line, such as the so-called “Arizona” roadside market, attracting buyers from all sides. It is a “legalized” black market which has recently seen a series of tense stand-offs between Bosnian Croat police from Ravne Brcko and the Bosniac authorities of Tuzla Canton. Croat officials warned that attempts by the Bosniacs to assert their control (for example by “market inspections”) would be perceived as an invasion.

An important economic and political issue is the fate of the port. Its true economic significance is hard to measure, due to changes in the economic environment and the lack of funding to finance repairs. The facilities were relatively old, less modern than those of smaller ports such as Slavonski Brod or Samac.²³ Most of the trade which passed through the port was with what is now the Federal Republic of Yugoslavia. Authorities have so far failed to outline a strategy on how to revive the port for the benefit of both entities.²⁴

VII. OPTIONS UNDER CONSIDERATION

A. Legal and Equitable Principles

The DPA mandated the Arbitral Tribunal to decide the fate of the IEBL in the Brcko area on the basis of “relevant legal and equitable principles.”²⁵ The Tribunal concluded that “any ‘simple solution’ must be rejected in favor of an approach that is consistent with law and equity and is designed gradually to relieve the underlying tensions and lead to a stable and harmonious solution.”²⁶ The Tribunal further elaborated:

at a minimum, that equitable considerations be used to render an award that gives effect to considerations of fairness, justice and reasonableness. In territorial disputes, international tribunals have identified as relevant such particular ‘principles’ as, *inter alia*: (1) the consideration of the factual context of the dispute - the unique political, economic, historical and geographical circumstances surrounding the dispute - and the balancing of the interests of the disputants in light of these factors; and (2) a set of equitable doctrines associated with fairness, such as the doctrine of ‘unclean hands,’ by which the inequitable conduct of one of the parties may be taken into account in the decision. Whatever the cited principles, however, international tribunals have typically stressed that the importance of equity in the deliberative process lies not in the formal application of specific ‘equitable principles’ but in the ultimate achievement of an ‘equitable result.’²⁷

Taking into considerations the relevant legal and equitable principles, the Tribunal rejected demands both from the Federation and Republika Srpska that

²³ The port was constructed in 1913 and modernised in 1962 to 1965. *Brcko Port*, ECMM Special Report, page 2, 6 October 1997.

²⁴ *Ibid.*

²⁵ DPA, Annex 2, Article V, par. 3.

²⁶ Award, p. 25, par. 75.

²⁷ Award, p. 31, par. 87, footnotes omitted, underlines in the original.

Brcko in entirety or in part should be awarded to the exclusive jurisdiction of one of the parties to the dispute. The Award stated:

if this Tribunal 'awards' it to the Federation or the [Republika Srpska], a climax of the late war will finally have been achieved, with enormous satisfaction to the 'winner' - and attendant vengeful thoughts from the 'loser'. In the Tribunal's view, however, these are not the terms in which the matter should be analyzed: surely a far more important principle is that this Tribunal, rather than handing a trophy to one side or the other, should take affirmative steps to provide immediate relief, both in terms of human rights and in terms of economic revitalization, for the thousands of poverty-stricken individuals who live in and want to make their home in Brcko. Such steps are important to ease the regional tensions that have given rise to this dispute, and that is a primary objective of the Award.²⁸

While, in its February 1997 decision, the Tribunal did not change the IEBL, it established an interim international supervision for the part of the Brcko municipality in Republika Srpska, and reiterated the obligations of the parties with regard to freedom of movement, returns, reintegration, the creation of a multi-ethnic administration as well as economic revitalisation, and left the final outcome of the dispute to a later decision to be made no later than 15 March 1998 and subject to the conduct of the parties during the interim period.

B. Exclusive Jurisdiction Urged by the Parties to the Dispute

During the last two months, both parties have filed pleading documents with the Tribunal: Republika Srpska urging that the IEBL not be modified and the *status quo* be recognised as a permanent solution; and the Federation urging that the IEBL be moved to include in the Federation Brcko town and Republika Srpska-held territory on either side of the town.

Taking into account the relevant law and equitable principles enumerated by the Tribunal, the obligations of the parties under the DPA and the Award, and the conduct of the parties since the Award as detailed in the previous section (VI), the outcome urged by the Federation cannot be supported fully. While such an outcome can be supported on some of the legal and equitable grounds enunciated by the Tribunal, awarding Brcko town and the surrounding areas to the exclusive jurisdiction of the Federation would not be conducive to long-term stability and peace in Bosnia. The Federation has also failed to fully fulfil its obligations, in particular by failing to create conditions necessary for displaced Serbs now in Brcko to return to Sarajevo.²⁹ More importantly, the outcome urged by the Federation would split Republika Srpska in two, leaving municipalities east of Brcko to the stranglehold of Pale hard-liners, which ultimately would be detrimental to the Federation interests.

The outcome urged by Republika Srpska cannot be supported on any of the grounds enunciated by the Tribunal. Such an outcome would neither ultimately achieve an "equitable result" nor will it "ease the regional tensions that have

²⁸ Award, pp. 35-36, p. 93.

²⁹ While not explicitly stated in the Award, this obligation is implicit in the Federation's general obligation to implement the DPA. In addition, if the displaced Serbs now in Brcko were able to return to Sarajevo, they would have freed housing space for returns to Brcko. In January 1997, the Sarajevo-based Serb Civic Council estimated that some 10,000 Serbs from the Sarajevo suburbs currently live in Brcko.

given rise to this dispute". On the contrary, it would be a trophy awarded to ultra-nationalists in Republika Srpska who conquered the area by committing crimes against humanity under the leadership of the SDS, and who obstructed the DPA and Arbitral Award provisions since the war, providing "enormous satisfaction" and a boost to the "winners", the very same SDS and the Pale hard-liners.

Some argue that the political equation in Republika Srpska has changed on 18 January 1998 when Milorad Dodik, considered to be moderate, was elected Prime Minister of the entity, promising full implementation of the DPA.

Those who wish to take this new factor into consideration argue that any decision of the Arbitral Tribunal changing the *status quo* after Prime Minister Dodik's precarious one-vote majority win in Republika Srpska would provide the Pale hard-liners the necessary ammunition to undermine the new government's authority, with unforeseen consequences for its survival. Proponents of this argument suggest that the *status quo* in Brcko should be recognised as a final solution of the dispute, thus permanently awarding territories north of the present IEBL in Brcko municipality (including Brcko town) exclusively to Republika Srpska, and the rest of the municipality to the Federation. In the process they argue, the credibility and authority of the new government would be strengthened, which in turn would give him the opportunity to implement in full Republika Srpska's obligations under the DPA and the February 1997 Arbitral Award. Otherwise, they argue, the Arbitral Tribunal should postpone a decision and the temporary *status quo* should continue for another interim period in order for Prime Minister Dodik to consolidate his power base and prove in deeds his promises.

While Dodik's election is indeed the most significant political development in the country since the war ended, it does not change the terms of the February 1997 Arbitral Award – that the conduct of the parties during the past year is a determining factor for the final Award. The aims of the Tribunal to produce an "equitable result" and ease regional tensions have not changed either. Awarding Brcko town and surrounding territories to Republika Srpska would not produce the "equitable result" heralded by the Tribunal and, instead, may serve to bolster the hard-liners' position by creating a public impression of rewarding them for past intransigence. Obviously, regional tensions would be eased to some extent if Dodik indeed were to fulfil his promise and allow all Brcko displaced persons to return home to the Republika Srpska side of the municipality. However, if this is accomplished at the expense of an "equitable result" and by producing a "winner" and "loser", the ultimate result may be more tension in the midst of a far more mixed population than at present. In addition, such a solution may prompt the 18 Bosniac members of the Republika Srpska National Assembly, without whose votes the moderate government does not have a majority, to reconsider their support for the Dodik government, thus jeopardising irreparably any progress to date.

Furthermore, maintaining the *status quo* for another interim period or permanently would be a booster for the hard-liners in Republika Srpska who would jump on the opportunity to regroup and use Brcko as a rallying issue.

Postponing the decision again may be detrimental to the return process and to the economic revitalisation of the region. Local and Pale hard-liners could use displaced persons and their return as political pawns against Prime Minister Dodik's policies during the period leading to the September 1998 national elections, thus undermining his credibility and power base. In the face of uncertainties of life in the municipality, displaced persons and residents alike may be forced to leave and seek their fortunes elsewhere in the country and

abroad. Moreover, so long as the ultimate fate of Brcko is in doubt, not even the citizens of Brcko would be prepared to invest in their own future, let alone outsiders, and economic revitalisation would fail.

C. Shared Municipality

1. A Solution Without a “Winner” or “Loser”

ICG proposes an alternative solution to the Brcko dispute which produces neither a “winner” nor a “loser”. Instead, both entities, and above all the people of Brcko, prevail. Given that an earlier proposal by ICG to award the municipality to the common institutions of Bosnia is no longer viable as, two years after the DPA was signed, these institutions are still not functioning, ICG now proposes that **the unified Brcko municipality be awarded to both entities for permanent and shared jurisdiction.**

Developments in Republika Srpska present a window of opportunity for an agreed settlement of the Brcko dispute. ICG presents this alternative proposal as the starting point for the parties to the dispute to develop a common position to be submitted to the Arbitral Tribunal within a month, before the 15 March 1998 deadline for a decision.

2. Special Status for Entire Pre-War Brcko Municipality

In the absence of a clear map attached to the DPA, the Tribunal has already ruled that it is within its competence to define the area subject to arbitration.³⁰ The Tribunal’s final award should include the entire pre-war Brcko municipality.

The pre-war Brcko municipality, including Republika Srpska-held Brcko town and surrounding areas as well as the territory under Federation control, should be placed under the shared jurisdiction of the two entities. In other words, the two entities would overlap in Brcko municipality. Nothing in the Constitution of Bosnia and Herzegovina or DPA can be interpreted to exclude such an arrangement.³¹ At the same time, a new municipal council for Brcko (see below on election modality) should have broad administration powers in order to minimise any interference by the two entities or the Tuzla Canton in the running of the municipality’s affairs. In this way the best interests of the “thousands of poverty-stricken individuals who live in and want to make their home in Brcko”³² would be protected without outside interference.

In order for the three communities in the municipality to develop the necessary confidence to reintegrate, limited autonomy rights could be provided for the preservation and development of their respective cultural, educational and religious rights. However, such rights must not be territorially based in order to avoid hopelessly fragmenting the municipality.³³ If successful, Brcko could become a laboratory for solving cultural, educational, and religious challenges facing minorities throughout Bosnia.

³⁰ Award, p. 13.

³¹ DPA, Annex 4, Constitution of Bosnia and Herzegovina, Article 3 states: “Bosnia and Herzegovina shall consist of the two Entities”.

³² Award, p.36, p. 93.

³³ A proposal by the Bosnian Croats on the day of the arbitration hearing in Vienna as stated by Federation Vice-President Vladimir Soljic would divide Brcko into three municipalities along ethnic lines within a special district governed by a multi-ethnic council.

The Arbitral Tribunal should relinquish its jurisdiction on the dispute after the final award is published. Retention of jurisdiction to adjust the award based on the conduct of the parties to the dispute will no longer be necessary if the international Supervisor's mandate is extended as suggested below, indeed, it would unnecessarily prolong uncertainties in the area. However, the award should include general principles for the constitution of the shared municipality. Detailed provision based on those principles can later be developed by the Supervisor's office. The principles should include *inter alia*:

- In addition to holding the citizenship of Bosnia and Herzegovina, Brcko citizens should have the right to choose the entity in which they will hold citizenship and vote at entity-level elections. Both alphabets, Cyrillic and Latin, must be used in the municipality in official business. The Bosnian state and the two entity symbols must be used as well. And tax revenues from the municipality must be shared equally by the two entities. Other administrative issues can be sorted out later by the Supervisor's office.
- Elections should be organised to form the council of the unified municipality, providing each ethnic group a pre-determined number of seats on the council, and the current multi-ethnic administration expanded to include the Federation side. The ethnic seat allocation on the council should be based on the 1991 census as well as current demography, and should be determined by the Tribunal. All councillors, however, should seek the vote of all citizens of the municipality – each citizen should vote not only for his or her ethnic representatives, but also for the representatives of the other communities. Such a voting system would help the election of moderate councillors to the special municipality council.³⁴ Here too, successful implementation of such an electoral system could serve as a laboratory for the entire country in the forthcoming September 1998 elections.
- The legislation of the two entities should be harmonised, especially in the area of criminal law and procedure, and the judiciary should be reorganised to provide for a municipal level appellate chamber.

While complex, this proposal or some variant thereof has the advantage of setting precedents for co-operation between the entities, promoting multi-ethnic coexistence and administration, improving freedom of movement at least within the unified municipality, and facilitating the return and reintegration of all displaced persons in Brcko. With such an outcome, the corridor linking the two parts of Republika Srpska, at present about 5 km at its narrowest point, will be enlarged to between 18 and 30 km, making the entity far less vulnerable to any possible belligerent aims of the Federation in the future. Both entities would benefit from direct access to the Sava River port, the only river port in Bosnia, and the railroad bridge to Croatia and beyond, one of the two railroads connecting Bosnia to northern Croatia.

³⁴ ICG is preparing a discussion paper on this subject for consideration during the period leading to the September 1998 national elections.

3. International Supervision To Continue

Whether the Tribunal decides to maintain the *status quo* as a permanent solution, or grants part or the entire municipality to the common institutions of the country, or grants the municipality to the joint jurisdiction of both entities, the need for an enforcement mechanism will continue. Thus, the mandate of the current Supervisor or Deputy High Representative should be expanded to the entire municipality and extended for at least another two years, and possibly for as long as OHR remains in the country. This may be the only viable means of addressing the goals, needs and fears of all communities.

The expansion and extension of the Supervisor's mandate could be the key to a successful and good faith implementation of the Arbitration Award. If either party to the dispute fails to implement the provisions of the decision in full and in good faith, the Supervisor would be in a position to assess appropriate sanctions, including the removal from elected or appointed office and the initiation of criminal proceedings. Furthermore, the threat of such sanctions could serve as an impetus to stimulate compliance with or improved implementation of the provisions of the DPA elsewhere, in particular the return of Serbs to the Sarajevo suburbs.

4. Demilitarised Zone

Except for NATO forces, the Brcko municipality should be a completely demilitarised zone. Neither the Federation nor Republika Srpska should be allowed to station troops or military equipment in the municipality. However, both could have transit rights along designated routes - the Federation from Brcko port to its side of the IEBL, and Republika Srpska from the eastern and western parts of its territory. The modality and penalties for any violation of such rights should be spelled out clearly.

5. Refugees and Internally Displaced

Since the DPA clearly enshrines the right of displaced persons to return to their original communities and the February 1997 Tribunal Award reiterated the same right, the Supervisor should continue to press for the return of all displaced persons during his extended mandate, with priority consideration to returns to the town and the return of displaced members of the new municipal council. The return of Brcko's displaced Bosniacs and Croats cannot be organised without taking into account the needs of the new Serb settlers who have nowhere else to go. The latter, many of whom are former residents of the Sarajevo suburbs, must be encouraged to return to their original homes and Federation authorities should be compelled to create the conditions for their return. In addition, some 4,000-5,000 Serbs originally from the Federation side of the pre-war municipality have settled in Brcko town and the suburbs since the war. Conditions should be created for their return home. To this end, the extension of the Supervisor's mandate to the Federation part of the municipality would be crucial. The remaining settlers should be provided with new homes in the Brcko municipality.

International agencies should be careful to award reconstruction assistance only to original owners and to withhold it from displaced persons attempting to stake their claims to "abandoned" property. This will create incentive for rightful returns and disincentives for unlawful occupation of homes in the municipality. However,

Serb settlers who are unable to return to their original homes, must be accommodated, if necessary, in new communities to be built in the municipality.

6. Special Economic Zone

Through substantially reduced taxation and customs duties, the citizens of Brcko municipality will have the economic incentive to invest in their own future and encourage trade with Croatia, the Federal Republic of Yugoslavia, and the rest of Republika Srpska as well as the Federation.

International assistance programmes should be developed immediately. However, the programmes should not be seen as a free lunch provided by the international community. If local inhabitants and businesses are enticed by aid alone, they will merely wait for the donors' cumbersome mechanisms to provide the funds. Instead, carefully selected local entrepreneurs and initiatives should receive backing through micro-credit schemes. By creating a secure environment, the Brcko municipality would increase local investor confidence. Rebuilding the shattered southern suburbs of Brcko town will require a large investment.

The quickest and easiest impact could be achieved by moving the present roadside "Arizona market" on the border between the two entities not far from the Brcko municipality, where people of all ethnicity trade without hindrance, to the outskirts of Brcko town and turning it into a permanent facility by building access roads and putting down paving for stall-holders and their vehicles. Alternatively, the present market location can be maintained and another such market created in Brcko.

Another project could provide micro-credits for building materials to make wood, bricks, and roofing tiles. This would not only boost physical reconstruction of housing in the municipality but also entice others to come and buy. This would be more of a commercial project than humanitarian aid in the traditional sense.

7. Security

Brcko's critical importance for a long-lasting peace in Bosnia requires the continuing presence of a substantial number of international police monitors (IPTF) in the entire municipality. The example of the divided city of Mostar shows that a police force without executive powers can do little to confront rampant organised crime and uncooperative extremist politicians. The Arbitral Award should provide additional powers to the IPTF, especially the right to remove from office local police officers found in dereliction of their duties. The Supervisor should expand the IPTF mandate to cover the whole municipality, should further develop mechanisms already initiated for the creation of a multi-ethnic police force in Brcko municipality, expand it to cover the entire municipality, and consider increasing the officers' salaries so that they will not fall prey to corruption. IPTF should scrutinise very closely local police controlling border crossings and customs, a major source of corruption to date.

The multi-ethnic police force in the municipality should be accountable only to the municipal council and not subject to the interior ministry of either entity or Tuzla Canton.

8. Final Result

The reaction of the peoples of the two entities to such a solution will greatly depend on the restrained manner in which this proposal, albeit complicated, is explained to the public.

The Arbitral Tribunal should also explain to the people of Republika Srpska that, during the past year, their hard-line leaders in Pale totally failed to implement the provisions of the Arbitral Award, and that had they stayed in power, Republika Srpska would have lost the entire Brcko municipality under the terms of the February 1997 Award. With the new political situation in Republika Srpska, the people and the new moderate government in the entity would have gained a reprieve in the form of shared responsibility for Brcko municipality.

Thus the Brcko municipality will have a two-year grace period within which to assert itself as a model community for all Bosnian peoples. It is hoped that such an outcome may serve as an example for the rest of Bosnia and beyond. The message from Brcko should be loud and clear - co-operation and reintegration pay off. In Brcko, the Arbitral Tribunal has the opportunity to create what Bosnia could be in terms of multi-ethnic coexistence and reconciliation.

Sarajevo, 10 February 1998

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We want to head off crises before they develop, rather than react to crises after they happen.

Senator George Mitchell, ICG Board of Trustees Chair

The International Crisis Group (ICG) is a multinational non-governmental organisation founded in 1995 to reinforce the capacity and resolve of the international community to head off crises before they develop into full-blown disasters. ICG board members - many of them high profile leaders in the fields of politics, business and the media - are committed to using their influence to help focus the attention of governments, international organisations and the private sector on impending crises and to build support for early preventive action.

Since February 1996 ICG has been engaged in Bosnia and Herzegovina in support of the international effort to implement the Dayton Peace Agreement. Based in Bosnia, the ICG staff have monitored progress towards implementation of the peace accord, identifying potential obstacles, and advocating strategies for overcoming them. ICG's priority has been to assist the international community and to pre-empt threats to the peace process before they have a chance to re-ignite the conflict that has ravaged the region since 1991.

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