

Dayton in the Balance? The Continuing Dispute over Brčko

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Introduction

The Bosnian town of Brčko is located on that country's northern international boundary with Croatia on the Sava River. Prior to the 1992-1995 war, Brčko functioned as Bosnia-Herzegovina's main river port. Brčko's pre-war population was ethnically heterogeneous but with a Muslim-Croatian majority. In 1991 town itself had a total population of 41,406 composed of Muslims (or Bosniaks), 22,994 (55.5%); Serbs, 8,253 (19.9%); Croats, 2,894 (7.0%); and others (predominantly 'Yugoslavs'), 7,265 (17.5%). The commune of Brčko as a whole had a total population of 87,627 comprising 38,617 Muslims (44.1%); 22,252 Croats (25.4%); 18,128 Serbs (20.7%) and 8,630 others (9.8%).

At the beginning of the Bosnian war Brčko was occupied by Serb forces and comprehensively 'ethnically cleansed', leaving what was believed to be an exclusively Serb population by the time of the peace negotiations undertaken at Dayton, Ohio, in late 1995. Under the Dayton agreements Bosnia was effectively partitioned between a Bosnian Serb entity, Republika Srpska, and a Croatian-Muslim Federation. The configuration of the territories allocated to each side as a result of these agreements accorded Brčko great strategic significance.

Most of northern and eastern Bosnia form part of Republika Srpska. These two constituent elements of the Serb entity are almost completely separated by the Croatian-Muslim Federation which occupies the central core area of Bosnia's territory. A narrow corridor of territory, as little as 2-3 miles broad, between the territory of the Federation and Bosnia's northern international boundary with Croatia, – Brčko – links the two main parts of Serb-controlled Bosnia. Control over Brčko is therefore essential to the contiguity and unity of the Serb statelet in Bosnia.

The aim of this admittedly brief article is to highlight this little known dispute which, according to the Dayton agreements at least, is the last territorial issue yet to be resolved in Bosnia. However obscure the 'Brčko question' seems,

however, it retains the potential to bring renewed conflict to Bosnia.

Dayton and Brčko

Dayton's 'solution' in relation to the Brčko problem was, in reality, a non-solution. Brčko was the one territorial question in Bosnia left unresolved by the Dayton accords. This in itself is a testimony to the significance attached to control over this area by the Bosnian factions. Instead of being substantively addressed in the course of negotiations, Dayton provided for international arbitration to resolve the dispute. As a result American diplomat Robert Owens was appointed as chief administrator for the contested region.

Arbitration proceedings were originally scheduled to take place towards the end of 1996. As this deadline approached, however, tension over the issue escalated and rhetoric over the 'Brčko question' became increasingly heated.

The Serb side maintained that possession of Brčko was vital to Republika Srpska's integrity and that were the Serb side to lose control over the corridor linking the northern and eastern halves of their territories in Bosnia, the whole Dayton edifice would topple. In sharp contrast, the Muslim-Croatian Federation forcefully and repeatedly argued that as the town and its surrounding villages had had a pre-war Croatian and Muslim combined majority, under the principles governing the Dayton agreements, Brčko and its hinterland should be awarded to the Federation. Anything else, according to Sarajevo, would amount to rewarding aggression and ethnic cleansing.

Such mutually incompatible and fervently held positions seemed to make the dispute all but intractable. As a result, the path of least resistance – delaying arbitration and maintaining the status quo of Serbian control – became, perhaps unsurprisingly, the preferred option for the international community.

The arbitration decision was therefore initially delayed for two months, to the Spring of 1997, then, when that deadline came around, a further one year

delay was imposed, such that a final ruling was due by 15 March 1998.

Progress on the Ground

In the course of over two years of the international community's interim solution for Brčko progress towards the return of Croatian and Muslim refugees to the area, as specified by the Dayton agreements, was extremely limited. This in itself probably played a part in motivating the delay in arbitration proceedings.

Attempts to promote the return of refugees to the Brčko area were met with consistent obstruction on the part of the Serbian authorities in the area and outright hostility, in several instances leading to violent incidents, by the current Serb-dominated local population.

One significant development with implications for Brčko's future were the results of the Bosnian local elections which took place in September 1997. In these elections, Muslim and Croatian refugees elected 26 out of the 56 members of Brčko new town council, with Serb parties securing the remaining 30 seats to hold the majority.

The international community's chief representative in Bosnia, Carlos Westendorp, subsequently (in November) warned the Serbian representative on the Bosnian joint Presidency that if Serbian efforts to thwart Brčko's multi-ethnic administration from taking office continued, this would amount to "political suicide". Brčko's new town council eventually held its first meeting on 7 November 1997. Although the meeting was described as "long and stormy" it did not precipitate further incidents or a fresh outbreak of violence.

The March 1998 Decision

Brčko Administrator Owens opened consultations on the future of the town and its surrounding villages in Vienna on 5 February 1998. These meetings attracted lobbyists from both the Croatian-Muslim and Serb camps. Republika Srpska President Biljana Plavsic stated that Brčko "must" remain under Serb control if the international community is to expect Serbian cooperation in implementing the Dayton agreements and that any other solution would divide the Serb statelet into two thus "violating" Dayton. This sentiment was echoed by Bosnian Serb Prime Minister Milorad Dodik who added that Brčko had to remain part of the Serb entity if his moderate government, which has won Western applause in recent months, was to survive.

Dodik's arguments were ridiculed by the President of the Muslim-Croatian Federation, Ejup Ganic, saying that the international community "cannot reward genocide by bringing in [Dodik] and saying 'yes there was genocide here, but here is a nice guy.'"

Ultimately, Owens decided to defer a final decision on Brčko once again. He stated that he would not make his final judgement until some time between the Bosnian general elections in September and the beginning of 1999. This, Owens maintained, would allow time for Dodik's new Bosnian Serb administration to implement promised reforms in the Brčko area. The renewed delay would also allow for a strengthening of the Brčko Administrator's role in overseeing the return of Croatian and Muslim refugees and promoting the reconstruction of Brčko.

Reactions

Bosnian Federal President Ganic denounced Owens decision, saying that: "justice delayed is justice denied." In contrast, Bosnian Serb Prime Minister Dodik stated that the decision not to remove Brčko from Bosnian Serb control reflected confidence among the international community in his government.

Bosnian President Alija Izetbegovic's reaction was, perhaps, the most intriguing of all. He stated that a detailed analysis of Owens' decision revealed that Dodik must allow the return of Croat and Muslim refugees, establish a multi-national authority and police force, remove war criminals from Brčko and create a free-trade area. Confident that the Republika Srpska prime minister could not possibly achieve these targets, Izetbegovic came to the conclusion that: "The final outcome will see Brčko in the [Croatian-Muslim] Federation or Brčko as a state district."

Conclusion

The grounds for pessimism over Brčko remain strong. Although conflict has to a large extent been avoided, after almost two and a half years no real progress appears to have been made on the ground. The Brčko area remains dominated and controlled, as well as populated, by one party to the dispute and the area remains closed to refugees and returnees. Another 6-9 months of uncertainty is therefore still in prospect. At the end of this period the Brčko question will rise to the surface once more, most probably just as intractable and problematic as before. A final decision on this issue still has the

potential to derail peace in Bosnia and unravel the Dayton agreements achieved at such cost three years previously.

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Figure 1: The Brčko area in Northern Bosnia

