Sarajevo Declaration Quarterly Implementation Review, August 11, 1998

Compiled by the Reconstruction and Return Task Force

Executive Summary

1. **Housing/Property Legislation, including Multiple Occupancy**
   Implementation of the new Federation property legislation is proceeding. Administrative obstacles to the filing of claims to repossess private and socially-owned property have diminished, but problems continue to be reported. Unless these obstacles to claims filing are wholly eliminated, it will be necessary to extend the 6 month deadline for filing of claims to repossess socially-owned apartments.

   In addition, numerous problems have been identified in claims processing and adjudication. Most significantly, decisions are not be made within the 30 day period required under the law. Finally, criteria under Art. 3(6) of the new Federation property legislation still need to be adopted in a form acceptable to the High Representative.

   The targets for solving multiple occupancy cases have not been met (148 cases verified and advertised vs. 2,000 required). None of the pre-war occupants have been reinstated (22 pre-war occupants have registered to return, but evictions are still pending). Recent moves by the authorities have the potential to improve this

situation, however, through the hiring of more staff to deal with housing issues.

2. **Return issues, incl. Specific Return Cases**
   The Deadlines have been missed in solving specific return cases: only a small fraction of cases have been solved, well below the set targets. This confirms the concerns raised above.

3. **Education Issues**
   The Education Working Group (EWG) continues to work effectively and successfully. The Sub-Group responsible for reviewing all textbooks in use in Sarajevo schools has identified by book all material thought to be offensive and it has been agreed that the Ministry, working in conjunction with an expert team led by UNESCO will ensure the eradication of this material from the school books for the coming school year; in particular, the section in history books on the recent war is to be omitted in its entirety and a new outline drafted in consultation with all parties will be submitted in its place. In the meantime, posters and leaflets outlining where to turn to for help in the case of discrimination in schools will be put up and distributed in all schools at the beginning of September. Otherwise, of 90 proposals submitted to foster democracy and tolerance, some 30 projects were short-listed; three been funded so far; further funding is urgently required.

4. **Employment Issues**
   In the reporting period, the Employment Working Group has focused primarily on exploring credit options for minority entrepreneurs and small businesses, and organising meetings bringing creditors and potential lenders together.

5. **Public Order and Security Issues**
   Representatives of the Sarajevo Cantonal police and

UNMIBH have finalised a detailed strategy to support returns on 20 July, addressing the requirements contained in paragraphs 29 – 31 of the Sarajevo Declaration. To address the issue of incorporation of minority police officers in the police force, the Cantonal police has adopted the approach proposed by UNMIBH. Some progress is visible in the area of public relations. UNMIBH continues to explore further with the Cantonal police how these campaigns can be improved either with a specific focus on return or to attract minorities to join the police forces.

6. **Conclusions**
   While a number of positive steps have been taken in the fields of education and public order and security, the principal issues of housing and return to own homes of minorities have still not been addressed sufficiently vigorously or systematically 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

Monitoring has revealed that implementation of the Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens ("LAP"), and the Law on the Cessation of the Application of the Law on Abandoned Apartments ("LAA") still faces a variety of obstacles. The Federation Ministry of Urban Planning and the Environment issued an Instruction on 30 April 1998, outlining the responsibilities of cantonal and municipal authorities in implementing the Law. The Instruction outlines procedures for persons wishing to reclaim the apartment to which they had an occupancy right before the war and which was declared abandoned. Claims shall be filed with the municipal housing authority where the apartment is located. On 4 July, the Ministry issued an additional instruction to address some of the problems which had arisen in implementation of the LAA.

By 1 July, 6,557 claims had been filed in Sarajevo Canton for socially owned apartments and 528 decisions issued. This statistic illustrates that unacceptable delays continue to mark the adjudication and rendering of decisions on filed claims. The processing of claims had been substantially delayed in Sarajevo Canton by the unnecessary requirement of hearings in many cases, a practice which apparently is still continuing in cases relating to military apartments. Moreover, the military and police housing authorities have yet to turn over all their housing files to the municipal housing authorities, who have competence over claims for all socially-owned property, including that managed by the police and the military. Criteria from making decisions under Article 3.6 and 3.7 of the LAA are still not agreed.

The extent to which these obstacles have prevented potential returnees from reclaiming their pre-war homes in order to return, has raised the possibility of an extension of the 6 month claims deadline for repossession of socially-owned apartments. Implementation of the laws in the Federation should not depend on the passing of equivalent laws in Republika Srpska.

The following steps must be taken immediately to ensure full implementation of the Law:

- Criteria under Articles 3.6. and 3.7 must be adopted in a form acceptable to the High Representative.
- The practice of requiring hearings in the adjudication of claims, including claims relating to military apartments, must cease.
- The Ministries of Defence and Internal Affairs must transfer all housing files to the competent authorities in Sarajevo, and these cases must be adjudicated by the responsible municipal or cantonal authorities in accordance with the law.
- All administrative obstacles to the filing of claims to repossess private or socially-owned property must be eliminated in accordance with the instructions issued by the Ministry of Urban Planning and Environment on 30 April and 4 July.
- Decisions must be taken on claims for repossession of private or socially owned property within the 30 day time period established by the Laws.

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

Against the requirement of 2,000, the Cantonal authorities have verified only 148 cases of multiple occupancy. Only 22 pre-war occupants have registered to return to these available apartments, and none of these families have been reinstated by the authorities. The 148 addresses were recently advertised in RS/FRY and therefore the number of registered pre-war occupants will likely increase. Where the pre-war occupants do not register to return, the current occupants will be evicted, and the apartments used for temporary secondary accommodation in cases of minority return.

The authorities appear to have operational weakness at the field level, where a lack of motivated and competent staff, has resulted in inaccurate/insufficient field investigations of alleged multiple occupancy. The authorities will attempt to address this problem through employing an additional 20 staff in the Cantonal Housing Department, and reviewing the results of the multiple occupancy commission.

Other Legislative Issues: Conscription

Although conscription has not occurred in the two cases referenced in the May 1998 Sarajevo Declaration Quarterly Implementation Review, the international community will continue to monitor the situation closely to ensure continued implementation of Article 10 of the Sarajevo Declaration.

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

UNHCR is satisfied that this requirement has been met.

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

The authorities achieved some progress in resolving the individual cases during July, however more than half of the cases remain unresolved. Although many of the cases remain outstanding, the authorities have proved increasingly willing (through the SHC Secretariat) to share information regarding the cases, and work with the International Community in creating the conditions to resolve the cases. It is expected that the majority of the cases will be resolved within the proceeding 4 weeks.

1. *Resolution of 4 outstanding UNHCR cases*
   Of the four outstanding return cases to UNHCR rehabilitated apartments, two cases remain unresolved.

These cases remain blocked by 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 Sarajevo 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. Of the two outstanding cases, one apartment has been vacant for over 2 months, however the former temporary occupant has refused to return the keys until he is reimbursed DEM 2,000 for the parqueted floor laid in the apartment – the authorities have neither forcibly reinstated the pre-war occupant or reached a settlement with the former temporary occupant.

2. *Resolution of 94 pending return cases, prioritized by UNHCR and presented to the Cantonal authorities in the summer of 1997*
   To date, the UNHCR confirms that only 34 out of the 94 pending return cases have been finally resolved. Most of the outstanding cases involve socially owned apartments, and should be resolved by the Cantonal authorities – whereas the municipal authorities have resolved the majority of the cases involving private property.

   Of the outstanding cases, 18 cases can be resolved through the rehabilitation of the temporary occupants pre-war home. In light of the inaction on the part of the authorities, the international community has agreed to provide appropriate rehabilitation assistance.

3. *Resolution of 29 priority Jewish community cases*
   To date the Cantonal Government has resolved 16 of the 29 priority Jewish return cases. The authorities resolved 7 cases during July. The number of cases resolved remains both disappointing and surprising,

however, considering the time dedicated to resolving these cases – the representatives of Jewish association and the Cantonal Ministry for Spatial Planning, Housing and Utilities continue to meet frequently to discuss the outstanding cases.

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:

The Education Working Group is making excellent progress, with all three Sub-Groups meeting regularly and achieving good results.

The Sub-Group on Textbooks presented its recommendations for how to proceed in removing offensive materials from textbooks to the Education Working Group on 22 July. All recommendations were adopted. In practical terms, UNESCO has agreed to lead

the initiative (in consultation with pedagogical experts and the Sarajevo Ministry) to strike out – line by line, or page by page if necessary – everything found to be offensive. This is to be done on a "rolling" basis, week by week, as the school year proceeds. It has also been agreed that the history of the war is to be re-drafted by an expert appointed by OHR, to be completed by 31 July; upon consultation and on agreement, this will be substituted for the description of events currently employed.

The Sub-Group on Democracy and Tolerance Building Projects has secured funding from the Austrian Government, the Canadian Government and the OSCE for three projects aimed at fostering tolerance and harmony in schools. These projects will start at the beginning of the new school year. Direct contacts will be made with other embassies as well in the hope of securing funding for more projects. The Sub-Group has agreed to write up the experiences from its projects in the form of a booklet on model good practice. Contacts have been initiated with SFOR CIMIC to take on the task of duplication the projects elsewhere in the country.

The Sub-Group on Discrimination has solicited inputs from all schools and select NGOs on possible discrimination against teachers or students. CIMIC has prepared leaflets and posters to assist in this process. The posters will go up in all schools before the beginning of the new school year and the leaflets distributed immediately after. Follow-up visits are to take place following the distribution

The Sub-Group on Resources has adjourned, pending the outcome of a project by the World Bank which will analyse the financial needs of the whole education sector over this summer.

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 has been renamed the Employment Working Group. It organised a meeting with the main providers of small business loans (USAID, the World Bank, and the Micro-Enterprise Bank) and approximately 50 minority entrepreneurs on 24 June. Existing small business credit schemes were reviewed and requirements for applications outlined. A useful discussion ensued, during which the entrepreneurs offered constructive criticism of the eligibility criteria for and terms of the different loan packages. A key question raised was the eligibility of agricultural projects for micro-enterprise credits. USAID indicated that co-operative farms with an established legal identity would be eligible for their loans.
The next meeting will focus on agricultural issues and co-operative farms.

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, were required to develop a detailed strategy by 1 March 1998, setting out how they would 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 co-ordinating action on the above. A "Working Group" involving UNMIBH and Sarajevo police authorities has been formed for this purpose.
The Sarajevo Canton Ministry of Interior – with the assistance of IPTF – has now adopted UNMIBHąs Model Security Strategy for Return and developed an Operational Plan for how to implement it. On 20 July, UNMIBH received a letter sent by the Cantonal Minister of Interior with commitment to implement both the Model Security Strategy and the Operational Plan.

The Public Order and Security Working Group agreed on 21 May to finalise its draft plan for implementing the portions of the Sarajevo Declaration dealing with minority incorporation in the police forces.

In this connection, UNMIBH sent a letter to Sarajevo Cantonal Minister of the Interior on 25 May laying out the overall UNMIBH policy for selection of new police officers, as set out in its "Memorandum of Clarification for Selection of New Police Officers".

On 29 June, UNMIBH forwarded a document on the "Composition of Sarajevo Cantonal Police" to the Sarajevo Canton Ministry of Interior, to assist the Cantonal police in addressing the problem of unmet quotas for minority police recruitment and accelerate the process towards fulfilling the Bonn-Petersberg agreement regarding the ethnic composition of the police

forces. On 15 July, the Working Group met to review the document and pursue its integration into the overall Return Security Strategy." On 20 July the Cantonal police formally endorsed the document."

The next task of the Working Group is to devise and implement a public relations and information campaign to select cadets who will undergo the one year training at the Police Academy at the beginning of next year. UNMIBH has designed a model for media advertisement which spells out the main items to be included in any advertisement material in public campaigns for recruitment of police officers aimed at attracting minorities and women.

As regards the public relations and information campaigns, the Cantonal police has taken steps towards implementing police public relations responsibilities and produced public awareness documents stating the tasks of the cantonal police. Cantonal police representatives used media (TV 99 and OBN) to inform the public on the Cantonal Minister of the Interior's activities. In cooperation with ICITAP, the Cantonal Police has established a "Neighbourhood Surveillance" project which envisages regular meetings between police officers and returnee population. On 28 May the Cantonal police held a press conference to present the project to the public. The Department of Public Relations of the Sarajevo Canton Ministry of Interior on regular basis invites citizens to fill job vacancies in its domain through various media.

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 has been established. Initial demining work has already commenced by NGOs Norwegian People's Aid, Help, and Ronco in Sarajevo. UNMIBH has worked with the Federation MAC to produce a detailed plan for accelerated demining in Sarajevo Canton. The Plan has been finalised and is now being circulated among members of the Sarajevo Housing Committee. Pending their agreement, the Plan is expected to be launched mid-August. A shortage of funds continues to present a major problem.

Office of the High Representative Reconstruction and Return Task Force