Sarajevo Declaration Quarterly Implementation Review

Compiled by the Reconstruction and Return Task Force

Executive Summary

Implementation of the Sarajevo Declaration has been marked by continual problems. It is vital that the limited momentum which built up during the Summer should be reinstated, and in particular that no changes be made which might reduce the efficiency of the Cantonal Housing Department. Positive steps in some areas, including public security, have been overshadowed – and in some cases canceled out by – failings by the authorities in other areas, notably housing and return to own homes of minorities. The number of registered minority returns to Sarajevo is around 4,000 – although it would have been closer to 6,000 if whole families had returned in all cases. It is estimated that there may have been 5000 unregistered returns. The recent set-back in education, where the Sarajevo Canton government has reneged upon its previous position of support for the Education Working Group yet again raises doubt about its good faith commitment to implement the Sarajevo Declaration and its fundamental aim of making Sarajevo a model for reconciliation, multi-ethnicity, freedom of movement and the unconditional right to return throughout Bosnia and Herzegovina. These failures could have an impact on international assistance to the Sarajevo Canton in 1999.

1. **Housing/Property Legislation, Including Multiple Occupancy**

   Implementation of the Federation property laws remains problematic in Sarajevo Canton, as in many other parts of the Federation. Obstructionism continues to hamper both the claims process and implementation of final decisions. Because of these problems, the High Representative has asked for a comprehensive review of the Federation housing and property legislation, and has suspended the privatisation of apartments to individuals who acquired an occupancy right since April 1991 until these problems are addressed.

2. **Return Issues, Including Specific Return Cases**

   Significant progress, albeit late in the year, has been made in the resolving of the specific return cases. The successful resolution of these cases demonstrate the possibilities for the Cantonal authorities to resolve the overall caseload

3. **Education Issues**

   The commitment of the Sarajevo educational authorities to ensure that texts judged to contribute to ethnic hatred and intolerance are withdrawn from all schools by the beginning of the new school year has not been fulfilled. Progress on the textbook review process has recently halted due to a decision by the Sarajevo Cantonal government that the Education Working Group has no legal standing and that its decisions should therefore be rejected. Whilst progress has continued to be made with regard to discrimination and democracy projects, this position seriously jeopardises the continuing work of the Education Working Group.

4. **Employment Issues**

   No progress to report since the previous Quarterly Review.

5. **Public Order and Security Issues**

   The Detailed Strategy for the Implementation of the “Public Order and Security Issues” section of the Sarajevo Declaration, developed by the Sarajevo Canton Ministry of Interior with the assistance of UNMIBH, was adopted in a final form by the Cantonal Interior Minister on 24 November in a letter to the Sarajevo IPTF Regional Commander. This is very welcome progress. Implementation is proceeding at good speed as well of UNMIBH’s strategy for Minority Police Recruitment and Return, with the Region Sarajevo Working Group

on meeting for the first time on 30 November. The Working Group will, among other tasks, implement a public information and recruitment campaign according to the IPTF Standards for Democratic Media Advertising for Police Recruitment.

I. Housing/Property Issues, incl. Multiple Occupancy

Housing/Property Legislation

Date	Decl. Ref.	What	Responsible Actor
17 Feb.	Par. 8	Adoption of the Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens	Fed. Gov. & Parl.
		Adoption of the Law on Taking Over the Law on Housing Relations	Fed. Gov. & Parl.
01 Mar.	Par. 8	Adoption of the Law on the Cessation of the Application of the Law on Abandoned Apartments	Fed. Gov. & Parl.
30 April		Instructions on the Application of Article 4 of the Law on the Cessation of the Application of the Law on Abandoned Apartments	Fed. Gov.

Comments

Due to obstruction in the claims process throughout the Federation, in September the High Representative took the decision to extend the deadline for claiming socially owned apartments by six months, until April 1999. The submission of claims under the Federation property legislation adopted in April 1998 has improved. However, less than one third of claimants have received a decision, contravening the 30 day deadline provided in the Law. Very few of those decisions which have been rendered have been implemented, and the overwhelming majority of claimants have not yet regained possession of their properties.

On 22 October, the Federation Government published Criteria under Article 3(6) of the Law on Cessation of Application of the Law on Abandoned Apartments, which would have the effect of preventing the return of the pre-war occupants of apartments which have been reallocated to new occupancy right holders. This affects some 12,000 apartments in Sarajevo. As a result, the High Representative was obliged to suspend the application of Article 3(6) of the Law, pending further discussions with the Federation Government.

There are a number of other inequities in the laws and administrative practices relating to return to property. The April laws are not being applied in relation to military apartments. The military authorities refuse to transfer the records of the military housing fund in respect of abandoned apartments to the responsible civilian administrative authorities. To date, no decisions have been issued and there have been no returns to military apartments. There is no effective mechanism for return to apartments that are illegally occupied. Court decisions canceling pre-conflict occupancy rights under the Law on Housing Relations remain in force.

Because of problems such as these, the High Representative has asked for a comprehensive review of the Federation housing and property legislation, and has suspended the privatisation of apartments to individuals who acquired an occupancy right since April 1991 until these problems are addressed.

Multiple Occupancy

Date	Decl. Ref.	What	Responsible Actor

01 April	Par. 13	500 Addresses of multiple occupancy to be delivered to the Sarajevo Housing Committee (SHC)	Cantonal Ministry for Spatial Planning
30 June	Par. 13	1,500 Addresses of multiple occupancy to be delivered to the SHC	Cantonal Ministry for Spatial Planning

Comments

The Sarajevo authorities have not yet developed an effective strategy for dealing with the problem of multiple occupancy. The number of resolved multiple occupancy cases remains disappointing. Although the Cantonal authorities have launched a public appeal, they have been slow to verify alleged cases and implement necessary evictions. Less than 150 multiple occupancy cases have been resolved since the Sarajevo Declaration; a further 15 evictions will, according to the authorities, take place before the Madrid PIC; 45 other evictions are pending with no deadline set for implementation. The main problems in addressing cases of multiple occupancy remain the absence of a solution for how to deal with permanent occupancy rights and for how to deal with families spreading out across several apartments during the war, and now preventing returns by retaining possession of the apartments. The Sarajevo Housing Committee Steering Board agreed on 30 November to arrive at an agreed definition of multiple occupancy to facilitate future work.

To accelerate identification of multiple occupancy, the SHC has also established four joint field verification teams, consisting of 4 staff from the Cantonal Government (former police officers) and 4 staff from the international community (funded by ECHO, through UNHCR). The teams will work during December 1998, to verify return to units rehabilitated in 1996/97, and to determine whether the beneficiaries fully vacated their previous temporary accommodation in Sarajevo Canton. The teams will also collect definitive information on problematic multiple occupancy cases. The Cantonal Government has committed to take action based on the information collected.

Evictions remain problematic in Sarajevo Canton, not only in multiple occupancy cases but also in general cases of implementation of the Federation property laws. With the objective of improving the situation in Sarajevo Canton specifically, the Cantonal Government has started a review of the eviction procedures, including the role of the Cantonal police. The implementation of evictions by duly-authorized housing authorities will require the development of a mechanism and the expertise to enforce eviction orders. The international community supports the development of a professional bailiff system (which could employ former police officers who have cultivated investigative and mediation skills, paid according to the number of successfully implemented evictions). The IC further insists that municipal police stations are more closely monitored by civilian authorities, in this case the Cantonal Ministry for Urban Planning, thereby harmonizing approaches to housing disputes.

II. Return issues, incl. Specific Return Cases

Registration Procedure

Date	Decl. Ref.	What	Responsible Actor
01 March	Par. 11	Adoption of standardised and simplified registration procedures for return	Sarajevo Canton municipalities

Comments

UNHCR is satisfied that this requirement has been met.

Specific Return Cases

Date	Decl. Ref.	What	Responsible Actor
01 April	Par. 34	Resolution of all pending UNHCR return cases	Cantonal Ministry for Spatial Planning
	Par. 36	Resolution of 29 priority Jewish community cases	Cantonal Ministry for Spatial Planning

Comments

In the recent period, the Cantonal authorities have made an effort to resolve the outstanding individual return cases – this effort was late in the year, however, has led to a number of cases being resolved. In total, there are 6 cases which should be resolved immediately, 47 cases which are pending for legitimate reasons, and 10 cases which are outside the competency of the Cantonal authorities to resolve.

1. *Resolution of 4 outstanding UNHCR cases*

   3 cases have now been resolved; one pending due to the unresolved problem of a lack of secondary accommodation for the current occupant. This case needs to be dealt with immediately.

2. *Resolution of 94 pending return cases, prioritized by UNHCR and presented to the Cantonal authorities in the summer of 1997*

   58 of the pre-war occupants have been reinstated. A further 14 cases are in the process of resolution, with the current occupant awaiting completion of rehabilitation works on their alternative accommodation. 3 additional cases require secondary accommodation – and should be resolved by the Canton without delay. Finally, 14 cases are pending due to the unresolved situation surrounding permanent occupancy rights, one case is pending because the pre-war occupancy right holder has not submitted a claim, and 6 cases fall outside the competence of the Cantonal Housing Department because they were never declared abandoned.

3. *Resolution of 29 priority Jewish community cases*

   22 of the Jewish cases have been reinstated. The remaining 6 cases remain problematic either because the current occupant has a permanent occupancy right (5 cases) or because the apartment was never declared abandoned (1 case). decision.

4. *Resolution of the Federation Ombudsmen's Cases*

   23 of the 41 Ombudsmen's cases have been reinstated. 3 additional cases are in the process of resolution, with the current tenant awaiting completion of rehabilitation works on their alternative accommodation. 2 cases are pending due to a lack of secondary accommodation – which should be provided by the Canton immediately. 9 cases are pending because the current occupant has a permanent occupancy right. 1 case is pending the submission of a claim by the pre-war occupant. 3 additional cases fall outside the competence of the Cantonal Housing Department and should be resolved immediately by the competent municipal authorities.

III. Education Issues

Date	Decl. Ref.	What	Responsible Actor

01 March	Par. 19	Establishment of multi-ethnic education working group	Sarajevo educational authorities
30 June	Par. 18	Development of principles for a non-discriminatory educational programme	Federation, Sarajevo Canton authorities
	Par. 20	Completion of listing and review of all textbooks currently in use or anticipated for introduction	Sarajevo educational authorities
01 Sept.	Par. 20	Withdrawal from all schools of all textbooks judged to contribute to ethnic hatred	Sarajevo educational authorities

Comments:

The Sarajevo Education authorities had until recently continued to make good progress in their work with the Education Working Group, most particularly with regard to the work of the democracy and discrimination sub-groups. Recent developments however, with regard to the textbook review process in particular, jeopardise the above and call into question whether the Group is able to continue its work.

The Sub-Group on Textbooks having presented its conclusions to the Education Working Group in July, it worked through August and September to finalise its analysis of outstanding textbooks still to be analysed. In the meantime, the Implementation Task Force set up by the Minister of Education in agreement with the Group worked to produce guidelines for the Ministry's endorsement as to how the Group's decisions were to be implemented. These were presented to the Ministry for this purpose, but a subsequent leakage to the press of one of the guideline documents triggered intense and largely hostile media attention to the issue, in which the international community was accused of attempting to deny the facts of the war. Against this backdrop, the Minister referred the matter to the Cantonal Government, which subsequently rejected the work of the Implementation Task Force on the basis that the Group was not legally established and that its decisions should therefore be rejected. This decision calls into question the validity of the Sarajevo Declaration itself; and ignores the fact that the Group was established by agreement with the Minister of Education, that it has proceeded throughout on the basis of agreements reached with the Ministry, and that the recommendations for schools were developed by the Implementation Task Force set up by the Ministry itself in agreement with the Group. The Cantonal Government has called for the Minister to review the textbooks and to make changes to them. OHR is seeking to clarify the legal situation and to ensure that the recommendations of the Implementation Task Force are implemented; bearing in mind that progress in this respect has important implications for the broader BiH level textbook review currently in process.

The Sarajevo educational authorities have emphasised the importance of the wider process of curricular and textbook reform that is taking place in BiH. These initiatives, however, are proceeding extremely slowly with delays by all three parties and have not yet led to major revisions in the current systems in place.

The Sub-Group on Democracy and Tolerance Building Projects continued its work to support the process of democracy building in Sarajevo schools by assisting the three projects that have obtained funding with the commencement of their work. These projects have subsequently been supplemented by a fourth initiative which is to form part of a broader project developed by KultureKontakt Austria on democracy-building in selected schools; efforts continue otherwise to secure funding from additional donors. In the meantime, the work of the group is being disseminated by members of the Group as a whole to other communities outside Sarajevo in an effort to assist them with the transfer of expertise required for the development of such projects elsewhere.

The Sub-Group on Discrimination has continued its work to finalise posters and leaflets on the issue of discrimination and completed distribution to Sarajevo schools and select NGOs at the beginning of the school year. Follow-up visits to schools to discuss the work of the sub-group have taken place. Discussions held indicate that principals and teachers feel that the major issue relevant to Sarajevo schools is the scarcity of educational resources, a situation particularly relevant to the accommodation of returnee children who often require additional or remedial schooling over and above what is currently available, and see a greater need to focus on discrimination in other parts of the country, where it is felt that the problem of discrimination is in all likelihood more acute.

The Sub-Group on Resources adjourned pending the outcome of a project by the World Bank which will analyse the

needs of the whole education sector, but the Group is considering whether to discuss its re-activation in the light of the findings of the Discrimination Sub-Group regarding the needs of returnee children. The educational authorities have called for greater resources to assist them in fulfilling their commitment to provide materials for all students. The authorities are providing information for returnees about educational opportunities and re-integration, but further funds are requested for remedial assistance. It has recently been reported that in some instances returnees are being asked to pay for the remedial assistance they require.

IV. Employment Issues

Date	Decl. Ref.	What	Responsible Actor
01 March	Par. 25	Launch of a comprehensive initiative to generate employment	"Competent authorities"
30 June	Par. 27 & 28	Establishment of Cantonal employment & return commission	Cantonal Min. of Labour, Social Policy DPs & Refugees

Comments:

No progress to report since the last Quarterly Review.

V. Public Order and Security Issues

Public Order

Date	Decl. Ref.	What	Responsible Actor
01 March	Par. 30	Development of a detailed cantonal police strategy to support return	Sarajevo Canton Police

Comments

The Detailed Strategy for the Implementation of the "Public Order and Security Issues" section of the Sarajevo Declaration has been developed by the Sarajevo Canton Ministry of Interior with the assistance of UNMIBH, as required by 1 March by the Sarajevo Declaration. The Cantonal Interior Minister adopted the Strategy on 24 November in a letter to the Sarajevo IPTF Regional Commander. In fulfillment of paragraphs 29, 30 and 31 of the Sarajevo Declaration, the strategy comprises the following chapters:

> **Chapter One:** Implementation Of Multi-Ethnic Police Force In Canton Sarajevo Recruitment, Selection And Training
>
> **Chapter Two:** Security Strategy For Returnees Based On The UNMIBH Model
>
> **Chapter Three:** Public Relations And Information Campaign
>
> **Chapter Four:** Contacts
>
> **Annexes**

UNMIBH outlined its new policy on minority police recruitment in Bosnia and Herzegovina, particularly in connection with the police in the Federation, on 16 October 1998. The policy states that until the Bonn-Petersberg levels of minority police representation are met, UNMIBH's Selection, Training, and Certification of the local police will apply only to applications from minorities and "Others" in each canton. This policy will remain until the ethnic

composition required of each Cantonal police force by the Bonn-Petersberg Agreement is achieved. It also requires the establishment of UNMIBH Working Groups on Minority Police Recruitment and Return to facilitate the recruitment and return of minority police and their families.

Canton Sarajevo Interior Ministry named four police officials to the Region Sarajevo Working Group on 22 October. UNMIBH chaired the Group's first meeting on 30 November. The Working Group will, among other tasks, implement a public information and recruitment campaign according to the IPTF Standards for Democratic Media Advertising for Police Recruitment. A standard IPTF application form to join the local police has been approved and will be available in every IPTF station. IPTF is developing a modern and efficient Federation Police Academy and training system which will focus initially on benefiting minority police cadets.

UNMIBH has also arranged with the International Organization for Migration (IOM) to advertise local police positions available in BiH on the IOM World Wide Web site on the Internet.

A Joint Returns Security Team, comprising representatives from the local police, UNMIBH (IPTF and Civil Affairs), UNHCR and SFOR was established on 16 November to conduct advance security planning for return-related events. It meets on a weekly basis.

Demining

Date	Decl. Ref.	What	Responsible Actor
15 March	Par. 32	Development of a detailed plan for accelerating demining	Federation MAC

Comments

The Federation Mine Action Center, with UN support, has developed a detailed plan for accelerating de-mining in Sarajevo Canton, in support of returns as required by paragraph 32 of the Sarajevo Declaration. On 18 May 1998, the current Director of the Federation Mine Action Center, the Programme Manager for UNMAC and the UNMAC Regional Manager for Sarajevo signed the "Mine Action Plan for Sarajevo." This plan was subsequently circulated in the Sarajevo Housing Committee, as required by the Declaration. UNMAC reports that the Federation Mine Action Center is now implementing the plan. Insufficient donor resources remain the primary obstacle to accelerated implementation.

Office of the High Representative Reconstruction and Return Task Force