

OHR Federation Forum, 12 November 1997

Federation Forum

Chairman's Conclusions

On 12 November 1997, Federation President Vladimir Soljic, Vice-President Ejup Ganic, and other Federation officials, together with members of the international community, met in Sarajevo to continue the Forum session begun in Travnik on 30 October. The meeting was co-chaired by U.S. Ambassador Richard D. Kauzlarich and OHR Head of Political Department Christian Clages. The following points were agreed upon:

Municipalities

1. Participants expressed concern over the fact that the Draft Law on Split and New Municipalities has still not been adopted by the Federation Parliament. They addressed the outstanding question of the boundaries of the Usora municipality, which was supposed to be solved by 1 September 1997. They welcomed the readiness of the OHR to arbitrate on this disputed issue if President Izetbegovic and President Zubak are ready to jointly use their full authority to ensure the acceptance and implementation of any arbitration result.

Legal System Reform

2. Participants welcomed the Agreement on the Judicial System for Cantons 6 and 7 of 10 October 1997, and called for both Cantons 6 and 7 to complete the establishment of their Cantonal judicial systems in accordance with that Agreement. In particular, Canton 6 authorities should respect the legal opinion of the OHR and adopt their Law on Courts immediately, and Canton 7 authorities should adopt a single Draft Law on courts as set forth in the Agreement. Participants also called for Cantons 4, 7 and 10 to act expeditiously to delegate their authority to adopt a criminal code to the Federation.

Property Legislation

3. Participants acknowledged that the commitment made at the last Federation Forum to amend existing property laws by adopting the three Draft Laws submitted by the Office of the High Representative had not been met, and agreed that these essential legislative changes will be made before the PIC meeting in Bonn. They noted that the PIC Steering Board has stated that it will recommend that sanctions be imposed if the required changes are not made by that date.
4. Participants agreed that Annex 7 must be implemented in full in both Entities and that legislation must apply the same standards in both the Federation and the RS. Participants acknowledged the commitment of OHR to have legislation adopted in the RS which meets the standards of the Federation and is fully consistent with Annex 7 of the Peace Agreement.
5. Participants agreed that the version of the Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens adopted by the Federation government would be amended as set forth in Annex 1, and that the version of the Law on

Taking Over the Law on Housing Relations adopted by the Federation government would be amended as set forth in Annex 2. The Law on the Cessation of the Application of the Law on Abandoned Apartments will be revised in accordance with the amendments made to the preceding two laws. Participants agreed that the Law on the Sale of Socially Owned Apartments will not be applied until the Federation's property and housing laws are brought into compliance with Annex 7 of the Peace Agreement.

6. Participants welcomed the suggestion that a mechanism be created, with the participation of the Federation authorities, under the auspices of the Return and Reconstruction Task Force (RRTF) to address the potential effects of the proposed laws, and to formulate recommendations for alternatives for persons affected by the return of pre-war occupants. At the same time, Participants noted that housing allocation problems also must be addressed urgently, and that improvements in the methods for allocating existing housing would reduce the impact of the proposed laws. To that end, they committed themselves to working with the Reconstruction and Return Task Force to implement effective measures to address housing allocation issues, both in Sarajevo and elsewhere in the Federation. Participants took note of the remarks of the Federation Ombudsmen that many effects of these changes in law can be effectively countered when abuse due to existing housing allocation practices are revised to meet professional standards in accordance with the law. In this context, they also recognized the importance of concluding the overdue census on displaced persons in Bosnia and Herzegovina.
7. Recognizing that the protections afforded to pre-war occupants under the proposed law are designed primarily to ensure the right to return, Participants agreed that persons who reclaim their socially-owned apartments under the proposed laws should occupy those homes, and that restrictions on the resale of apartments reclaimed under the proposed law were appropriate for an interim period. Participants agreed that the proposed Law on the Cessation of the Application of the Law on Abandoned Apartments would be amended to include a provision which would address these concerns.

Privatization

8. Participants agree that privatization is a very important step for the economic progress of Bosnia. Participants agree to move forward quickly on the Bank privatization and Opening Balance Sheet laws. Participants agree to seek technical assistance from USAID, WB, IMF and U.S. Treasury. The privatization laws which have already been passed will be published in the official gazette within one week from today (12 November). Participants agree that the institutions with privatization authority as specified in the law will present to the government by the end of November, a program of privatization implementation with specific deadlines. Participants are aware that for privatization to be successful there must be a context of political and macro-economic stability and an adequate institutional framework.
9. Participants agree that the Bank Privatization should be conducted by the Ministry of Finance and other institutions in accordance with the law.
10. Participants agree that the Bank Privatization and Opening Balance Sheet laws will be submitted to the Government not later than 21 November and will be submitted to the Parliament not later than 28 November and will be scheduled for fast track consideration and passage by Parliament not later than 5 December.
11. Participants agree that the Law on Opening Balance Sheets should include a formulation to address the ownership of state-owned immovables which has been recorded into the Court Registers in favor of the respective enterprises and banks.

Education

12. Participants noted the decision of the Federation Minister of Education to revoke the instructions issued on 22 January 1997 and 15 July 1997 on “The Use of the Curricula and Two Education Plans on the Whole Territory of the Federation of BiH,” and agreed that discrimination resulting from implementation of the Instructions should be rectified with appropriate remedies provided.
13. Participants emphasized that an essential purpose of education should be to promote understanding and reconciliation among the ethnic, religious and cultural groups of Bosnia and Herzegovina, while recognizing that parents have a right to see their children educated in conformity with their convictions. They pledged to work together to ensure that all persons in the Federation are educated according to their needs, in a manner which also contributes to tolerance and stability within the multi-ethnic state of Bosnia and Herzegovina, and in full accordance with the relevant provisions of the Constitution of Bosnia and Herzegovina, the Federation Constitution, and the human rights agreements set forth in Annex 1 thereto.