IMPLEMENTATION OF THE HELSINKI ACCORDS

Brcko and the Future of Bosnia

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Washington, DC

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BRCKO AND THE FUTURE OF BOSNIA

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The Commission met, pursuant to adjournment, at 11:00 a.m., in Room 2200, Rayburn House Office Building, Bob Hand, Commission staff advisor, moderating.

Mr. Hand. Good morning. I'd like to welcome you all to this morning's briefing of the Commission on Security and Cooperation in Europe—the Helsinki Commission—on the status of Brcko. Brcko, as many of you know, is a city and a district in northern Bosnia-Herzegovina along the Sava River bordering the Slavonian region of Croatia. It is, as you can see on the far map, in the American sector as far as the division of labor for IFOR, soon to be SFOR, peacekeeping responsibilities are concerned, making it of particular concern to the United States.

Prior to the conflict in Bosnia-Herzegovina which began in 1992, Brcko had a very mixed population. I believe it had a majority or a plurality of Bosniacs or Muslims Slavs, followed by Croat and Serbs. There is also a significant number of people of mixed ethnicity or intermixed marriage. Serb forces took Brcko fairly early in the conflict. As was common throughout 1992 in Bosnia, the non-Serb population was ethnically cleansed. Some of its population fled early on. Others were forcibly removed after the city was taken, and others were placed in camps or otherwise mistreated, sometimes killed by their captors.

Strategically, Brcko has been critical. The name Brcko, in fact, is most commonly used as an adjective to describe the small corridor through which the Serb-held region of western Bosnia are linked to Serbia and to eastern Bosnia. You can see on the second map, it's referred to there as the Posavina Corridor. It is a narrow a corridor, but once it was established, it was well defended, although it was always very narrow and often very dangerous, if not threatened, during the conflict.

The importance of Brcko is evident in the fact that its status could not be agreed upon at the Dayton negotiations, which essentially ended the conflict in Bosnia. The issue of its status was relegated to arbitration, with a decision that was actually due this week, exactly 1 year after Dayton was brought into force. Further signifying its importance, I believe, the deadline appears to be one of the few stated in the Dayton agreement that now is being permitted to slip. There has been a postponement of the decision by a couple of months.

Our first panelist this morning is Frank McCloskey, who serves as Special Counsel to the Bosnian Federation on the Brcko arbitration. He will describe the arbitration process, what is at stake, what is at issue, and possible outcomes. Mr. McCloskey is counsel with the law firm of Barnes and Thornburgh and a former member of Congress from Indiana. I should also add that he was also a member of this Commission in 1993 and 1994, during which time I worked very closely with him and always admired his dedication and persistence when it came to addressing what we were all witnessing in Bosnia at the time.

Regardless what decision the arbitration makes regarding Brcko, the international community will likely have to enforce that decision and may actually have to place Brcko under international protection of one form or another. Both sides in Bosnia have indicated a willingness to fight for Brcko, and in that sense, Brcko remains one of the key points of confrontation remaining after one year of implementing the military aspects of the Dayton agreement.

To talk about the role of the international community, we have Susan Woodward of the Brookings Institution, who has written extensively on the Yugoslav conflict, including her book which came out in 1995, and, I think, is still very popular, *Balkan Tragedy: Chaos and Disillusion After the Cold War*. In addition to her current work at the Brookings Institution, she has taught at George Washington and Georgetown Universities, at Yale and Northwestern Universities, and at Williams and Mount Holyoke Colleges. And, perhaps most importantly in terms of this briefing, she was also head in 1994 of the analysis and assessment unit for UNPROFOR in Zagreb.

As we all know, we cannot talk about any Bosnian issues without focusing on the people who live there who have all been victims of one type or another and to one degree or another. We have the Serbs who live in Brcko now, some of whom are natives but some who are not. A few Bosniacs and Croats have remained behind. We have the Serbs who are refugees, especially in Serbia, who indicated their intention eventually to live in Brcko when they registered for the September elections in Bosnia, doing so in such an incredibly large number that it became a major reason for the postponement of the municipal elections until 1997.

We also have many surviving many Bosniacs, Croats, and those of mixed ethnicity, who want to return to their homes but have yet to be able to do so. And, of course, we have the entire population of the country, and particularly of the Republika Srpska, most of which live on the western side of the Brcko Corridor and depend heavily on that corridor to the extent that they want to maintain an independent entity.

Returning Brcko to the Federation could enhance enormously the viability of Bosnia-Herzegovina, forcing the two to work together. On the other hand, it could cause conflict or further mass migrations of people. Having observed the September elections from Banja Luka, I can vouch for the isolation one must feel living there, especially if one does not trust people from the other groups, as Serbs in the region, rightly or wrongly, do not.

To talk about the resettlement of refugees and the management of the continuing population shifts that could come from a decision on Brcko, we have Soren Jessen-Petersen from the liaison office in New York of the U.N. High Commissioner for Refugees. Mr. Petersen had served as special envoy of the UNHCR to the Former Yugoslavia.

I'd like to say here that while the U.N. has received considerable criticism, perhaps deservedly so, regarding its response to the Former Yugoslavia, I (and I think many others) have always been very impressed with the strong dedication of the UNHCR to getting the job done even when other agencies and organizations were not. UNHCR has also been very responsive to our requests for information on refugees and humanitarian aid, something which, as a person organizing events like this, I have always appreciated.

Finally, speaking on some of the same issues involving the people who live there but from a slightly different angle, we have Carol Schlitt, who served on the OSCE Mission to Bosnia-Herzegovina until October and helped implement the elections in September in Brcko. Ms. Schlitt, who is an attorney from New York, had a unique opportunity to speak with the locals in Brcko and the surrounding area and to get a sense of what they want and don't want, and how they will react to an arbitration decision in Brcko. She also has a brief slide presentation to give us a sense of what Brcko is like.

Following these presentations, we will open up, as we always do, to questions from the audience. So I will be looking for hands and calling on them in the best order that I

can. At this point, I will turn the floor over to Mr. McCloskey for his statement.

Mr. McCloskey. Thank you very much, Bob. I thank you for all your leadership and help on Bosnia and other Balkan issues over the years. In fact, though many may know it, some may not. You have placed yourself in personal peril over there in that regard. Also I'd like to commend you on the overall thrust and details of your opening statement. Indeed, it went almost word for word—not quite word for word, but specifically—to many of the things I was going to say. But I guess, having been a former member of Congress, I'll still assert my privilege to say it anyway. So I do appreciate that.

I think also there's something to realize here as far as communications, world media. As someone who has worked on Bosnia and, also, the Brcko process for more than several months, to say the least, for time as far as getting the word out on the importance of Brcko and this arbitration for many months, it was hard to get any attention because of the elections coming up. Lo and behold, with the deadline looming, and also with the election issues temporarily resolved or decided, we thought that this would be the time surely that Brcko could almost get to be a household word as far as Bosnia. I think that is going to happen.

But, of course, we had the very important and interesting development of the Serbian democratic protests and perceptions of turmoil and instability there. I dare say, given those two previous very important issues, Brcko in its own right is a major priority for peace and stability in Bosnia and in the Balkans and at least as important as the other two concerns I have raised.

Why is that? I dare say Brcko is important to obviously the peace and stability and security of all its citizens, and I would say all of its citizens—Serb, Croat, Bosniac, and others. But also, this is not just a little town on the Sava River in northeastern Bosnia. Really, I think morally, politically, and economically, it does provide the linchpin for peace and security in the region, whether Bosnia is going to be ultimately resolved into the dignity and success of a multiethnic nation status with normal human rights, commercial rights, and economic rights, or does it fall back into chaos—possibly war—perhaps with the Muslim areas in essence being the most isolated, and, if I could say, pathetic eyelet. This should not be allowed to happen.

I might say this map is very good as far as it goes. To the best of my knowledge, it is nearly identical to the map that is being used and will be used in the arbitration. I would note one exception as to this line. That is not on the official map, at least as we understand it, but it does help to show where Brcko city, Brcko Grad is. I could go on and on about the history, Bob and friends, which Mr. Hand has touched on.

But historically, at least in current terms, almost from time out of mind, for 400 or 500 years the predominant population in Brcko has been primarily Muslim. The best census material from '90, '91 or so shows 55 to 60 percent Bosniacs in Brcko Grad, obviously lesser amounts but significant minorities of Serbs and Croats, and the *opstina,* what in the American system we would call the county, there was a plurality of Muslims, some 44 percent of the county, and obviously less numbers of Serbs and Croats.

As we all know—and this was fairly early in the war—it happened. It was very early in the war, the first days of the war. It happened without a lot of media notice. JNA and Serb paramilitary forces swept into Brcko, as was the case elsewhere in Bosnia, under a very methodical and elaborately detailed plan, and ethnically cleansed, brutalized, and murdered thousands of Muslims and Croats in Brcko and the region. Many of them fled. Unfortunately, many of them were murdered, particularly most tragically and grotesquely.

My good friend Roy Gutman has said that the tragedy of Brcko perhaps ranks very close in the annals of this war to the even greater tragedy of Srebrenica. But the Brcko area was the location of the *luka,* or port, where 3,000 Croats and Muslims were mur-

dered. That was within a several-month period in the spring and early summer of 1992.

What do we have now as far as the situation on the ground involving the people there? Brcko Grad itself has been substantially to overwhelmingly cleansed. There are perhaps 1 or 2 percent non-Serbs in the area. There are several dozens or more of Muslim families. The fact is that Serbs who, for whatever reason—and we really do not think it was due to significant failures at all on the part of Bosnian leadership—they were encouraged by Bosnian Serb leadership, they left Sarajevo and, in essence, were directed to resettle in Brcko, primarily into Muslim homes.

Also, as many of you know, Croats from Croatia, from Slavonia, eastern Slavonia, and elsewhere in Croatia, also were resettled into Brcko. They're living there and looking to their future, I might say rightly so, and see great importance hinging on the outcome of this arbitration.

We also have about 20,000 Bosniacs and Croats, probably somewhere more of that, in essence almost able to see their former homes in Brcko clustered primarily in villages called Rahic Brcko, and that's the Bosniac village, and Ravne Brcko, populated primarily by Croats on their region, very much looking at the December 14th deadline and wanting to go back. So obviously, as far as the Brcko area (and also the overall Dayton goals and policy as to the right of return), in essence, there has been no right of return as far as Bosniacs and Croats being allowed to go into Brcko or indeed anywhere else.

I might say, as a point of personal concern and tragedy as in my views on this, very early in the arbitration process, we did tour the IEBL (Inter-Entity Boundary Line), the suburbs of the area where there was some structured and, essentially, significant effort to bring Bosniacs to settle back into homes there.

At that time, a local Bosniac leader who operated a restaurant in his pre-war villa there was staying in the area, was working with the Serbs. He had, as I recall, been a member of the Brcko city council. He was still a *de facto* community leader. He introduced us to his neighbors, and he was a very courageous man. Well, he is not alone, but we got word yesterday that his house, his villa, which he was gradually trying to rebuild, has been bombed, and he's in very serious condition somewhere in the area.

The simple fact also is that Republika Srpska, I guess for whatever reasons, have had and are trying to go it alone economically. They have not fulfilled or aspired to the provisions of the Dayton accords as far as freedom of commerce, freedom of transit, throughout the region.

The land traffic north coming from the Federation in the area of Tuzla has been very limited for various reasons, not all going to Bosnian Serb leadership. There's been no access to the bridge at Brcko. The primary access north by road into Central Europe has been by barge traffic. I talked to one or two people who have been delayed 2 to 3 days getting across that route. Usually it can be more than several hours, sometimes less than that.

Also, Brcko was a thriving port on the Sava River. The Sava, as you know, proceeds into the Danube, and from there, river maritime traffic can go into Northern Europe or the Black Sea. It's very important for the Federation so that the Federation itself does not become a basket case, to have normal road and maritime access northward through that region. I dare say, whether they know it or not, this is very important for the vast numbers of Serb citizens in Srpska, the Bosnian Serbs, who are, for various reasons, as elsewhere in Bosnia, in very dire economic straits.

A very obvious point—almost anyone who showed up here knows it already, but I must state it for the record—obviously Brcko, as Mr. Hand mentioned, is the site of the so-called Posavina Corridor, which was a de facto, if you will, military route for the Serbs during the war. The Serbs see this as very essential, I guess a clear route for their military and social security to continue, so they are very concerned to have the so-called corridor,

though they have not expressly said so in the arbitration, primarily for military purposes. They have labeled Brcko as a survival issue, and, indeed, if Brcko were to go to the Federation, something I might allude to in a moment, they have actively on more than one occasion, including very recently, threatened war. But for the record the Serbs see this as very important also, I guess, psychologically—those are my words—to connect by land east and west Srpska, to have the area, for whatever argument that is, all in one piece.

Now, as Mr. Hand said, the parties signed the accords at Dayton which provided for arbitration for the Brcko area—very strange phrasing, quite frankly, but it only alludes to the location of the inter-entity boundary line in the Brcko area. For whatever reason, it was stated in those terms. This is the inter-entity boundary line here south of Brcko. What that exactly means, quite candidly, is a major point of contention between the parties.

I will say this. Having talked to numerous Americans and Bosnians at the very highest levels, from President Izetbegovic through Richard Holbrooke and various State Department people, there is no doubt in the minds of anyone who sat at that table that the agreement, controversy if you will, was referring to Brcko, Brcko Grad, and that area. It was not just a mere technical dispute as to a more or less routine location of a line south of Brcko. It was for the very control, destiny, and functioning of Brcko, if you will. Particularly President Izetbegovic, under pressure, put his name on the line with the guarantee that an arbitration process using legal and equitable principles would be utilized to resolve this problem. They are very sincerely—I know this well from many discussions—they are placing their faith in the just application of legal and ethical principles.

The Federation and its lawyers have scrupulously complied with all the legal and administrative requirements of the arbitration. Our papers have been filed on time and submitted with all pertinent requests from the panel being complied with. Republika Srpska did not show up with counsel until mid-November, some 2 to 3 weeks ago. Republika Srpska withdrew with various statements impugning the motives of the American arbitration chairman Roberts Owen. As I said, the Srpska leadership is threatening war if they don't get their way on this. Most recently, Premier Klickovic said there would be war, and he said (I think most ominously), "Americans would feel it in their skin" if the Federation received Brcko.

The Federation believes that rightly the Federation should get Brcko for all sorts of reasons that I've previously alluded to. But in the reality of things, in all candor, we are open to amelioration, compromise, perhaps the consideration of an international regime which could be administered fairly and forthrightly for the interest of all citizens in the area.

We think that Brcko could become a vanguard model for peace and stability in Bosnia, for increasing good will between citizens of the Federation and citizens of the Republika Srpska. It's a place where the international community and the national leaderships can focus and get the job done. Ernst and Young, at the Federation's request, has developed an economic development program—that's the international consultants—for the benefit of all the people of the Brcko area.

I would just say, in closing, for the time being it appears, though it is technically uncertain, but it's almost certain that there will be an extension till February 15th. But this has been somewhat clouded by the fact that Srpska has formally withdrawn from the arbitration, and it's unclear if they're coming back. But I dare say—and I think at some point they will—both the majority of the arbitration panel, Mr. Roberts Owen and Mr. Sadikovic, and also the spokesman for the State Department, Nicholas Burns, have said that, regardless of their participation or lack of it, there will be a decision on Brcko and that Srpska should comply with its solemn obligations that they signed at Dayton.

Thank you, Mr. Hand.

Mr. Hand. Susan?

Ms. Woodward. Thank you, Bob.

I've been given the task to talk about this issue of Brcko from the international perspective. Let me start you off by taking you back to 1991, when the European then-Community decided to intervene and mediate the Yugoslav crisis that began this tragedy. The EC chose to do what it called mediation but was, except for the non-legal character of it, basically an arbitration between Slovenia, on the one hand, and Yugoslavia on the other, as if Yugoslavia no longer included Slovenia, over the issue of self-determination. Mediation was an attempt in some ways to delay a resolution, but nonetheless we see that at the outcome there was no choice but to give Slovenia its independence, and you well know the outcome.

The same approach was taken with the issue of succession. In this case, the issue of succession, of who had gained assets and who owes debts in terms of the breakup, dissolution of Yugoslavia, has been a matter of committee discussion, arbitration now for almost 5 years. It's only in the last year that some of the political issues that make it possible to talk about succession have been negotiated between and among the successor states of Yugoslavia as a result of the Dayton agreement. But we have in fact seen that the consequence was delay, and far greater cost than if decisions had been taken immediately.

Let me now turn, with that as a background, to what I think the international community perceives as its goals. You may disagree with me, but I think we cannot talk about this issue at all without talking about what the objectives are. We heard in part already from former Congressman McCloskey what the goals of the parties on the ground are. Let's turn to the goals of the international community, and in all cases we can't ignore them; we may disagree about them but we have to make them explicit.

I would submit that the current goal, particularly of the Western allies, first of all is a stability in the region that is sustainable. You can call this peace if you want. I think stability is a better word.

Second, although less important, is some time limitation on the international deployment. There is general consensus that we do not want to create a Cyprus in the region, either in Brcko or in all of Bosnia—or for that matter, potentially in Kosovo or Macedonia. But some time limit on international deployment.

Third, I would argue—I think there is clearly less consensus on this, but I think one can see why it goes very much with the first goal of stability—namely, to find some settlement for Brcko that is compatible with the Dayton agreement; that it does not, in other words, conflict with the principles of Dayton so that we have major difficulties arising from it, but rather that the decision is in support of Dayton; in other words, that it leads as fast as possible to normalization in Bosnia, not only for troops who leave but also so the people themselves can truly get back to living their lives.

In other words, what we know from the 1991 example, and I would say, from these international goals, is that Brcko is not a legal issue, even though the Dayton negotiators choose to put it in that category; it is a political issue. It's a political issue for the parties, and it's a political issue for the international community. Moreover, it is not simply an issue of Brcko itself, what the local interests are, but it's an issue, as former Congressman McCloskey rightly started off by saying, it is an issue that will decide the fate and establish the principles for at least all of Bosnia and Herzegovina, if not for the region.

That said, let me now turn to what I perceive to be the main issues at stake for the parties on the ground in order to explain why I think we have different consequences, depending on what the arbitration decision will be.

The first is obvious, for the Serbs have made it very clear it's a state matter, it's a strategic imperative for Republika Srpska. Although Brcko is in some ways similar to the

bottlenecks at Gorazde and Zvornik, it is far more critical in the sense that if it is cut, Republika Srpska ceases to exist. So it has declared that it is a state matter for the Serbs in Republika Srpska, and for their supporters a *casus belli*. Frank McCloskey has said they will go to war, they've made that very clear not only in their attitude about returns in the area of Zvornik or their policies toward Gorazde 2 years ago, but also in their preparations over the last year, they will go to war, they will fight if they lose it.

For the Bosniacs there are, I think, three issues at stake. The first is the economic one which you've already heard. They need secured access to the north, not to the north of Bosnia, not even to the north of Former Yugoslavia, but to all of Europe through the north, economically. This is not the river port, the port was never a flourishing port; it is not now, of course, because of the war. It's much more important if you look at communication lines and the nature of industries, and so forth in that region, the industrial heartland, and particularly for Tuzla, is the rail link that goes through the town itself and the road from Tuzla to Orašje, that's what's at stake in terms of the communications. We should make that very clear, the port is a non-issue.

The second issue for the Bosniacs is a result of this economic axis issue; namely, secured access to that route is absolutely essential to them to prevent them from becoming vulnerable to their Croat Federation partner. That is to say, it gives them an alternative access to the outside world if the coastal route, which the Croats control, is cut. As we saw very much throughout '93, war between the Bosniacs and the Croats was over supply routes, and we can see very clearly what the Croats were able to do. Ironically, the Serbs were able to help the Bosniacs out in '93, or they would not have survived. In other words, it's a way of preventing not only a return to the '93 conflict with Croats, but giving Bosniacs some independent leverage over their Federation partners.

Third for the Bosniacs, it's an opportunity through apparently non-political means, a legal arbitration, to weaken or break apart Republika Srpska as a part of a long-term political strategy, which I think is clear.

Coming to the third party of Bosnia, the Croats, who are dominated and, I think, will always be dominated in Bosnia by the Zagreb-Mostar link and not by central Bosnian Croats, who are numerically weak and politically weak, as you see by simply talking to the dominant Croat mayor in the Brcko area, who is not much in agreement with his party colleagues in Mostar and is much more interested in cooperation with his local colleagues—I think rightly so, but it's a reflection of his weakness in the interests of the Bosnian-Croat position—for the Croats, it doesn't really matter, they don't care about that area, I submit. They haven't said so, but I submit they don't really care. They can support the Bosniacs if the legal arbitration comes down to demographic issues, claim their population in support of the Bosniacs, or they can support the Serbs if in fact you've got a partition scenario for Bosnia-Herzegovina. They're capable of switching sides, putting them in a very good position as they have been more or less over the whole course of the Bosnian war.

Let me now turn, having set that out, to say what I see to be the four current proposals on the table and what their consequences would be.

The first would be, of course, to give it to the Federation. Frank McCloskey has elaborated this position. My own understanding of the consequences of that are the following, and I'd be very curious what other people have to say about this. First of all, we've already said, both of us, that the Serbs will go to war.

Mr. McCloskey. To tell the truth, I haven't said that. I've said they said they will.

Ms. Woodward. Yes, that's what I meant to say. Thanks. They have said they will go to war. I think the behavioral indicators over the last 4 years are pretty clear on it.

Secondly, it does a very interesting thing to the Dayton accord. It suggests something that is not in the Dayton accord; namely, that the principle of the right of return is

not simply an individual right, which is what the Dayton accord says, but that it extends to the principle of political control as for where, under what political authority—Bosnian Croat, Bosniac, or Bosnian Serb—a particular territory is. It may even raise—if the issue is suggested that the Federation should get this territory because of historical rights, which of course are factually disputable, but that aside, it would overturn all of the principles of the Dayton accord, because this historical right was denied to Serbs. Though granted to Croats in Croatia, it was denied to Croats in Bosnia. It, of course, has been denied certainly to Bosniacs throughout Bosnia-Herzegovina. Not that these historical rights to territory are compatible, but that principle was not used in Bosnia.

Third, I think we could say, and this is speculation but I think it has to be discussed as a possibility, is that by giving Brcko to the Federation directly, it would support that faction within the Party of Democratic Action that aims to retake territory militarily, because it is a part of a military strategy. So it would be a concession to the militants within President Izethegovic's party. Even if it is not, it is certainly perceived that way. Now, I mention this only because I think that if it is a concession to the second war scenario, which we now hear some talk about these days, I think one has to recognize that in the end military analysts suggest the Bosniacs cannot win such a war, so that by saying that they will go to war does not mean to say that they will win it.

The second proposal on the table is the internationalization proposal, perhaps with some kind of special corridor police for 2 years. What are the consequences of this? This is basically the same decision that was taken at Dayton. It defers the problem. It says we don't really know yet what we want to do or the conditions are not ripe for a decision. It's another Dayton punt. It creates a special regime for Brcko that does not apply to the rest of Bosnia-Herzegovina, which could set up a momentum for bargaining on other places—Prijedor, Gorazde, and so forth. But it certainly, as a special regime, tells the parties on both sides, Bosniacs and Serbs, having said already the Croats don't have a particular interest in this—this is not an entity-to-entity issue, it's a party issue–it tells both the Bosnian Serbs and the Bosniacs simply to bide their time and try to manipulate the local situation so that they, each of them, can be in a better position when this international regime ends.

Because, third, of the strategic implications of the Brcko decision, the consequences will be Bosnia-wide. In other words, internationalization—I'm not saying for or against any of these positions. I'm trying simply to lay out the consequences—internationalization would probably lead to a delay in forming common institutions and a political regime for Bosnia-Herzegovina because it delays a decision about what the political outcome is, as Dayton did. In other words, it will delay getting on with the task of independent government, inhibiting the process of transfer to the parties themselves.

Finally, delay means that armies will be stronger on both sides when the international regime leaves.

The third idea on the table is the District of Columbia idea, as some people are now liking to call it. That is internationalization with a justification for a special regime. It says, yes, Brcko is different, and we won't hide behind the fact of delay but to say it is different, we need a special regime. This, as many of you know, has come out of the interests of the local mayors, all three of them—Bosnian Croat, Bosniac, and Bosnian Serb-who have been working very closely, meeting at least once a week under the auspices of Lieutenant Colonel Cucolo at Camp McGovern, to try to find a local solution. It says we can cooperate and we should think about this as the core of the beginning stages of the reintegration of Bosnia-Herzegovina; we have demonstrated that we can; we know the rest of Bosnia-Herzegovina can; it is a first stage of a multi-ethnic outcome.

Now, I happen to think that—my personal approach is that this is the most desirable of all. Having talked to the mayors and seen what Cucolo has done, there's a lot of

convincing evidence for it. But I think here the consequence to the international community is that it has to be willing to stay much longer than 2 years, as in the corridor-police idea of internationalization, and to do the work in the rest of the country that this reintegration scenario implies.

The fourth proposal is to leave the status quo; that is to say, to retain Serb administrative control over Brcko town and the surrounding area, but to add to that status quo secured access for Bosniacs through the rail link and the Tuzla-Orašje road. We could do this in a number of ways. You could have military deployment of SFOR along the route, possibly adding some police from IPTF to make sure that road blocks and police checkpoints don't reemerge, or you could do it with a controlled demilitarized zone. That might require deployment for quite some long time. But it would be much a smaller deployment, probably, than the internationalization one.

That, proposal, I would argue, would probably be more likely to keep Serbs in Bosnia, because it is a compromise position where both sides get something. It would prevent the partition of Bosnia into what's usually referred to as the Tudjman-Milosevic map; that is to say, into two pieces, where the Bosniacs don't have any state at all. It can best be solved for the Bosniacs, that approach, with a greater focus by the international community on the Dayton principles itself, because what it says is the best solution is local authority for the Serbs and much more emphasis on implementing freedom of movement, right of return, and the common institutions, mainly the economic and trading issues for foreign trade that are the core of the common institutions.

Let me turn, just by way of conclusion, to what I think any choice means.

First of all, the international community has accepted, I submit, the obligation, by this arbitration and its presence on the ground, to implement the agreement, to manage the consequences of whatever decision is taken. I would submit that it ought to accept the obligation to manage the consequences for the least amount of pain for the locals involved. Given the interest of the international community, it's a strategic decision, not a local-interest decision.

Moreover, that this probably requires taking a decision now rather than delay, while the international community is at its maximum point of leverage over the situation, while it still has a large number of troops on the ground, political will, economic aid, which will inevitably decline substantially over the next 2 years.

The other thing I would like to say by way of conclusion is to suggest that the importance of making a decision sooner rather than later is because the situation in the region is very unstable, or at least uncertain. Let me simply mention the three elements that we want to take into account as we move towards this decision.

One, the obvious one, of municipal elections, which is one of the main means by which the two parties are trying to gain advantage over an outcome: on the one hand, the effort to deny validity of the P-2 form in the elections, so that all of the Serbs, the 78,000 Serbs who left Sarajevo and Brcko and the many Serb refugees in Serbia who voted as if they're going to live in Brcko, would not have a right to vote on the Serb side; and on the other side, the possibility, in fact I would say very high likelihood, that sometime next spring or early summer most Serbs in eastern Slavonia will leave and will be pushed toward Brcko, so you will have just prior to municipal elections a new refugee return issue that will complicate matters a lot.

The second issue, of course, is if the opposition coalition Zajedno in Serbia strengthens over the next 6 to 8 months as we move towards the next presidential election in the spring in Serbia. That group is more inclined to support the interests of Bosnian Serbs than the current president of Serbia. That is something to keep in mind.

Third, of course, is President Tudjman's illness and his tendency over the last several months to become more what we tend to call in the region, hard-line about Bosnian

Croat and Croatian national rights, as he looks toward the fact that he is dying and will leave a legacy to his people rather than to openness in Europe, so that we can predict a greater shift to the right in terms of the Croat position.

I'm not going to take more time to spell out what the consequences are, but I think those are some of the factors we need to take into account.

Mr. Hand. Thank you.

Mr. Petersen.

Mr. Petersen. Thank you very much. Thanks for inviting UNHCR here today. Let me try to be brief, because so much has already been said that I would have said, and I would agree with. Let me just say that I see three key points of potential confrontation most likely to threaten the very fragile stability in the whole area of Former Yugoslavia.

Not in any order of priority, but one is the non-return of refugees. In fact, the most serious incidents on the ground, even resulting in casualties since the peace agreement, have been related to the obstacles in the way of the right to return, and also, in some instances, to what I would call returns provoked by others for different motives. So the non-resolved issue and the lack of international resolve to support the right of refugees to return is a major flashpoint, a direct threat to the stability of Bosnia and the entire region.

The second, and Susan referred to it already, I still believe that we have to watch developments in eastern Slavonia very carefully, very closely. It may lead to resume hostilities if either of the parties do not seem to get it their way. The Croats, who are evidently impatient to see the Croats return as soon as possible. Serbs, we would like them to stay. Many Serbs would wish to stay, but there may already be a deal, already an agreement, that there is indeed a dispensable population of up to 100,000 people who might then be directed down into Republika Srpska in Bosnia, into strategic areas intended to consolidate their grip and again blocking the return of non-Bosnian Serbs to Bosnia Serbia. So eastern Slavonia is clearly the second area.

The third obviously, for reasons we have already heard so well, is the arbitration over Bosnia. Any arbitration that is perceived by the parties to produce a winner and, more importantly, a loser will most likely produce also, or provoke, a resumption of hostilities by any of the two parties. Brcko is, therefore, is an obvious risk, and we have heard so many reasons, but there are also some opportunities. The opportunities, first of all, as we have heard, whether they like it or not, all parties need cooperation around Brcko. Secondly, and as a reflection of that recognition of the necessity to meet and cooperate, the parties have been meeting, as Susan was saying. The mayors and others have been meeting on a weekly basis. I have been present at some of these encounters. I must say they are taking place, most of them—I understand, and certainly what I attended—in a very constructive, cooperative atmosphere. Among the local authorities on the ground, and linked to that I see a lot of moderation, we are also near Brcko seeing a concrete expression of that understanding of the need to cooperate around economic imperatives in the very much reported and talked about Arizona Market.

The fourth opportunity is that there is now a decision for a continued military presence which will be important to manage whatever outcome there would be of the arbitration.

So there are very obvious risks, but there also some opportunities. Indeed, when the parties on the ground, when they meet, and throughout our numerous meetings with them—in fact, UNHCR has had an office in Brcko over the last 9 months, and we are covering the area from our office in Tuzla. But whenever we meet with them, and I've been meeting the mayors myself, they all urge patience, they all talk moderation. I still recall the expression by the Serb mayor of Brcko. He used a sport, a football expression, or rather a soccer expression, maybe not very known in this forum here, but he said we

need to stop on the ball and slow down the pace of the game while we establish agreed rules of the game. I believe that is the way that many feel about this issue.

Meanwhile, as we have seen in all other parts of Former Yugoslavia, while the locals on the ground are urging moderation—that is, by the way, certainly not the case throughout Bosnian; on the contrary, we have some locals who are worse than some of the worse nationalists—but meanwhile still on Brcko the nationalists have certainly been igniting the ticking time bomb around and in Brcko. I think the resettlement of more than 30,000 displaced persons from Sarajevo, displaced Serbs, was what I would call a ethnic engineering. I have again met a lot of them up there, and they certainly had no wish to go to a place over which there is a very strong uncertainty. They cannot even start settling down because they do not know whether they would be there tomorrow. So the resettlement of more than 30,000 Serbs has not been helpful.

Secondly, the way that not the least on the Serb side very obvious attempts to influence the outcome of the municipal elections were made by the simply already filling the form, the Form 2, indicating and directing people to vote and to tell them on the form where they should go and vote, that was obviously also a way to influence the outcome.

Thirdly, an obvious provocation so tangible is the blowing up of houses, which as we heard are continually getting worse, happening overnight, while IFOR's eyes are maybe not as sharp as they are during the day, and this is an obvious message that is most unfortunate and now with very tragic consequences. Indeed, I also knew, or know, the gentleman they're talking about, one of the many wonderful moderating influences trying to build a consensus around a future for all communities in Brcko.

We agreed already in June this year that, with the office of the high representatives and IFOR, who— by the way Colonel Kukula has been doing an absolutely marvelous job up there, a wonderful job. I wish that they were as active throughout Bosnia as they have been around the Brcko issue thanks to the individual commitment, I would say very much, of Colonel Kukula and some of his people. We agreed that there was a need in June to establish what I would call some ground rules, because there was an obvious and very dangerous housing race. So we sat down and established an agreement with the parties whereby the right of house owners, the rightful owners of property, their right would prevail over the right of those who had arrived from other areas, the displaced from other areas of Bosnia—for example, the Bosnian Serbs.

As a result of this arrangement, some 400 people have now been allowed to return. That is still a drop in the ocean, but I think there is a need for an orderly procedure, although it has predictably been obstructed at every turn. Under that arrangement, 400 have been allowed to return, 100 houses have been repaired, but so far, and that would show you some of the difficulties we're up against, only 15 families have actually returned and have, indeed, also seen their houses being blown up.

We believe, as we have heard before, having worked with the people and having worked throughout Bosnia for 4 or 5 years, that we do need time. That doesn't mean that there shouldn't be an arbitration so that we know what the rules will be, but we still believe—and having listened very carefully to those local people on the ground, because I believe that throughout Bosnia the future lies in building up alternative forces, alternatives to those people who started the war, who waged the war, and who still in peacetime are pursuing their policies of separation, opposition to return, et cetera—we believe that building up an agreement around the local opinions, building up some kind of an internationalization—I will today not get into whether it should be true or free, the internationalization, or D.C., but there is a need for time.

You cannot just rush into a decision after a conflict of that atrocity. The partners need time, and it is not that we are deferring. They are working towards that solution every day, and therefore, some kind of an internationalization over a 2-year period declar-

ing or making Bosnia a kind of an open city linked to a very focused economic recovery program would, in our view, be the way forward. It would certainly from UNHCR's point of view—and that is our main interest in Brcko—it would have three positive effects.

First of all, it would, hopefully, eliminate the risks that we see for the resumed hostilities, because clearly what we will be seeing in terms of refugees' displacement as a result of the arbitration that would go against the Serbs or would be seen by the Serbs to go against their survival would lead to an exodus which would be much larger than any we have seen since the beginning of the war, because you will certainly be seeing very real, genuine fear from all those in the western part of Bosnia and Republika Srpska who feel that they have been cut off, and they will start fleeing in all kinds of directions.

So an internationalization, international presence, economic recovery would, we believe, reassure the Serbs. It would also allow those displaced who want to stay to remain. Any displaced, of course, should have to be allowed to remain. It would allow people to return.

I see one or two by-products of such an arrangement, one of them linked to what Susan already said, but I would like to add one thing. It would give the Federation a second outlet, and that is very important. Butthat would also help to reduce the influence of the illegal republic of Herzeg-Bosnia, because Herzeg- Bosnia, which despite all kind of agreements, flourishes as well as it has ever done, which is still very much a player, a very unhelpful, a very destructive player, no doubt about that, but thrives on controlling entry into Bosnia from Herzeg-Bosnia in the southwest. So by opening up there, by giving the Federation an outlet, you are indirectly or maybe in a very direct way reducing the mafia and other kind of illegal activities that is their sort of way of thriving off the republic of Herzeg-Bosnia. I think that's a very important by-product.

The other, I would say, is that, yes, Brcko is unique, but still there are several what I would call "Brcko crossroads" in Bosnia. If we could build up this reconciliation around economic imperatives, around the economic necessity to work together, that might send some very important messages to other what I would call crossroads in Bosnia and therefore might, from UNHCR's point of view, open up hopes that we can promote return to some of these crossroads around the economic imperatives of co-existence. This is certainly part of our strategy over the next couple of years to de-blocking what is today very severe obstacles in the way of the people's right to return.

Thank you very much.

Mr. Hand. Thank you.

Carol? And just indicate when you would like the lights in the room to be turned out?

Ms. Schlitt. Okay, thank you, Bob.

I wanted to reintroduce myself. I am Carol Schlitt, and I worked with the OSCE Mission to Bosnia-Herzegovina as a human rights officer. I was in Brcko from August through September of 1996. I took several photographs during that time period which will visually demonstrate some of the points and issues that have been raised already.

It's a good thing also that I follow UNHCR, because many of the points that I want to demonstrate, both visually and in speaking with you, have been raised by UNHCR, such as the issues of property, reconstruction, and refugee resettlement that are key to Brcko. I also want to touch on the issue of freedom of movement from the majority Muslim area south of Brcko town to the town of Brcko, which is controlled by the Serbs. I also want to demonstrate the pressures on the population by the three different governments of Brcko and the resulting manipulation of the population.

I will begin by showing the photographs which will illustrate these points and then

highlight discussions that I had with some residents of "d. We can turn down the lights now and I will show you some of my photographs.

Photograph 1 was taken at Brcko's train station. As has already been mentioned, transportation is crucial to Brcko and the point where goods are transported to Croatia and then on to Europe.

Photograph 1.

The next five slides may be grouped together. They represent the destruction in and around Brcko.

Photograph 2.

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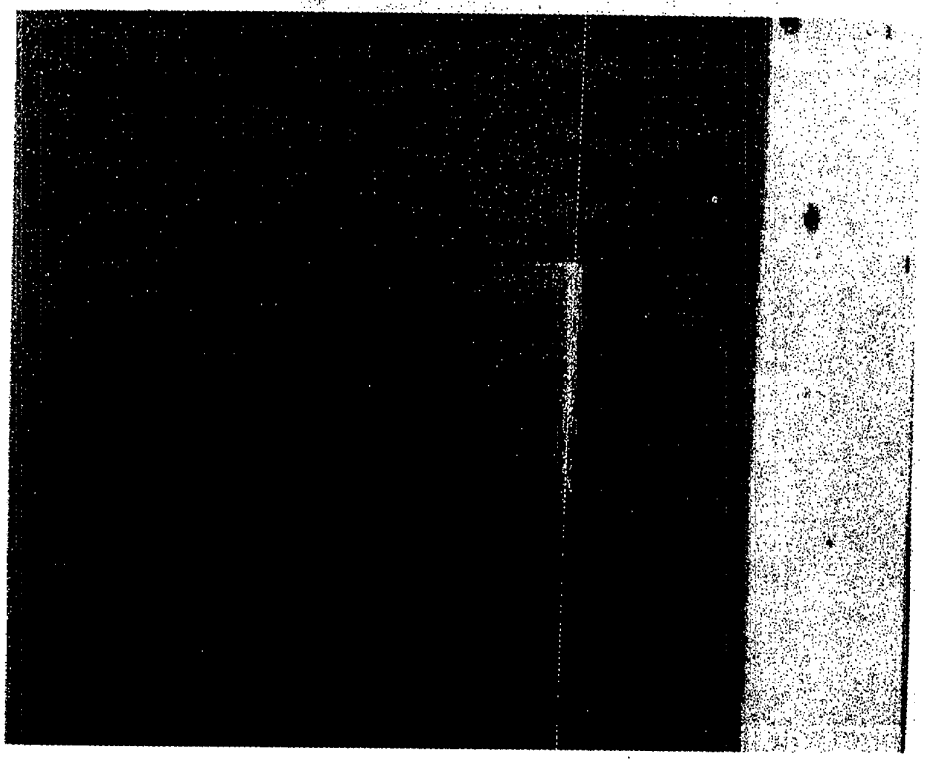
These photographs, just as photograph 2, depict the homes that were shelled as a result of the fighting in Brcko.

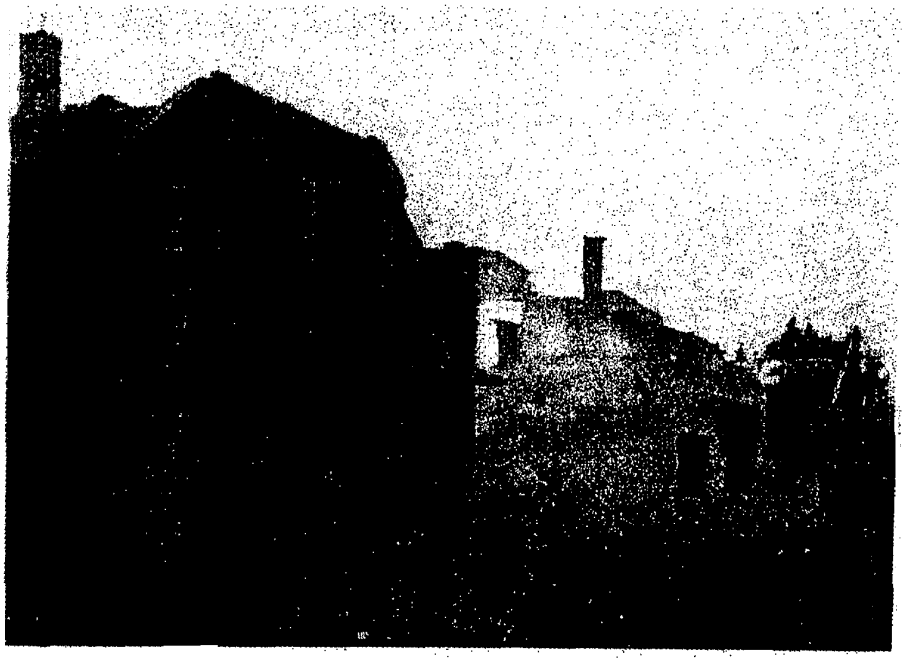
Photograph 3 is a factory in Brcko, which was destroyed by shelling.

Photograph 3.

Photograph 4 is the hospital in Brcko, which has obvious marks of shelling.



Photograph 4.



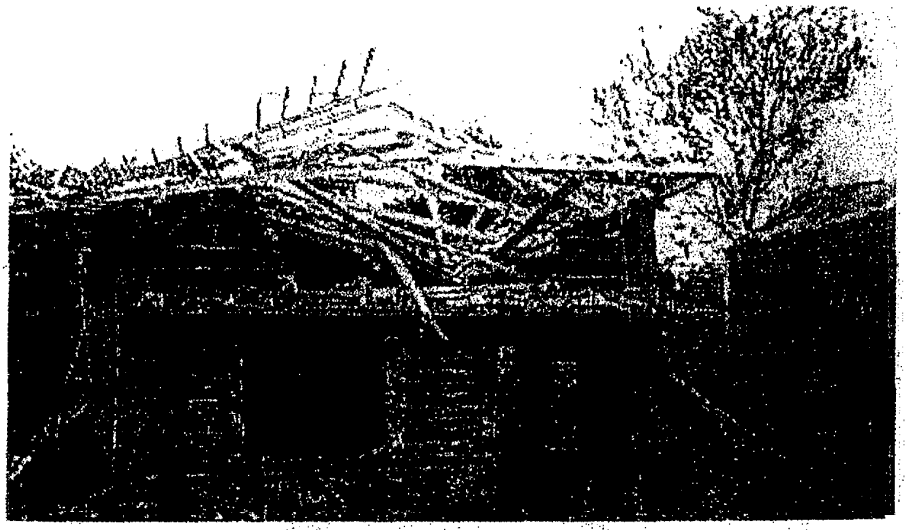
Photograph 5.

Photograph 5 depicts homes on the outskirts of Brcko town. I want to point out that they are being rebuilt. As you can see, one of the roofs is now in the process of reconstruction.

Photograph 6.

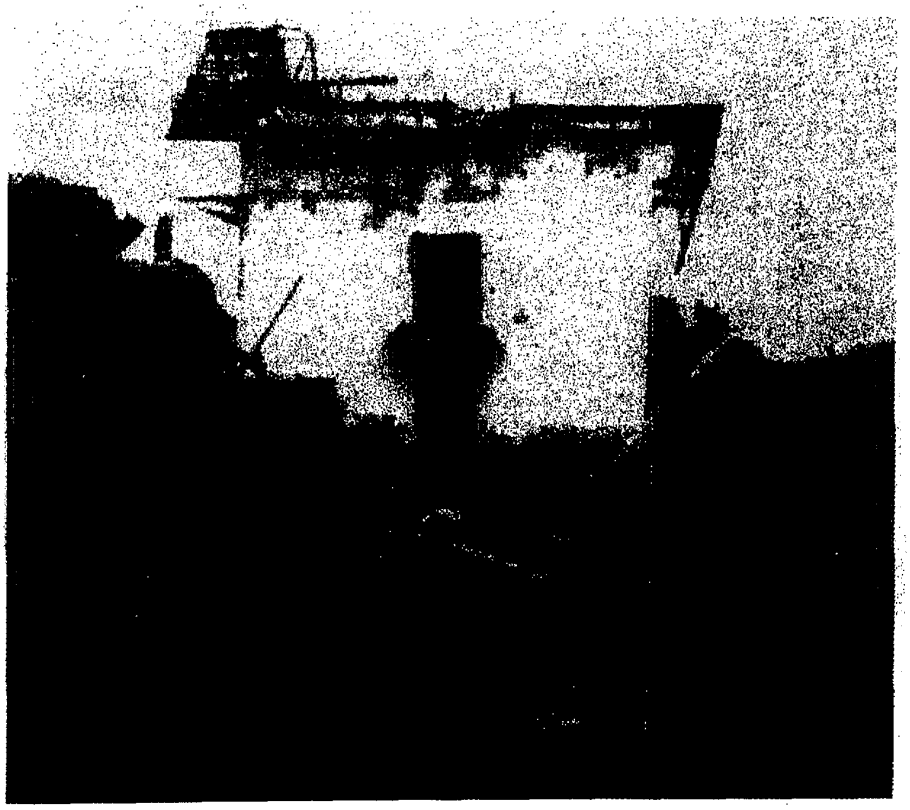
There were many Muslim homes in the area of Brod and Omerbegovaca which were under reconstruction. Photograph 6 shows you the tiles which were supplied for the reconstruction of Muslim homes. Photograph 7 is the first slide of many to demonstrate the

destruction by bombs that were set in Muslim homes which were in the process of being reconstructed in the area of the zone of separation.



Photograph 7.

Photographs 8 and 9 are of homes that were in the process of reconstruction.



Photograph 8.

As you can see, the roofs were blown up as they were close to being completed. In Photograph 8, the roof of the home in the background was partially destroyed by explosives. Photograph 9 was taken in Brod near the U.S. McGovern base.

Photograph 9

Photograph 10 is of a British IFOR officer investigating a bombing of a home and who stated to me that the explosion was done professionally. The bomb was set so that it could destroy the home that was in the process of being rebuilt.

Photograph 10.

Photographs 11 and 12 depict homes that are being rebuilt by Serbs.

Photograph 11.

Homes are being rebuilt in the area just north of the zone of separation (ZOS) within the territory of Republika Srpska. Serbs were rebuilding houses along the northern border of the ZOS so that families who were rebuilding in the zone of separation would not be able to cross into the town of Brcko. The Serbs intend to create what they call a "biological front line" of Serb homes along the northern border of the zone of separation.

Photograph 12.

Mr. Hand. Some of these apparently are Bosniac homes then, aren't they?

Ms. Schlitt. They may have been Muslims' homes. But the significance of this rebuilding is that it's politically motivated to create a biological front line, a line of Serbs on the northern edge of the ZOS, to prevent movement back into the town itself.

Photographs 13 and 14 graphically depict the lack of freedom of movement between the two entities, the Federation and the Republika Srpska.

Photograph 13.

Photograph 14.

Freedom of movement is still not realized in Bosnia. I took these photos 13 and 14 on election day, on September 14. This is the issues of freedom of movement which are also very difficult at this point. This is actually taken on the day of the elections, on September 14th. They depict two of the six Muslims who tried to cross into the zone of separation in order to vote.

Photograph 15 is of the place where they were to vote. The two tents are located in Brod, which is in the ZOS. Muslims who wanted to vote in the town of Brcko could not go all the way into town, but were encouraged to vote with the ZOS for security reasons. The polling place was set up very close to the McGovern Base, which is run by Lieutenant Colonel Tony Cucolo and 850 U.S. IFOR troops operate out of there.

Photograph 15.

The next several photographs were taken on September 14, 1996, on election day in the town of Brcko itself. Photograph 16 shows buses (there were several hundred of them) that brought people from the Federal Republic of Yugoslavia to Bosnia to vote. These people had registered under Form 2 as has been previously discussed. They were coming to Brcko because they had certified on Form 2, in the registration process, that they had an intention to return, or live, in Brcko. There were approximately 30,000 persons who had registered to vote in Brcko who were living in the Federal Republic of Yugoslavia. I was present on this corner when a convoy of 50 buses came by. There were about 200 buses that came that day, crossing into Brcko from Bijelina further to the east. They had come by train from Yugoslavia to Bijelina and then were bused to Brcko for the purposes of voting.

Photograph 16.

The next slide is also persons who were waiting—yes?

Mr. Petersen. Notice the poster there. The picture of the poster is of the famous, or infamous, Arkan. Whose picture you could see all over Republika Srpska at least 4 or 5 weeks before the elections. So much about the process of arresting war criminals. By the way, he's not indicted.

Ms. Schlitt. That's right. I have several more photographs, in fact, with him. He's—

Mr. Petersen. The gentleman in the light blue jacket.

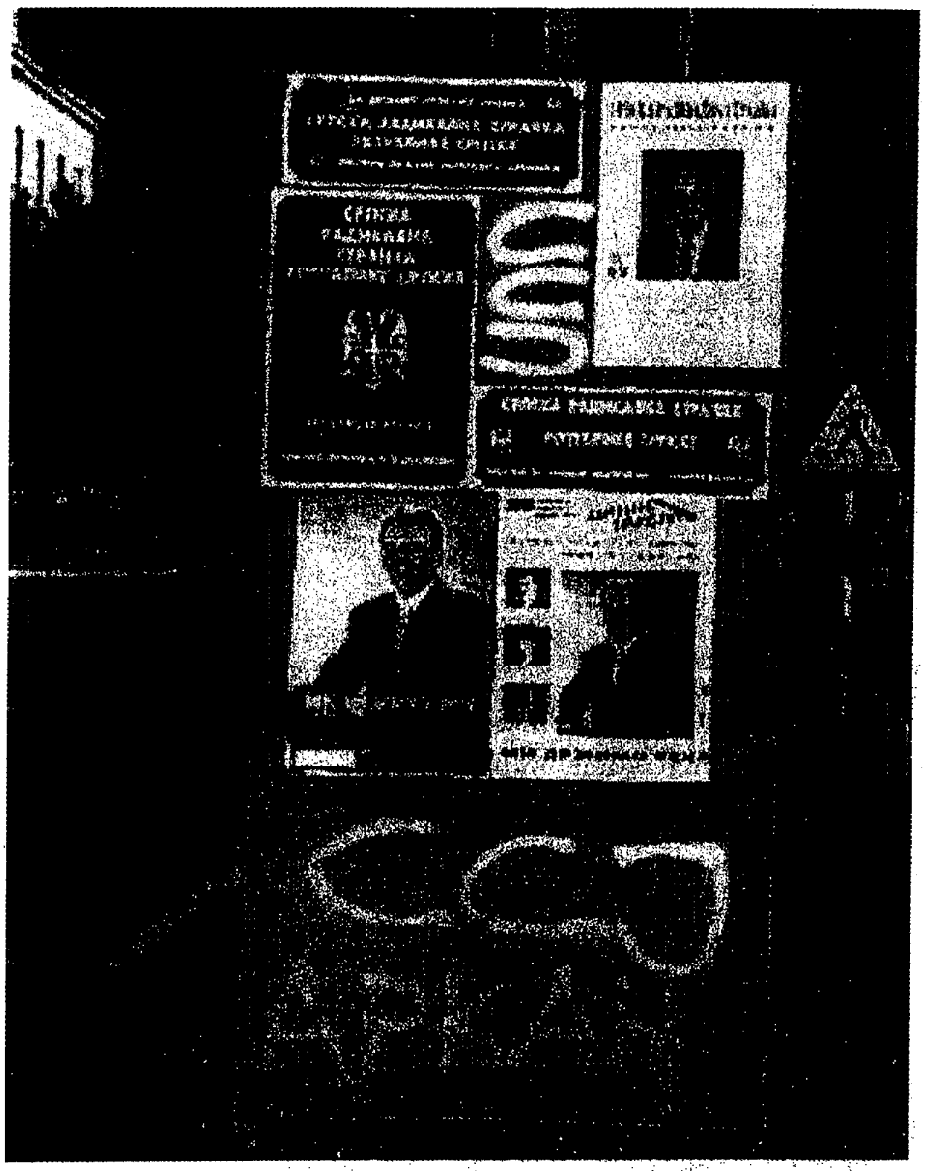
Ms. Schlitt. Light blue on the top, right.

Photograph 17.

Photograph 17 is of persons who have already voted and now are waiting to go back to the Federal Republic of Yugoslavia, where they are refugees Many of these refugees had no intention to live in Brcko, but had just voted and got on their free bus back to Serbia.

Photograph 18.

Photo 18 is of two women relaxing after they had voted in Brcko. The large campaign poster above them is of Ms. Plavsic, the president of the SDS ruling party.



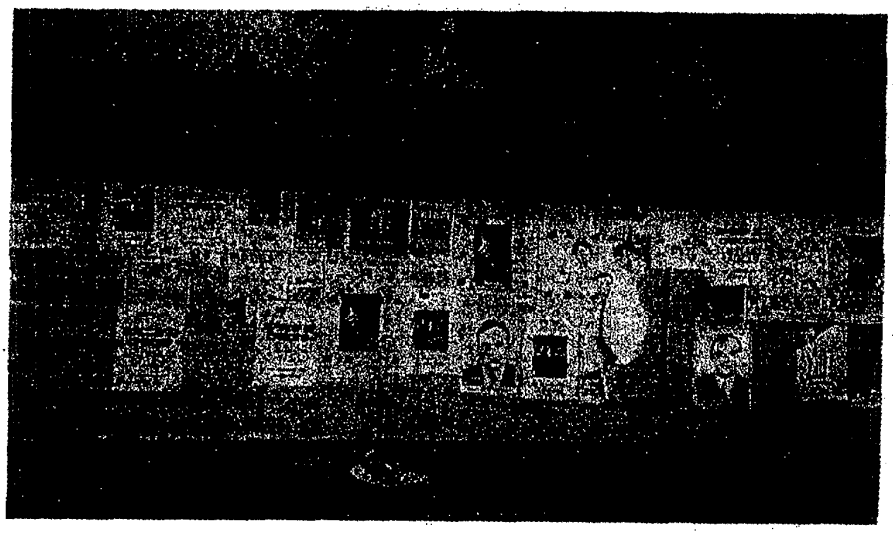
Photograph 19

Photo 19 is a photograph of a poster of Arkan and the candidates of his party in Srpska. Arkan's party is the Serb Unity Party, which is a far-right party. They garnered quite a few votes in the elections in the Republika Srpska.

Photo 20 is a campaign poster of Radovan Karadzic, who, after the July 19 agreement, was not supposed to be present in the elections at all. But, in fact, there were photographs of him, and posters in and around Brcko even up to the day of the elections.

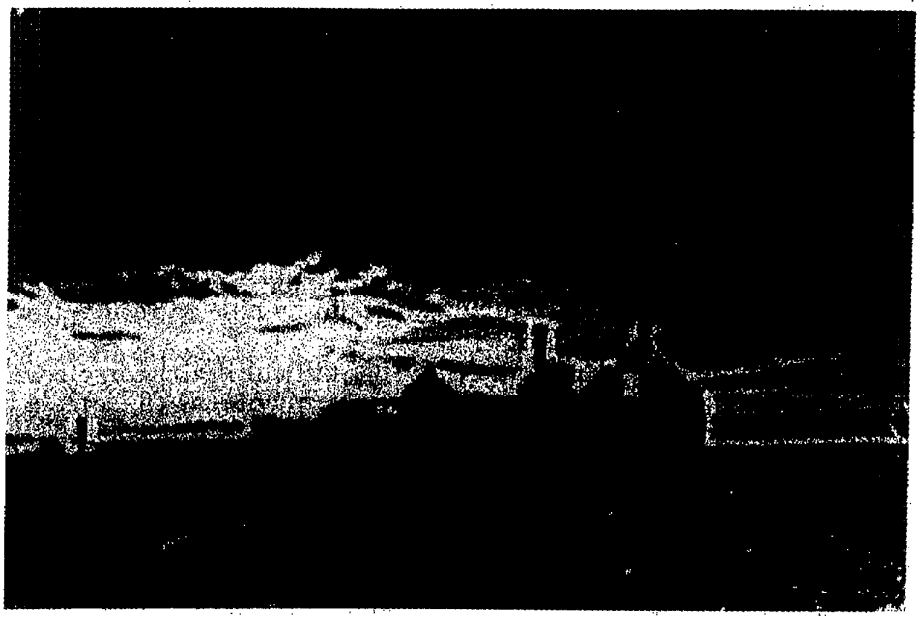
Photograph 20

Photo 21 depicts a wall of campaign posters in Brcko on election day. There are ca didates from the various parties, including the Serb Unity Party, the Serb Democratic Party, the Radical Party, and the Democratic Patriotic Bloc, which is a coalition of centrist parties



Photograph 21

This last photograph is a shot at sunset of the bombed home in Brcko.



Photograph 22..

That's it. Thanks.

I hope these photographs have helped to focus attention on some of the issues for the people on the ground in Brcko. For them, the issues of housing, of freedom of movement, of governmental pressure, are key. I agree with what has been said previously, and I think, very eloquently by the other panelists. Brcko represents, really epitomizes, the problems of Bosnia. If we can resolve the problems of Brcko, we can resolve the problems of Bosnia. There is a lot of attention that must be paid. Brcko is the unfinished part of the Dayton Agreement. We were unable to resolve the issue of who should control Brcko, so it was postponed for a year, and has now been put off even further.

I think the people who are on the ground that they are very much wanting to pick up their lives and get started, move on to the next stage. The lack of resolution of the problems in Brcko have made it very difficult for the local people to move on, to settle in, to rebuild their lives.

There is a lot of manipulation of the local population by the various nationalist parties. In terms of refugee resettlement, people are encouraged to move into areas which are strategic and militarily important. The fact that Muslims are rebuilding their homes in the Zone of Separation, the demilitarized zone which was supposed to be an area to separate the warring factions, is interpreted by the Serbs as a manipulation and a provocation. Those homes are being blown up, and continue to be blown up, by Serbs who feel threatened by this move.

There are still many problems with people returning to Brcko town. There are 20,000

residents of Brcko town who are Serbs from the Krajina and from Sarajevo, who were displaced. As they, themselves, are internally displaced persons, it is difficult for them not knowing whether they are going to stay here or whether they are going to have to move again.

I lived with a family in Brcko which was a mixed marriage. The husband was Muslim, and the wife was Serb, and the children were the product of a mixed marriage. I asked that family what they thought would happen if the arbitration decision went for the Federation. I also want to note that the family could not all stay in Brcko because of fear for their safety. The husband, who was Muslim, had moved to Novi Sad, in Serbia, and the wife lived in the house in Brcko, and the two children had left Brcko, one lived in slovenia and the other in Italy. When I asked the Serb wife what would happen if the arbitration went for the Federation, she responded that her husband would be able to return from Serbia to his home in Brcko, but that she would have to leave.

There is still a feeling among many people there that it is difficult for them to come together as one country. But for Brcko, there must be a resolution, because the lack of a decision has left the people in limbo, and that is a very difficult period for people on the ground to live.

Mr. Hand. Okay, thank you very much.

At this point I will open it up to the audience for questions. When I call upon you, if you could please come up to the floor mike. This is being transcribed for the record, and your question won't be recorded if it's not spoken clearly into the mike. Also if you could please just very quickly identify yourself and indicate to whom you are addressing the question.

Yes, sir?

Questioner. Mr. Chairman. My name is Stefan Lopatkiewicz, and I'm an attorney with the law firm of Reed, Smith, Shaw and McClay, and we are counsel to the Republika Srpksa. I have a question for Congressman McCloskey, but if I may take a moment, Mr. Hand, the Republika Srpska was not invited to be on the panel and I would like to just make a couple of comments for clarification of the Republika's position with regard to the arbitration, I think for the benefit of the panel and of our audience today.

Congressman McCloskey referenced the strange language in the Dayton accords regarding the basis for the arbitration agreement on which the tribunal is conducting its arbitral proceeding. In fact, that strange language is the basis for a major dispute between the parties of international legal proportions that has, I think, affected the proceeding and that I think our audience should be aware of. The language in fact says that what is delegated to the tribunal for resolution is determination of the disputed portion of the inter-entity boundary line, not the jurisdiction over the city of Brcko.

Unidentified Speaker. The Brcko area.

Questioner. In the Brcko area, which is designated on the map there. And, as you can see, the inter-entity boundary line is clearly to the south of the city.

The arbitration agreement says nothing about internationalization of the city, about transferring jurisdiction of the city. In fact, it says nothing about the city itself. Nowhere in the Dayton accords has there been an internationalization, as I think was mentioned by one of the panelists, of any municipal area, and in fact, the negotiators at Dayton avoided dividing, as you know, the city of Sarajevo.

The Republika Srpska asked the presiding arbitrator to clarify the jurisdiction of the arbitration tribunal prior to counsel being retained, and since we have been retained, we have formally asked for clarification of the jurisdiction again, because the presiding arbitrator has indicated that internationalization of the city is very much on his mind as a possibility of a final award. This request has been rejected, the request for a jurisdictional determination. However, in rejecting the request, the presiding arbitrator has indicated that his request for an extension of 2 months in the proceeding appears to be based quite

strongly on a desire to organize international support for an international regime for the city.

This, in turn, has given rise to two very critical legal concerns on the part of the Republika Srpska: first, that the outcome of this proceeding has been prejudged at least by the presiding arbitrator, who, as you know a man of great international legal renown, is also a consultant to our State Department; and, secondly, that the Republika Srpska's initial adherence to the arbitration agreement in itself could have been the result of an error of fact which would nullify its adherence to the arbitration agreement under international law, a principle which is recognized in the Vienna Convention on the Law of Treaties. It is for these reasons that the Republika Srpska withdrew not in November, but on December 1.

So I think Dr. Woodward has properly pointed out that the determination of Brcko, as well as other strategic areas of Bosnia-Herzegovina, is an issue of immense political international concern, but in terms of the legal role of the arbitration, it is a very specifically delegated role under the Dayton accords, and I would suggest that it is not one that should be used as the vehicle for a political resolution. If that's going to happen, then perhaps that should be the subject of a separate negotiation.

My question to the congressman is: He has suggested that the Republika Srpska's primary concern with the Posavina Corridor in the Brcko area is one of military security. As Dr. Woodward has pointed out, there are many economic and infrastructure concerns to the Republika Srpska involving this area. On what basis, Mr. McCloskey, do you suggest that it's primarily a military concern that the Republika has?

Mr. McCloskey. Mr. Lopatski [sic], I appreciate you showing. I dare say this is one of the most significant public appearances of the Republika Srpska since it started, so they have made a profession of not attending both administrative and other meetings of the tribunal and, indeed, have formally withdrawn.

As to the jurisdiction questions, I'm sure that Mr. Lopatski [sic] knows that, under the UNCITRAL rules, which are the guiding structure of these provisions, the tribunal has the right to take questions of jurisdiction under advisement and, in effect, issue the decision on jurisdiction at any point, and particularly at the close of the process. As to any discomfort the gentleman may have had as to my interpretation of the statement as to the inter-entity boundary line, I think the record will show that's exactly—I said nothing; in many ways again say what you have just said, Mr. Lopatski [sic], that it is a point of significant dispute as to what that means and how the arbitration will resolve that. So I guess, as to those concerns, I don't know that we really have a problem.

But, again, your specific final question was as to my designation that it involved military—

Questioner. You appeared to suggest that Republika's primary concern with that area is of military security when in fact—

Mr. McCloskey. Well, I would invite you to state whatever you say the concerns for the corridor should be. I think, as I've said, we have not really been able to find anything in the record as to your priorities as to the corridor. But the military, implicitly or explicitly, is or has been one of them. I also in my statement did say other, I believe, community reasons or something to that effect.

Questioner. Okay, very good. Incidentally, my name is Lopatkiewicz, not Lopatski.

Mr. McCloskey. Mr. Lopatkiewicz.

Questioner. Stefan Lopatkiewicz. And—

Mr. McCloskey. I'm a McCloskey, and my name's been butchered my whole life.

Questioner. Right. You're from the Irish part of Poland, I believe. And, yeah, the concerns of Republika Srpska are, as have been pointed out here, I think you can tell from the map primarily to begin with a tremendous geographic concern as Ms. Schlitt pointed out—or was it Mr. Petersen, I'm sorry 00 that the western part of Republika Srpska would

feel totally isolated and cut off from the eastern part were this area to be turned over to the Federation and possibly even subject to an international regime. But clearly the concerns of Republika Srpska and the use of the Posavina Corridor area are such that they look to the development of this corridor for the development of infrastructure connecting the two parts of the country, of the entity rather, of Republika Srpska. This has certainly been all indications to us in our dealings with our client, and so I think that should be stated.

Mr. McCloskey. Thank you very much.

Questioner. John, would you like to add anything?

Questioner. My name is John Adams, also with—

Mr. Hand. If you could come to the mike. You will have to use it.

Questioner. My name is John Anderson. I'm also with Reed, Smith. I just wanted to point out a couple of things about the significance of the Posavina Corridor to the integration of the entity of Republika Srpska.

The Republika Srpska has developed over the course of the last two years a major plan for the development of infrastructure throughout the entity. We have been able to get the arbitral tribunal to take an interest in addressing what we consider to be the preliminary critical question of exactly what the arbitration is about. Because of that, we have been unable to present to the tribunal the substantive plans that we have for the entity that we believe would, as Ms. Woodward stated, leave the status quo and resolve all of the legitimate concerns of the Bosnian Federation. But if I could just point out two things on the map about Republika Srpska and why Posavina is critical?

Mr. Hand. If you could just do it very quickly so we can move on to others then.

Questioner. To the east, most of the lumber and natural resources in Republika Srpska are to the east of the corridor. Most of the manufacturing capability in Republika Srpska is located to the west of the corridor in the Banja Luka area. Secondly, most of the hydropower resources in Republika Srpska are located in this area here along the Drina, again to the east of the corridor. Most of the population of Republika Srpska resides in the area of Republika Srpska to the west of the corridor. Most of the transportation of goods to consumers, the great majority of which in Republika Srpska are located in the area west of the corridor, all goes through, in order to reach the former Republic of Yugoslavia, the Brcko Corridor, because there is a road called the Autoput, which is one of the Yugoslavian—back in the '70s and '80s I guess it was the major east-west highway from Belgrade through to Zagreb was built.

The plan that Republika Srpska has developed calls for the implementation of natural gas, telecommunications, highway, rail, electricity and other infrastructure capital improvements—all of which, in order to connect the eastern and western portions of Republika Srpska require, for access the use of the Posavina Corridor. The kind of resolution to the proceeding that the Bosnian Federation has called for in its pleadings to the tribunal would, as Ms. Woodward pointed out, cut the corridor in half. As I believe it has also been pointed out, and I think that it's fair to say that Republika Srpska takes the position that it strongly agrees with this point, to cut the corridor or to render it so unusable or infeasible for the kind of infrastructure improvements that Republika Srpska has in mind, which would be to cut it, in effect would mean that Republika Srpska would cease to exist. That is something that the citizens of Republika Srpska have a strong concern about.

Mr. Hand. Okay, thank you.

Mr. McCloskey. I need to—there's been—

Mr. Hand. Sure, go ahead.

Mr. McCloskey. You know, rather extensive substantive policy statements here.

First of all, the position as stated by the two gentlemen really—I want to just ask my colleague, what's the word—

Unidentified Speaker. Autarchy.

Mr. McCloskey.—Autarchy. I've been playing with that word in my mind. But basically—and this is not pejorative or negative criticism as such, but the very essence of the Republika Srpska economic strategy is autarchy. They want to develop their economy in isolation and segregation. And, in essence, the implication of everything that's been said by the two gentlemen, they want a segregated corridor, I guess—tell me if we're wrong and let's get this resolved now—to be used only by Republika Srpska for Serb traffic and Serb purposes. Going into other areas, as you know, you cannot get a direct call placed from Banja Luka to Sarajevo. The different area codes, the switchboards are in Belgrade or whatever. Telecommunications are very autarchic and segregated.

The World Bank and other international investors who are concerned, and rightly so, for prosperity and economic development throughout Bosnia are not really wild about the fact of separate corridors and overlapping and redundant economic and structural systems.

My clients, the Federation of Bosnia and Herzegovina, are very open to the compromise on a corridor as far as, in essence, designation of a corridor, a right to legitimate and proper Srpska and Serb and all access, but we forget the fact that under Dayton this is one country. Srpksa is not a country; it is an entity. It is a legal entity. It's an administrative entity, whatever it is. But, good lord, for the benefit of all the people throughout the region, not least of all people in Banja Luka, we need a flourishing and integrated economy for the good of everyone in that region, sir.

Questioner. My—

Mr. Hand. Mr. Adams [sic], there are other people who have questions here. I will come back to you as we have time.

Questioner. 15 seconds.

Mr. Hand. 15 seconds, exactly.

Questioner. I just wanted to say that my remarks were in response to the congressman's question—"What does Republika Srpska want to use the corridor for?"—because his original remark was that the principal concern that Republika Srpska has with the corridor is one of military security, and that is just flat out not true.

Mr. Hand. 15 seconds.

Mr. McCloskey. We appreciate your statement, sir.

Mr. Hand. The next question, over here.

Questioner. Thank you, Mr. Chairman. I'm Dr. Yambrusic. For your convenience, it is spelled Y-a-m-b-r-u-s-i-c. I am executive vice president of the National Federation of Croatian Americans.

I will have actually a question for Dr. Woodward, but before I do that, I would like to comment. I appreciate Mr. Petersen and Ms. Schlitt's comments of giving us a sense of realism on the territory. Basically, I am somewhat disappointed that the whole issue of Brcko is actually discussed in isolation from Bosanska Posavina as a region. That's where the question—I certainly do not agree with Dr. Woodward that Croatians do not care about this region. Croatians care very much about the Bosanska Posavina region, including Brcko, because this is one of the few areas in Bosnia where Croatians have certain definite culture and ethnic presence. In Bosanska Posavina, clearly out of the whole 12 counties, as you shall say, about 109 municipalities, the Croatians have actually absolute majority, and in five municipalities, they have relative majority.

So I clearly would say—

Mr. Hand. Could I ask you, sir, to go to the question.

Questioner. Sure. Clearly, I would say Croatians do care.

Second question that I very much also would like to pose to Dr. Woodward. She says that this is primarily a political question. I do disagree that this is a political question. I

would suggest to you gentlemen to read this book, "Bosnia and Posavina: International Diplomatic Legitimization of Serbian Occupation and Atrocities in Dayton." So, clearly there are issues of general principles of public international law, conventional treaties, human rights violations, atrocities and genocide.

Thank you very much.

Ms. Woodward. Just to answer your question, I think you've answered the second question yourself. What you said in your last sentence shows that it is a political question, not a legal one. Insofar as what I said about the Bosnian-Croat position on the Posavina, there is no doubt in my mind that Bosnian Croats, especially from the Posavina, including the president of the Federation, care a great deal about the Posavina. That is not what I said. They do care a great deal.

What I said is they do not as a political party, one of the three representatives of the Bosnian government as a result of the September elections, do not care about the outcome of the Brcko arbitration, for several reasons, but the only one I will repeat now is because, either way, they benefit. That is to say, in contrast to the position of the Bosniacs and the Serbs, they do not necessarily lose anything by which way a decision goes. That gives them more tactical flexibility in this. That's all I mean.

Questioner. In other words, they gain whatever—they already lost. They are really in a damage control situation.

Ms. Woodward. That's a different issue. I'm sure we agree about it.

Mr. Hand. Next question? Right here. Diane first, and then you.

Questioner. Hi. Diane Paul, Human Rights Watch. First of all, I was very pleased that the issue of Eastern Slavonia was raised, because I think we do need to take a regional approach. The exodus of Serbs from this region would be tragic, for several reasons. First of all, it would be the possible end of a real multi-ethnic community or future for Croatia, and further diminishment of a possibility of return of Serbs from the Krajina region of Croatia. Secondly, there would be the obvious loss of permanence for the Serbs in Eastern Slavonia, and further, the possible displacement of non-Serbs, or further displacement of non-Serbs from northern Bosnia.

I just want to point out there have already been some evictions from Bosanska Kostajnica of non-Serbs, using as a justification a need to place Serbs from Eastern Slavonia in housing.

So my question—and I have another question to follow this—is how can we encourage a more regional approach which would both reassure Serbs in Croatia and ensure the viability of the non-Serb population in northern RS, particularly because I think there's not enough emphasis on the right to remain?

The second question has to do with the destruction of property. As you mentioned, Carol, IFOR has noted that the bombings of houses in the Brcko area were very, quote, "professional." And in our investigations, we've noted that the destruction of housing throughout the RS is, in fact, very professional, and that IFOR and IPTF have considerable intelligence indicating very close cooperation between the RS police and the military in the destruction of housing.

In other words, this isn't a problem that's limited to Brcko, but it's also taking place in Prijedor and in the zone of separation, in the Zvornik area and other areas as well.

So, the question would be, why has IFOR not been more clear about the organized nature of these attacks and who's behind them? And we certainly suspect that Minister of the Interior Dragan Kijac has a lot to do with what's going on. How can we hold the RS accountable for these incidents?

Mr. Hand. Who would like to respond to either one of the questions?

Mr. Petersen. I would like to respond to your first question, on the regional approach. I mentioned Eastern Slavonia because we in UNHCR are convinced that you indeed need

to approach this whole issue regionally. I think there is a need, now that there is a decision on a 2-year consolidation period of Dayton, to broaden the scope and approach of Dayton, because in terms of displacement, human displacement in the region, all the problems are linked and all the solutions are linked. Even if the Serbs until now have done everything possible in blocking the return of minorities—I would say those Bosniacs and Croats who lived in Republika Srpska before the war, were forcibly expelled during the war—we are still looking or we are still—which is, I think the reason that we have a major potential flash point here—we are looking at a population of close to one million people who have so far been obstructed in exercising their rights to return. As we know from other parts of the world, there you have the seed of future instability if that is not resolved.

But in public statements when I've discussed it, for instance, with the Republika Srpska leaders—Krajisnik, Plavsic and all that—they play lip service to the right of return and say, "Yes, we would like to bring them back but we have no space because we have received"—and that is correct—"we have received 70,000, 80,000 from the Krajina," and they have received from others, "so until and unless they return, we cannot bring back the Muslims and Croats who have been displaced, for example, from Banja Luka and around." We would like to test that.

But the importance is the linkages. It is all linked, the right of—all those who are displaced now from Krajina in Yugoslavia have a right to go back to Croatia. So far Croatia has been less than forthcoming—and I am being very diplomatic—in allowing these people to go back. Three thousand out of 180,000 so far have been returned, all elderly. That's a major problem. So we have to link it all.

That's why we took the initiative in early July to get all the regional ministers of refugees—Croatia, Yugoslavia, Bosnia and the three parts in Bosnia, or the two communities, two entities, and also we had both Serb and Montenegran refugee authorities—in order to agree on the elements of a regional plan which would build on the right of return but would also provide support for local integration of those who would decide not to go back and who would wish to stay, but who should—a plan that should also engage countries outside the region because, as we heard from a very good example, there are many people, there are mixed marriages, there are people who have been exposed to extraordinary traumas—rape victims and others—who should not be forced back.

So, in a regional plan, we also have to engage the other parts of Europe, allowing some of them to stay, continue to provide asylum and protection for some of those who cannot, should not be forced back, and we should also entertain resettlement options for those who will have to leave the region.

So we believe there's a need to broaden the scope into a regional approach but also broaden the avenue of solutions because we have to realize that even if everything must be done to realize their right to return, for many it will not be possible, for genuine reasons. For those, we have to look for other solutions based on choice.

Yes, so there is a regional initiative under way, and it will be discussed in Geneva next Monday in a meeting chaired by Mrs. Ogata with all the regional leaders, regional authorities, but also countries outside.

Thank you.

Mr. Hand. Dr. Woodward?

Ms. Woodward. I think, Diane, I would add that of course there are houses being blown up by all parties in different areas, and this is a reflection of a larger issue. My own view is that IFOR has been quite clear about the organized character of the attempt at return in certain areas and the organized character of the destruction of houses in those areas, and that it reflects on all sides, all three sides, actually, within Bosnia, the perception of uncertainty, insecurity of the political gains gotten at Dayton that they are not

secure; and that, therefore, it's a reflection of the larger issue that I think the international implementation process over the next few years will have to confront much more than it did in the first year of cease-fire—namely, that we don't yet have a political outcome, and that every element of the Dayton accord, whether it's freedom of movement or right of return or de-mining—we could go on and on—is going to be delayed or stalled by the fact that all three parties do not feel that they have gained what they had wanted, and that we need a political outcome.

That, then, leads me to the second issue, about your question about a regional approach. In addition to the UNHCR's excellent effort to try and get people to recognize that these are regional issues, I do think that the reason I began my remarks with the premise that the international community has to recognize what its goals are was exactly that, namely, we should see that sustainable stability—and the democratization and marketization and just sort of peace that will come with that but cannot come until that happens—that sustainable stability is what we should be aiming for.

If you think about it in those terms and put Brcko in its wider context—that it's not just a set of local issues but has a wider context, both in terms of geographical context and the regional implications, and in its political context of the more general issues being resolved—then you will begin to get an approach that includes a regional approach. But that has to be done by the people making decisions. We can't just push each little piece off and have a crisis response or a legal judgment here, or whatever it has to be a recognition of these consequences of the decisions. That, I'm afraid, really has to go back to the political leadership of the implementation process.

Mr. Hand. Congressman McCloskey?

Mr. McCloskey. Thank you very much, Bob.

Several points, somewhat anecdotal. But I found a story 3 or 4 days ago in the *New York Times,* very heartening. That in north central Bosnia, not too far from Brcko on the Federation side, there is a story of Serb families, about 30 to 40 Serb families who have returned to the Federation side of the line, to their home village on the side of a mountain and were living in peace, if somewhat wary, or even, let's say, semi-suspicious peace and stability with their Muslim neighbors. Many of these neighbors were family victims of the Srebrenica genocide. The simple fact is, when the Serbs were asked—or when the Muslims were asked, "How can you let these Serbs live here when you have suffered so much at Srebrenica and elsewhere?" they said, "Look, they didn't do it. We will never forgive the people that did it, but these are just poor Serb people. They are poor like we are."

As to Susan's comment, in essence as to there's been bombings, if you will, on both and all sides of the line and everywhere, I think that may be technically true. I wish we had for the record the numbers of bombings, arsons, beatings, maimings, et cetera, on both sides of the line, perhaps highlighted in recent weeks by Prijedor, the 95 Muslim houses that were destroyed up there, in essence with a little problem of Muslims not having really qualitative access to area police—who were deputy commanders at Serb concentration camps still in power—from places like Omarska.

Mr. Petersen's comments and others as to regional solutions are very much on point. For the record, the Bosniac Federation leadership is very open to bringing Brcko and other Serbs, former residents of Sarajevo, back into Sarajevo. Mr. Petersen's statement as to Croatian attitudes unfortunately are, to my mind, true. I was talking about the need to accept Brcko and other Serbs back into Eastern Slavonia and Croatia at the very high levels of Croatian government. It was a civil and positive conversation. We have good communications. Let's just say, Mr. Petersen, they did not seize on that idea. But the right of return has to be implemented or we'll have ongoing instability and danger in the region interminably.

I don't think it's a communal thing. I don't think there are area rights of return. If you

only return to the area where your majority population is, what are we talking about, anyway? Individuals have the right—should have the right to go back to their homes throughout Bosnia.

Mr. Hand. Ms. Schlitt?

Ms. Schlitt. I also would like to touch on the second part of your question with regards to the destruction of property and the role of IFOR, which I think there is a lot of ambiguity with regards to what IFOR should in fact be doing in the region. First of all, I sat in on many meetings with Colonel Fontenot and Lieutenant Colonel Kukula when they were addressing all three parties with regards to destruction of property, especially bombings that had taken place in Brod and Omerbegovaca, and they put as much pressure as they could on the municipal governments to restrain the elements in the community who were doing this. They did in fact try to indicate that efforts that the United States would be making in terms of economic reconstruction or other things would be tied to their cooperation and their forcing these elements within the community to restrain from this kind of destruction.

It was not clear, I think, in the investigations that it was, in fact, the Republika Srpska military or the Republika Srpska police who were in fact doing these bombings, and so they could not, I think, come forward with that kind of statement. But I think there has been in sort of the local level an effort by IFOR to do what it can to help municipal governments. But there has been, I think, a certain ambiguity of how much do we want to make this a public statement, how much do we want to say this is a problem of the RS government, or is there, in fact, terrorist elements, stabilizing elements within the population. So I think there has been a lot of ambiguity with regards to IFOR's role.

Mr. Hand. Up front here, and then Danielle, and then I think we might have to close it.

Questioner. My name is Andrew Ive [sp]. I'm with the Washington Office for Bosnia. We have been formed in the last 6 or 7 months to empower about the 13 most active pro-Bosnia groups, grassroots groups around the country [inaudible] multi-ethnic ideal in its sovereign borders. I'll have a brief comment and then a quick question.

The comment is about Republika Srpska. According to Tilman Zolch [sp], a Balkan expert who spoke here earlier this year from Germany, he said that he estimates about 3000 officials, police chiefs, mayors of Republika Srpska are people with blood on their hands, and as we pursue this a little further, asking members of the Bosnian government, they did have records on several hundred officials of Republika Srpska which would be enough to take them to court. Even the current behavior of Republika Srpska officials involving the reconciliation of Brcko, as well as bombing of homes, leads us to really question the validity of any further dealings, in any way, with this genocidal apparatus.

But, now for the question. The question refers to Ms. Woodward's statement that the Zajedno movement in Belgrade may in fact be more for Bosnian Serbs that the current regime. The question concerning that reality is to Congressman McCloskey. What is the difference between, or where do you see the distinction between Serbs of good will on one hand, and what's their viability and survivability now, both in Bosnia and to what degree you've experienced them in Serbia, perhaps, and what hope can we place on the Serbs of good will finally reasserting themselves against this genocidal apparatus that may have hijacked their national destiny?

Mr. McCloskey. I don't think I can authoritatively answer that question. Let's just say I think one of the oversights, as far as media coverage or overall cognition of this national/international tragedy is, there are thousands upon thousands of Serbs of good will in Sarajevo, in Srpska, in Serbia. There were 40,000 Serbs who were content to live in Sarajevo during the war. If you talk to—and I think one or two of the panelists, I think, quite eloquently alluded to this—I think Susan was the first to bring it up—but there are very

good relations at the local levels and the Serb mayor of Brcko and the Bosnian and Croatian counterparts. As Munib Jusufovic (Brcko's mayor) has said to me, we could settle this thing in 3 or 4 hours if we could just get everybody else out of it. I think there's some wisdom there.

But obviously the West did not leave Hitler in power after World War II and call upon them to be democratic leaders. We still have severe problems at the top in Republika Srpska, even with Karadjic formally out of—formally, but who knows what the case is informally—out of power. I would just say, as to Belgrade, I have only been there once. We have to have our hopes for positive developments there, but of the three leaders, I know two of them, at least from the standpoint of several hours having been with both Vesna Pesic and Vuk Draskovic and the gentleman, Djindjic, who ran for mayor of Belgrade. I have not met. He purports to have dropped his Karadjic sympathies or whatever, but as you know he is said to have campaigned for Karadjic in Republika Srpska. I was shocked to read war crimes reports in which Draskovic, who, over the years, has had democratic and progressive aspirations, indeed was into paramilitary operations in Bosnia at the outset of the war. He's dropped that. Vesna Pesic, to my mind, is the true democratic leader there, a woman of fantastic courage. I should not be talking well of her in a public session, other than to say I pray and hope for her.

Mr. Hand. Okay. Miss—

Questioner. Could Ms. Woodward respond to that question? That's a very important question.

Ms. Woodward. Which part of the question?

Questioner. The Zajedno part. Why—

Mr. Hand. Could you come up front, maybe, so it's recorded.

Questioner. I was going to ask the question, but the previous gentleman asked it for me. Your comments that Zajedno coalition in Serbia is more likely to support the interests of the Bosnian Serbs than President Milosevic—could you just elaborate?

Ms. Woodward. Zoran Djindjic has said, within the last week, that they're interested in having a solution to this conflict peacefully. So, do not take, from my statement, that support for the Bosnian Serbs means more war. But the public opinion polls show that the support for the Zajedno coalition, not only among voters but in the public opinion responses through the USIA-sponsored, local professional pollsters over the last 3 weeks, is that they are joined by two commonalities, otherwise in a great deal they are different. This is a large party coalition; they go from the center to the far right in their various ideological and programmatic interests. They have somewhat of a commitment to a market economy, but it's very vague.

Their two main supports and commonalities: first is their antipathy to Slobodan Milosevic and hope to get rid of him either because of corruption or—well, a whole lot of reasons. Secondly, and it also is the basis for their antipathy to Milosevic, is their support for Bosnian Serbs, their sympathy for Bosnian Serbs, their belief that Milosevic is a traitor to the Serbs, that he abandoned them. Now, what the implications of that would be for policy, I don't know. But it is the case that they are on record as being more interested in the long-term incorporation of Republika Srpska into Yugoslavia than others in Serbia. Whereas Milosevic tends, over the last 4 or 5 years, to think more of just areas of Republika Srpska as a buffer within Bosnia, and therefore the western parts of Republika Srpska, like Krajina, don't matter to him.

I would, however, say that it is unfair to the Zajedno coalition to say that they would necessarily worsen the situation in Bosnia. It's only a situation that they are on record on one position, but we don't know where they would be in 4 or 5 years. But the assumption that, because they are working for democracy in Serbia—which they are, and I think is the stabilizing factor in the long run for the whole region—that also means that they

would have the same views that we have about Bosnia is incorrect.

Mr. Hand. Okay. You had one quick comment?

Mr. Petersen. Yeah. I would just like to add that there is so much talk about what their aims and goals and policies are in Belgrade, but in Republika Srpska, there are increasing indications and signs—in fact, there are statements in private meetings to that effect—that what those leaders now in power are pursuing is really to strengthen what Dayton legitimized. That is, they are pursuing probably a much higher degree of autonomy,well, eventual independence, but also within Bosnia-Herzegovina rather than, to quote one of them—and I should not quote his name here—being part of a greater Serbia where they would just be yet another small province. So it's not a matter only of how they see it in Belgrade, but it is clear that they are pursuing policies in Pale right now that are totally different from what we are talking about here.

Mr. Hand. Ms. Srimac [sp], and then Mr. Fairbanks, and then we will close.

Questioner. Thank you, Mr. Hand. My name is Danielle Srimac, and since May of 1994 I have been representing the Bosnian Serb government of Republika Srpska here in Washington, and for the past 4 years I have represented Serbian Americans in Washington.

I would like to commend Mr. Petersen for his work with UNHCR and I'm sure that all ethnic groups in Bosnia are very thankful to what you're doing. I have to say that problems still exist; just recently, to my knowledge, a Serbian family who tried to go back to Sarajevo and take back some of their goods from their apartment, was gunned down by Muslim troops and the wife actually had lost her left arm. The husband was taken in for questioning and has not been returned. So, these problems still remain, and unfortunately we do still have a very segregated Bosnia-Herzegovina.

My question, to all of the panelists, or to anyone of the panel is this: Given the fact that four out of the five major cities, largest cities, in Bosnia-Herzegovina, are under the Federation control—that means about 70 percent of the industrial wealth in Bosnia-Herzegovina is in the hands of the Muslims and Croats—and given the fact that Brcko is the second largest city in Republika Srpska—Banja Luka being the first—how do you think that, if the Serbs do not control Brcko and do not have a contiguous territory, how do you think that the Republika Srpska could exist, survive at all? That was my question.

Mr. Hand. Okay. Who would like to give the first response?

Mr. McCloskey. Danielle—call me Frank, or whatever—for the record, I'm not being negative or pejorative, could you do me the favor, sometime—and I could leave you my card—of giving me the information on this Serb family that ran into this assault and the imprisonment? Assuming that's correct, I would like to get verification on that and perhaps work to help that family.

Questioner. Okay, that's great. It happened in September of this year, and I actually had been sending a lot of documents to the CSCE and requests to participate in representing the Bosnian Serbs—this is a quick comment to what you said earlier—but I have not had that opportunity to do so. I'm very grateful that Mr. Hand has allowed me, this time, to present a statement for the record.

So, you know, although participation has not been there, I hope it's not because of me. I have been trying for the past number of years. Thank you.

Mr. McCloskey. I guess maybe I could talk for an hour about the implications of everything you say, you just asked in that question. I won't do that—just three or four observations: still, I know it may not be popular with everyone, Republika Srpska or elsewhere, but Bosnia still is a country with national lines. As you know, Srpska and the Federation are not countries. You know, Bosnia is secondarily—I mean, what do you say, or what does anyone say, as to the outcomes of the 70 percent of Bosniacs and Croats who lived in Brcko before the war, who, as we all know, were ethnically cleansed and slaugh-

tered—what about the 20,000 people at Rahic Brcko and elsewhere who are looking to go back to the homes that they've always lived in?

Everyone hopes for security and stability for everyone, for a good economy, for enforcement of human rights, the right of return—how about these 95 families who had their houses burned down around Prijedor? So—

Ms. Woodward. Let me just say one quick [unintelligible].

Questioner. [Unintelligible] . . . of people and goods were intermittently quite furtive because of that danger. You have a danger of war, whatever happened. I think my question to you would be, isn't there a substantial danger of war, whichever territorial settlement is reached, excluding internationalization. Because, even if we leave out of account the quantity and quality of military forces, the Bosnians have a better military position, because it's a less-narrow corridor and the mountains are on their side, though they also control some of the flatlands. I think, in that situation, the outcome of a war depends decisively on the attitude of Croatia.

But my question is whether you meant to say that there is a danger of war if it's given to the Federation, but no danger if it's given to Republika Srpska?

Mr. McCloskey. I think I could—

Mr. Hand. It was addressed to Dr. Woodward.

Ms. Woodward. Yes, I agree. [Laughs] Thank you.

Mr. Hand. You want to say something.

Mr. McCloskey. Excuse me, Susan, If you want more time—

Ms. Woodward. No, no, no. Go ahead.

Mr. McCloskey. If I just might say, it's a volatile region. There's danger regardless of the outcome, through Republika Srpska's pledge to war with the wrong result as they perceive it. Indeed, American troops will feel it in their skin, but I said that's their threat, with strong U.S. and Western resolve, regardless of the outcome there would be no war. But the Bosnian Federation also has very strong feelings as to the authority and control of Brcko and also the ongoing political and humanitarian and moral problem of several tens of thousands of refugees, to say the least, in the region, looking right now at the December 14th date, and some of them being able to see their homes.

So there's danger, regardless of the result. I think the true test will be if we have the commitment to safeguard peace and stability, regardless of the outcome.

Mr. Hand. Did you want to add anything further, at all, Mr. Woodward?

Okay. Well, I think at this point, then, I will close the briefing. I'd like to thank everybody for coming. There was a press release out on the table indicating that we're having a hearing on the political developments in Serbia on Thursday, and I invite you all to come to that. We will have an additional witness who is not on the list, Veran Matic, from B-92, the independent radio station.

Finally, I wish everybody a happy Human Rights Day.

Thank you very much.

[Whereupon at 12:50 p.m., the Commission adjourned.]

APPENDIX I

REPORT

to the Commission on Security and Cooperation in Europe (CSCE)
Briefing on the Status of Brcko

Statement by Danielle Sremac,
President of Serbian-American Affairs Council, and
Representative of the Government of Republika Srpska
December 10, 1996

Background: Throughout the past several centuries, the town of Brcko and its municipalities had an important cultural and political significance for the Serbian people living in this area. (See Endnote 1) Historically, Brcko played an important part in Serbian liberation movements against occupying Turkish and Austro-Hungarian forces. By the end of World War II, over one million Serbs, Jews, and Gypsies in Bosnia-Hercegovina and Croatia were exterminated in Nazi-run death camps under Croatian Ustashi forces. The population of Serbs in Brcko dramatically decreased from 34,956 before the war to only 18,786 Serbs remaining after the war, as a result of this genocide.

Prior to the Yugoslav civil war in 1991, Brcko was governed in accordance with Yugoslav laws that established equal sharing of political power by all ethnic groups in the area. According to the 1991 census, the population of Brcko included approximately 38,771 Muslims, 23,754 Serbs, and 22,163 Croats.

As the Yugoslav civil war expanded into Bosnia-Hercegovina, Bosnia's Muslims, Serbs, and Croats became warring factions, and front lines were quickly established between cities and towns controlled by each group. As the violence and chaos of war raged in Bosnia, people from each ethnic group fled or were forced out of their homes and relocated into areas controlled by their own ethnic group. This process created over 2 million refugees in Bosnia-Hercegovina. The most recent movement of refugees in Bosnia-Hercegovina was created following the Muslim takeover of the Serbian section of Sarajevo, resulting in over 60,000 Sarajevo Serbs fleeing the area. Many of them have settled in Brcko which currently has over 70,000 Serbian refugees living in the town and surrounding areas.

With the recent civil war, Brcko has attained greater significance to the Bosnian Serbs. Brcko now constitutes a narrow link between the western and eastern Bosnian Serb territories comprising Republika Srpska. Without Brcko, Republika Srpska would cease to be a viable, contiguous territory upon which the Bosnian Serb people could live in peace and security.

As a result of the 1995 Dayton peace agreement, the status of Brcko was to be decided by arbitration. The arbitration panel consists of a representative of the Bosnian Muslim-Croat federation, a representative of Republika Srpska, and a third arbiter — Mr. Roberts Owen — who was the U.S. State Department's top adviser on Yugoslav policy and chief mediator in creating the Muslim-Croat federation in Bosnia-Hercegovina. (See Endnote 2.)

Reasons Why Bosnian-Serbs Should Retain Control of Brcko: Brcko is vital to the security of the Bosnian Serb people. The town and its suburbs make up a narrow land corridor linking western and eastern parts of Republika Srpska. Brcko makes possible a contiguous Bosnian Serb territory that can be adequately defended against attacks. For this reason, the Dayton agreement recognized a similar corridor into the town of Gorazde to be under the control of the Muslim-Croat federation. The Bosnian Serb government

expects international arbitrators to recognize that Brcko is a crucial security corridor to Banja Luka, and should remain under Serbian control.

Brcko is also essential in maintaining economic viability of the Bosnian Serb region. Important transportation routes go through Brcko that link the town of Banja Luka with the rest of Bosnian Serb territories. Banja Luka is the largest Bosnian Serb city and a major economic and political center of Republika Srpska. Furthermore, Brcko in itself is the second largest city in Republika Srpska and is essential for the Bosnian Serbs' economic development.

Muslims claim that Brcko is vital to the economic survival of the Muslim-Croat Federation, but this claim is unsubstantiated. In the interests of peace, the Bosnian Serb government of Republika Srpska accepted the Dayton agreement which allowed Muslim-Croat control over most of the leading industrial cities in Bosnia-Hercegovina. The Muslim-Croat federation controls four of the five largest cities in Bosnia-Hercegovina — Sarajevo, Mostar, Zenica, and Tuzla, while the Serbs control only one of these cities — Banja Luka. Therefore, as the only transportation link to the city of Banja Luka, Brcko is clearly of far greater economic importance to the Bosnian Serbs than to Bosnian Muslims and Croats.

Maintaining long-term stability in Bosnia-Hercegovina is another important reason for allowing Brcko to remain under Bosnian Serb control. A contiguous, viable Bosnian Serb entity will encourage the Muslim-Croat Federation to cooperate with the Serbian population, which will ensure peace in Bosnia-Hercegovina. Once Brcko is clearly established and recognized under Serbian control, the government of Republika Srpska could begin substantive talks with the Bosnian-Croat Federation regarding the return of refugees and freedom of movement between the two entities in Bosnia-Hercegovina.

If the Serbs are denied control of Brcko, fighting will surely break out. It is clear to the Bosnian Serbs that the loss of Brcko would mean the complete annihilation of the Republika Srpska. This would be fervently resisted by Bosnian Serb civilians and military alike.

It is not an accident that Brcko — the most important strategic Bosnian Serb town — was the only city under consideration for international control, and the only city whose status was to be decided by arbitration according to the Dayton agreement. At the same time, the Dayton peace plan allowed Sarajevo, Mostar, and other important cities to remain under the direct control of the Muslim-Croat federation. The Bosnian Muslim government refused to even consider allowing international control of Sarajevo so that the three ethnic groups could create an equitable solution to sharing of political power in this important city. In Dayton, Bosnian Serb representatives strongly opposed the idea that Brcko may be taken away from them and placed under international control. They viewed international control of Brcko as a pretext for handing over Brcko to the Muslims.

International control of Brcko is not a long-term solution, and would likely result in a Cyprus-like situation where international forces would be stationed in Brcko indefinitely. The government of Republika Srpska believes the only purpose of international forces in Brcko is to ultimately turn over control of the city to the Muslims.

Should Brcko come under the control of the Muslim-Croat federation, there would be a renewed conflict. Muslim forces would block any Serbian movement between western and eastern Republika Srpska territories. Furthermore, with their substantially reinforced military strength due to U.S. military aid and training, Muslim forces would undoubtedly launch attacks against other areas of Republika Srpska in the hopes of gaining control over all of Bosnia.

The result would be another tragic humanitarian situation with a mass exodus of Bosnian Serb civilians from Brcko and other parts of Republika Srpska. Many of these Bosnian Serb refugees fled from their original homes in towns under the control of the

Muslim-Croat Federation in central Bosnia, or from the Krajina Serb region in Croatia. The international community should strive to avoid this further ethnic cleansing and bloodshed which would occur if control of Brcko is given to the Muslims.

Conclusion: An attempt to impose Muslim or international control over Brcko would be completely unacceptable to the Bosnian Serbs and would lead to a renewed conflict in Bosnia-Hercegovina. Brcko is vital to the survival of the Republika Srpska and security of the Bosnian Serb people. Any effort to take Brcko from the Serbs would be destructive to maintaining peace in Bosnia-Hercegovina.

Instead, the international arbitrators should accept the current Bosnian Serb control of Brcko. By doing so, outside parties will help decrease tensions in Bosnia-Hercegovina by assuring the Bosnian Serbs that their security will be maintained. At the same time, war will be avoided by denying the Bosnian Muslims the opportunity to destroy Republika Srpska and the Bosnian Serb people.

Endnotes

1 One of the largest orthodox churches in Bosnia-Hercegovina was built by Serbs in Brcko in 1873.

2 The Bosnian Serbs recently withdrew from this arbitration to protest what they consider Mr. Owen's lack of evenhandedness in his approach to this arbitration and lack of coordination with the government of Republika Srpska on important issues relating to Brcko.

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