Sarajevo Declaration Quarterly Implementation Review

Compiled by the Reconstruction and Return Task Force

Executive Summary

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

   The Deadlines for the adoption of the Legislation have been missed. The Laws have been finally adopted in a form acceptable to the High Representative. Implementation of the Laws has encountered some difficulties, however. Additional efforts by Federation authorities will be essential to ensure full and timely implementation.

   The targets for solving multiple occupancy cases have not been met (51 cases solved vs. 500 required), raising concerns about the commitment of the authorities to address this issue in a decisive manner.

2. **Return issues, incl. Specific Return Cases**

   The Deadlines have been missed in solving specific return cases: only a limited number of cases (either from the 96 UNHCR cases or the 29 priority cases set by the Jewish community) have been solved, well below the set targets. This confirms the concerns raised above.

3. **Education Issues**

   The Education Working Group was formed on time and is a relative success story. Its four Sub-Groups (on textbooks, resources, discrimination and democratisation) are working well. Resource constraints may become a factor slowing down progress in textbook review and teacher training. Donor assistance has been requested.

4. **Employment Issues**

   The Employment and Return Commission was established on time and has made good progress in defining its priority areas of work. Discrimination issues are proving thorny, given high unemployment rates in the canton. Additional funding for job creation is urgently required. The Cantonal Ministry for Labour, Social Affairs, Displaced Persons and Refugees has made a special plea to international donors to increase outreach to minority communities of small business credit.

5. **Public Order and Security Issues**

   The Deadline for producing a detailed strategy to support return was missed. With almost 2 months' delay, the Cantonal police delivered a draft strategy to UNMIBH on 4th May. Upon initial review, one of the main gaps in the strategy concerns minority recruitment for the Cantonal police. The Cantonal Police has yet to launch a comprehensive information campaign to keep the public informed on the subject of returns, as required by the Sarajevo Declaration.

6. **Conclusions**

   While a number of positive steps have been taken in issues related to education, employment and public order and security, the principal issue of returning people to their homes in Sarajevo have not been addressed in a satisfactory manner by the authorities.

I. Housing/Property Issues, incl. Multiple Occupancy

Housing/Property Legislation

Date	Decl. Ref.	What	Responsible Actor	RRTF Lead
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.	OHR
		Adoption of the Law on Taking Over the Law on Housing Relations	Fed. Gov. & Parl.	OHR
01 Mar.	Par. 8	Adoption of the Law on the Cessation of the Application of the Law on Abandoned Apartments	Fed. Gov. & Parl.	OHR

Comments

Although the 17 February 1998 deadline was missed, property legislation acceptable to the OHR was adopted by the Federation. The Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens, the Law on the Cessation of the Application of the Law on Abandoned Apartments (the “LAA”) and the Law on Taking Over the Law on Housing Relations were published in the Federation Official Gazette on 3 April 1998 and consequently came into force on 4 April 1998. In accordance with the provisions of the LAA, the Federation Ministry of Urban Planning and the Environment drafted an Instruction outlining the claim procedure. That Instruction was before the Legislative Committee and the Minister of Justice during the week of 27 April and is expected to be published on 5 May 1998. These instructions will be binding on all cantonal and municipal authorities, and instructions intended to replace or supplement the Ministry’s instructions will not be permitted. All persons wishing to reclaim the apartments to which they had occupancy rights before the war or who own private property which was declared abandoned are encouraged to now file a claim with the municipal housing authorities where the apartment or property claimed is located. The criteria under Article 3.6 & 3.7 of the LAA are currently being discussed.

A minimum requirement for successful implementation of the laws is the unrestricted access to all relevant data, in particular data related to the status of apartments and their current occupants. The OHR therefore will request that all courts and municipal bodies provide any decisions terminating occupancy rights or declaring apartments abandoned, as well as allocating apartments for temporary use, issued between April 1991 and the entry into force of the Law to the municipal housing authorities. In Sarajevo, Sarajevostan should provide the relevant data concerning these apartments to the SHC.

Multiple Occupancy

Date	Decl. Ref.	What	Responsible Actor	RRTF Lead
01 April	Par. 13	500 Addresses of multiple occupancy to be delivered to the Sarajevo Housing Committee (SHC)	Cantonal Ministry for Spatial Planning	SHC
30 June	Par. 13	1,500 Addresses of multiple occupancy to be delivered to the SHC	Cantonal Ministry for Spatial Planning	SHC

Comments

The Multiple Occupancy Commission of the Sarajevo Canton Ministry for Spatial Planning has identified 220 cases (770 claims received), for which serious evidences of multiple occupancy exist. From this list, 51 cases are being confirmed with 21 resolved so far. Some concerns can be expressed on the number of cases identified, on the progress made by the authorities in processing the cases previously reported/investigated by this Commission, as well as on the willingness of the authorities to review Sarajevo Canton archives (as requested by the Office of the High Representative and recommended by the Federation Forum of 15 April).

Information regarding the outstanding 30 cases of confirmed multiple occupancy has been requested from the Cantonal Ministry for Spatial Planning, Housing and Utilities, and they have agreed to present the information at the next Steering Board meeting.

With the objective of identifying additional multiple occupancy cases, the SHC is planning jointly with the Cantonal Government a further public appeal. To ensure the objectivity of the initiative, the cases will be reported to the staff of the SHC Executive Secretary, and investigated by a Commission based within the SHC 'Project Office' and supervised by the Ministry for Labor, Social Policy, Displaced Persons and Refugees.

The chairman of the SHC Steering Board has presented different figures than the independent Commission. SHC will review all the cases put forward by the Commission (all the 770 cases) and particularly those disregarded by the Canton authorities.

Other Legislative Issues: Conscription

Two recent cases give cause for concern that the authorities may not heed the Sarajevo Declaration call for returnees to be exempted from military service for a minimum period of 5 years. In one case, the Federation Ministry of Defense issued a conscription notice to a Serb returnee to Sarajevo. In the other, a similar notice was served to a minority resident who remained in Sarajevo during the war. The Ministry of Defense has rejected a request for postponement in one of these cases, and further interventions are necessary to ensure the Declaration's provisions are implemented.

II. Return issues, incl. Specific Return Cases

Registration Procedure

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

Comments

Legally, a person who registered his/her permanent residence in any municipality before the conflict should be able to reestablish her/his residence in that municipality and receive the relevant Entity ID Card which is essential for exercising basic rights (e.g. access to social welfare, health care, humanitarian aid, food) and administrative purposes.

To date in Sarajevo Canton, UNHCR is not aware of any cases of returnee who de-registered with the municipal authorities at the time of departure and having any registration problems upon their return. Those returnees who did not de-register at the time of departure are not required in Sarajevo Canton to re-register upon their return.

Specific Return Cases

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

Comments

1. *Resolution of 4 outstanding UNHCR cases*

   Of the four outstanding return cases to UNHCR rehabilitated apartments, two cases remain unresolved. Two cases are obstructed due to outstanding compensation claims from the temporary occupants of the apartments. The occupants are requesting compensation for the cost of rehabilitation works they apparently undertook in the apartments. According to the Declaration, the Cantonal authorities are obliged to meet the expenses associated with resolving of the cases, and have indeed, previously paid compensation to facilitate the return of two families to apartments rehabilitated by UNHCR.

   UNHCR will continue to press the Cantonal authorities to resolve these cases through realizing a reasonable compensation agreement with the temporary occupant. UNHCR has insisted to the Cantonal Government, that UNHCR funded rehabilitation works, remain in place, and are neither removed by the temporary occupant or included in any compensation.

2. *Resolution of 96 pending return cases, prioritized by UNHCR and presented to the Cantonal authorities in the summer of 1997*

   To date, the Cantonal Ministry for Labor, Social Affairs, Displaced Persons and Refugees has reported that 25 of the 96 cases have been resolved. UNHCR field monitoring does not confirm this information, and we conclude that only 19 cases have been fully resolved. Specifically, UNHCR can confirm that one of the five reportedly resolved cases in Novo Sarajevo municipality is still pending, the one case in Vogosca municipality, reported as resolved, is in fact still pending, and four of the fifteen cases reported as resolved in Ilidza municipality remain pending (and 2 additional cases in Ilidza are solved).

   Consequently, not only is UNHCR concerned that the deadline has passed with so few cases being resolved, but UNHCR is especially worried by the misinformation provided by the municipal and Cantonal authorities, regarding the actual status of the cases.

3. *Resolution of 29 priority Jewish community cases*

   To date the Cantonal Government has resolved 4 of the 29 priority Jewish return cases. The number of cases resolved is both disappointing and surprising, considering the time dedicated to resolving these cases – the representatives of Jewish association and the Cantonal Ministry for Spatial Planning, Housing and Utilities meet every week to discuss the outstanding cases.

   UNHCR and the SHC has requested the Cantonal Ministry for a detailed report regarding the status of each case, and the circumstances of the temporary or permanent occupancy right holder in each of the apartments. UNHCR and the SHC will confirm this information through a field evaluation, and in collaboration with the relevant Cantonal Ministries will determine the potential means of facilitating return.

   The authorities have reported a greater number of return from the Jewish community. UNHCR will cross-check this information with the Jewish community.

III. Education Issues

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

Comments: Summary of the second session of the Sarajevo Education Working Group (22 April 1998)

The Education Working Group (EWG) was established on time. Terms of reference have been agreed between the Cantonal Minister of Education and relevant members of the international community. The first meeting took place during the first week of March 1998. Sub-working groups were formed to address specific Declaration aims pursuant to education. The second meeting of the EWG on 22 April, summarised the work of the Sub-Groups as follows:

1. *Sub-Group on textbooks*

   The Sub-Group has held three meetings to review textbooks currently in use in the canton. In particular, they have reviewed the 4th grade 'social science' textbook, and they have received two more detailed reports by Sub-Group members on geography and history books. The Sub-Group chair presented a list of books reviewed and a list of those still missing. The group requested guidance on the presentation of the 1991-95 historical period, and asked for clarification on should be done once a textbook had been found unsuitable. Sub-Group members noted that offensive books would probably have to be physically withdrawn, which could leave teachers without teaching material. The suggestion was made that the EWG might consider the textbooks used in private as well as public schools within the Canton.

2. *Sub-Group on resources:*

   The Sub-Group established that —

   - the Canton was using 18% of the budget for the education sector at all levels; the bulk was directed to cover operational costs (teachers' salaries, utilities etc.)
   - the number of teachers at each school has been taken in the past as the basis for the allocation of funding
   - the budgetary system of the Canton depends on monthly revenue and does not foresee reserve funds. Thus, revenue shortfalls immediately lead to cuts in expenditure. The Sub-Group agreed that this problem has to be corrected.

   The Sub-Group recommended that —

   - funds should be set aside for professional development of teachers.
   - the Ministry should prioritise needs for all 94 schools in the Canton, since budgetary and international assistance were insufficient to satisfy all claimed needs.
   - an information campaign for potential returnees had to be funded and undertaken. The ministry envisages 1,000 return children returning during the upcoming school year, but registration in June and August will reveal more precise numbers.

3. *Sub-Group on democratisation projects:*

   The Sub-Group has sent out an invitation to all 94 schools — as well as civic groups — to present ideas

project that will foster multi-ethnicity and tolerance in Sarajevo schools. In its public announcement, the Sub-Group emphasised that project proposals should concentrate on ideas that will not need outside funding, since only limited funding has been identified thus far. International organisations in this working group were asked to identify further funding resources. The Sub-Group chair indicated that she has already received calls from a number of school directors inviting the Sub-Group to review on-going projects or asking for assistance in developing new projects. A number of teachers expressed fear that educators might be hesitant to participate in such extracurricular activities, given their heavy workload and the lack of special remuneration. The Ministry, as well as others, stressed that any project developed by the Sub-Group should not be time limited, but result in the integration of the project matter into routine school practice.

4. *Sub-Group on discrimination:*

   This Sub-Group arguably had the most difficult task, also because ambiguity exists about Federation versus Cantonal competencies. Sub-Group members sought to familiarise themselves with the texts of conventions on human and children's rights, as well as Federation, Canton and City legal texts. The group also decided to visit one primary and one secondary school in preparation for its work. The Sub-Group was unsure, however, whether to inform the public of its finding, and it could not agree on how to find information on possible discrimination or how to react if such discrimination was discovered. The co-chairs of the Sarajevo Education Working Group made it clear that the Sub-Group was not designed to address individual cases of discrimination, but to find patterns of discrimination and recommend how educational authorities should act upon such cases. The Sub-Group was designed to help change the system where it had failed.

5. *Next Steps Ahead:*

   The EWG decided on the following taskings of the Sub-Groups:

   - Textbooks: the Sub-Group needs to look into private textbook practices
   - Resources: (1) a review needs to be conducted of potential discrimination in the allocation of resources; (2) resources must be increased on the basis of a needs inventory and by soliciting assistance from donors (Donor Conference on 7/8 May could provide opportunity for this)
   - Projects on tolerance: (1) existing high-quality projects should be publicised; (2) a strategy shall be developed to evaluate potential projects
   - Discrimination: (1) existing mechanism to redress injustices shall be improved; (2) the scope of discussion of the Sub-Group shall be limited to patterns of discrimination, not individual cases.

IV. Employment Issues

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

Comments:

The Cantonal Employment and Return Commission was formed on time, and has met regularly since under the chairmanship of the Cantonal Minister of Labour, Social Affairs, Displaced Persons and Refugees. The Commission is working well and making progress, although concrete results are taking time to materialise. The issue of minority employment in a situation where there is high unemployment for all is sensitive. In light of this, the Canton is anxious that the emphasis not be on

special treatment for minorities (implicitly at cost of majority), but, in a more positive manner, on strengthening IC's outreach to minorities in job-creation and business-lending projects.

Actions taken by the Employment Working Group to date include:

- Receiving current and pending labour legislation. The World Bank is reviewing for anti-discrimination provisions and the status of workers terminated in wartime.
- Considering data provided by the chair on minority public-sector workers in Sarajevo suburbs (practically none outside Ilidza).
- Considering lists provided by the Serb Civic Council and Sarajevo employment bureau of highly-qualified minorities desiring to return. The lists have been forwarded to IOM for further contacts with these individuals.

Future proposed activities for the Employment Working Group include:

- Drafting a voluntary anti-discrimination code of conduct for employers, which the Sarajevo Canton could set an example by being among the first to adopt it.
- Organising seminars, to be given by local and international small-business credit agencies, to audiences proposed by local minority community organisations.
- Working with the UNCA/IPTF and Cantonal Interior Ministry achieve multi-ethnic recruiting requirements in the police and public administration and on how they proposed to improve recruiting results in near future.

V. Public Order and Security Issues

Public Order

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

Comments

The Sarajevo Cantonal Police, with advice from the IPTF, have been required to develop a detailed strategy by 1 March 1998, setting out how they will meet their responsibilities for inter alia guaranteeing the security of all citizens, with special attention to returnees; for incorporating more ethnic minorities into the police force; and for responding to threats to public order and enforcing duly authorised housing-related orders. The Cantonal police force are to be prepared for enhanced return-related security roles and are to also initiate public relations and information campaigns to keep the public informed. UNMIBH has been given the role of coordinating action on the above.

In this connection the Cantonal Interior Minister, on 5 March, issued instructions for various departments and stations under the Ministry to prepare the detailed plan of activities to be carried out by each. Further to this, the Minister forwarded to UNMIBH, on 13 March, the collection of plans drawn up by the individual departments and local police stations. The translation and perusal of these plans revealed that they varied greatly from station to station and also did not address certain areas such as the incorporation of ethnic minorities into the police force. UNMIBH informed the Cantonal Minister through its letters of 7 April and 21 April that in order to arrive at a comprehensive and uniform strategy, which could be easily and effectively implemented, all police departments should be asked to follow a generic plan which had been drawn up by IPTF. This plan could be adapted to the needs of individual departments and local police stations. In addition, the Cantonal Ministry was asked to provide details of plans to handle large crowds, demonstrations and potential riots which could be classified under "threats

to public order".

Following a meeting of UNMIBH with the Cantonal authorities on 27 April it was decided that in order to hasten the work on the detailed Cantonal police strategy a Working Group consisting of representatives of the local police and UNMIBH would be set up, with the participation of other agencies as necessary. The WG would address all the requirements contained in paragraphs 29 through 31 of the Sarajevo Declaration i.e. all issues pertaining to public order and security as contained in the Declaration. This Working Group had its first meeting on 29 April and it was agreed that the Cantonal police would deliver a draft strategy by 4 May, acting on the guidelines set by UNMIBH. This document has now been received, as scheduled, and is under study. It is expected that the entire strategy will be finalised in the near future. This will include the plans of the Cantonal police for accelerated recruitment of minorities to the force. It is to be noted that earlier campaigns to recruit minority police officers have been attempted but have not had much success because of various reasons, including the fact that wide publicity was not given. The provision of housing and other facilities to minority police officers who return will also need to be taken into account.

In the meantime, reports received indicate that the Sarajevo Cantonal police are carrying out their duties normally and impartially. There have been no complaints as to any acts of commission or omission which might affect returns adversely. The exception to this has been the large number of patrols/checkpoints which had been organised by the local police in the Zone of Separation around Sarajevo since January this year, without prior permission from IPTF. This led to a number of non-compliance reports being filed against the individual police officers concerned. Following correspondence and meetings between UNMIBH and the Cantonal Ministry of the Interior this situation appears to have been resolved, with no further infringements of the checkpoint policy in the last few weeks.

As regards enforcement of housing-related orders the view of the local police, expressed at field level, is that they are to intervene only if physical violence is threatened or takes place in the case of evictions etc. The actual execution of the eviction orders is to be left to the authorities appointed by the municipalities or the courts. The exact nature of police involvement as per existing procedures will be further studied and discussed with the Cantonal police.

On other matters mentioned in the Declaration, the Cantonal police have existing public relations and information campaigns for the public. UNMIBH will explore further with the Cantonal police how these campaigns can be improved with a specific focus on returns.

Demining

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

Comments

The Federation Mine Action Centre is still in the process of being fully established. Initial demining work has already commenced by NGOs Norwegian People's Aid, Help, and Ronco in Sarajevo. The United Nations MAC and UNMIBH have been supporting the Federation MAC to produce a "detailed plan for accelerated de-mining in Sarajevo Canton", as requested in the Sarajevo Declaration. For this purpose they have been consulting with local authorities, OHR, UNHCR and interested donors, such as the EU, to gather information regarding priority demining areas in the Canton. While awaiting the establishment of the Sarajevo Housing Committee, individual members of the SHC have also been consulted, as required by the Declaration. These priorities have been accommodated in a nearly final draft plan. Now that the SHC is operational, the SHC Executive Secretary has agreed to circulate this draft plan among Committee members for any further comments before the document's finalisation. It is hoped that the final detailed demining plan for Sarajevo Canton can be presented at the next

meeting of the Sarajevo RRTF.

Office of the High Representative Reconstruction and Return Task Force