

## II. THE FINAL STATUS OF BRCKO

The goal of Dayton was to create a state in which all citizens could live, secure in the knowledge that their rights and liberties as individuals are respected, regardless of ethnic or religious background. In Brcko that goal has been realised no better than anywhere else in Bosnia. As a result, even ethnic majority residents of both entities continue to live in constant insecurity, uncertain whether the police, judiciary, and civil service of their own ethnic group will protect their most basic human rights. For ethnic minorities, the sad certainty is that they will not be protected at all.

In many ways, Brcko is a microcosm of the IC's task in Bosnia. It is controlled by three ethnic groups who dominate in different areas: Croats control Ravne/Brcko; the Bosniacs Brka; and the Serbs Brcko town and immediate surrounding areas. As in the rest of the country, the IC has achieved only minor success in creating a multi-ethnic administration and police force, and minority refugee returns have been few (though more than most municipalities). As in the rest of BiH, the IC successes in Brcko have been minor and ephemeral: if the IC left tomorrow ethnic strife would soon break out.

Minority returns within the boundaries of the pre-war Brcko municipality have mostly been limited to the Zone of Separation (ZOS), or areas where the returnees are not in the minority (Bosniacs to Brka, Croats to Ravne/Brcko). Almost no Bosniacs or Croats have returned to the town of Brcko itself. The town police force and administration have been nominally integrated, but in fact they remain under the control of the local ruling Serb political party (SDS). Because of this single ethnic party control, the administration and police are unresponsive to Supervisor Farrand's directives and continue to go their own way. As a result, they foster an environment that discourages minority return and cements the results of ethnic cleansing.

In order to create a workable, multi-ethnic Brcko, the arbitration decision must take into account the likely outcome of an award to either entity. The press in both entities frequently carries veiled threats of war if the arbitration process awards Brcko to the other side, and both Milorad Dodik and Alija Izetbegovic have threatened to resign in such a case. If awarded to either RS or the Federation, Brcko will serve as a rallying point. And the moment an arbitration award is made, the entity that receives Brcko will begin a program of ethnic consolidation and exclusion at the expense of the other nationalities. Given the overall strategic, political, and economic importance of Brcko, the question is not *whether* war will ensue, but rather *when*. Therefore, when making an arbitration decision, the International Arbitrator must take a creative course and award Brcko to neither RS nor the Federation.

### Recommendations:

- The entire pre-war municipality of Brcko should be made a special, autonomous district, its territory being part of neither RS nor the Federation, but under the constitutional jurisdiction of BiH central institutions;
- The district will be autonomous in all internal matters, including taxes, laws, regulations, civil service, police, customs duties, and judiciary;
- Until the BiH central institutions are ready to take it over, the district will remain under a Supervisor from the International Community, who will enjoy executive and budgetary authority over the district.