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A HALF-HEARTED WELCOME:

REFUGEE RETURNS TO CROATIA

13 December 2002

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ICG Balkans Report N°138 13 December 2002

A HALF-HEARTED WELCOME: REFUGEE RETURNS TO CROATIA

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Seven years after the end of the war, the issue of refugee return continues to be contentious for Croatia. The government that came to power following parliamentary and presidential elections in January and February 2000 inherited an unsatisfactory legacy of discriminatory laws and practices from its predecessor, to the detriment in particular of ethnic Serb displaced persons and refugees. It found that once the universal international relief that greeted its victory over the Croatian Democratic Union (HDZ) had worn off, international pressure to remove obstacles to refugee return and reintegration had not ended.

That sustained pressure is first of all on human rights grounds but it also reflects concern for regional stability. As a signatory of the Dayton Peace Accord for Bosnia, Croatia committed itself to promoting return throughout the region. While the right to return should be unconditional for all, there are clear practical linkages between return to and within different countries in the region. As Croatian Serb occupants are evicted from homes belonging to Bosniacs or Bosnian Croats in Bosnia, their own right to return is hampered if their homes in Croatia are occupied by other refugees. Further, the prospects for normal, stable relations among the states in the region, as well as among different ethnic groups within those states, will be much set back if the wounds caused by wartime ethnic cleansing are not healed.

While most ethnic-Croats displaced by the conflict in Croatia have returned, less than one-third of the more than 300,000 Croatian Serbs displaced during the conflict have returned. A 1998 government Return Program failed to establish adequate conditions. The effects of discriminatory laws and practices put in place during and after the war continued to prevent them from exercising their rights in key areas.

Ethnic-Serbs have faced discrimination as regards citizenship and residency rights, property and occupancy rights and reconstruction assistance for wartime damage. In Croatia's difficult economic climate, Serbs are particularly disadvantaged by widespread employer discrimination, including in the public sector. Inconsistency in the authorities' approach to war crimes prosecutions and the amnesty for people who engaged in armed rebellion against Croatia has been a further disincentive. While many ethnic-Serbs have, especially prior to 2000, been prosecuted in a politicised environment, with sometimes dubious verdicts, treatment of ethnic Croats has been generally lenient and war crimes cases against them rare.

The more positive attitude of the current Croatian government helped improve the overall climate for Serb return. The security situation is considerably better in most areas. However, the government was slow to end discriminatory practices in property repossession, occupancy rights and reconstruction assistance. A series of initiatives in 2001-2002 superseded the 1998 Return Program, including an Action Plan for Repossession of Property that should give impetus to the sustainable return of Serb refugees. Reportedly reconstruction assistance has, in the second half of 2002, at last begun to be allocated to significant numbers of Serb applicants.

However, the government still refuses to take some key steps demanded by the international community.

These include ending the practice whereby Croat temporary occupants of Serb homes cannot be evicted until given alternative accommodation, irrespective of their ability to provide for themselves. Thus the rights of temporary occupants take precedence over the rights of owners, contrary to the Croatian constitution and international standards. Similarly, the government continues to refuse to address the overall issue of occupancy rights – the main property right in urban areas in communist Yugoslavia – which were terminated, in a highly discriminatory manner, for Serbs who fled during the war.

The return and reintegration of Serb refugees and the full recognition of their rights continue to be politically sensitive. Political parties of the nationalist right, broadly antagonistic to Serb return, still enjoy considerable popular support, especially in the war-affected areas to which many would return. In thousands of cases the homes of would-be Serb returnees are occupied by displaced Croats, the majority from Bosnia. Moves to evict them have elicited fierce reactions, which the government has been reluctant to confront.

Facing pressure on one side from the international community to end discrimination and facilitate refugee return, and on the other side from the nationalist right, the government has adopted half-measures designed to appease the international community while failing to fulfil its commitments. Though recent moves suggest a more serious approach, they do not go far enough. The international community should continue to insist that Croatia meet its obligations on return and reintegration in full.

It has taken sustained international pressure for Croatia to legislate and promote return and to reverse discriminatory measures. The government has not yet shown sufficient good will to act without constant pressure and monitoring. A credible international presence, including in the field, needs to be maintained to advise the government on reforms and monitor its practice. It is essential that the international community continue to speak with one voice and give a clear message that return and reintegration and non-discrimination against minorities are taken seriously, and that Croatia cannot expect more progress on European integration until its performance further improves.

RECOMMENDATIONS

To the government of Croatia:

1. Recognise the unconditional right to return for all former habitual residents who have left since the onset of conflict in August 1990, and do not treat them as new immigrants.
2. Establish a comprehensive legal regime for the repossession of private property, in accordance with the constitutional rights of property owners and no longer give the interests of temporary occupants priority.
3. Distribute reconstruction assistance without discrimination, and deal consistently with applications, without regard to ethnicity.
4. Treat former occupancy rights holders consistently, without discrimination, and develop a means of addressing their problems, in consultation with the international community, on the basis of restitution or fair compensation.
5. Apply the amnesty law consistently and only make arrests when there is clear evidence of war crimes.
6. Extend the government's responsibility beyond owners whose properties were taken under the Law on Temporary Take-over and Administration of Specified Properties, and assist – including by initiating lawsuits against occupants – the repossession of all properties seized during and in the aftermath of the war.
7. Increase cross-border cooperation with the Bosnian government to identify cases where temporary occupants residing in Croatia already have viable solutions to their accommodation needs in Bosnia.
8. Enact and enforce anti-discrimination legislation to ensure fair, proportionate representation of minorities in employment, especially in public institutions.

To the international community:

9. Continue to give Croatia a clear, consistent message regarding expectations for the return process and the rights of returnees, in line with its Stability and Association Agreement with the EU.
10. Coordinate assistance for the return and reintegration processes and make it contingent

upon fair, non-discriminatory Croatian government approaches at all levels.

11. The OSCE Mission to Croatia should continue to put heavy emphasis on monitoring the government's return, integration and reconstruction initiatives, while maintaining a credible field presence at least until the end of 2003.
12. The Council of Europe and the OSCE should develop recommendations to the government for a comprehensive solution to the problem of terminated occupancy rights.
13. The planned drawdown of the UNHCR presence should not put at risk essential humanitarian and legal services to refugees and returnees that UNHCR funds.

Zagreb/Brussels, 13 December 2002

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A HALF-HEARTED WELCOME: REFUGEE RETURNS TO CROATIA

I. INTRODUCTION: THE CONTEXT

Seven years after the end of the wars in Croatia and Bosnia, the issue of refugee return continues to be contentious for Croatia. The government which came to power following parliamentary and presidential elections in January and February 2000 faced an unsatisfactory legacy of discriminatory laws and practices from the previous government, to the detriment in particular of ethnic Serb displaced persons and returnees to Croatia. It has found that once the universal international relief that greeted its victory over the former government of the Croatian Democratic Union (HDZ) had worn off, international pressure to remove obstacles to refugee return and reintegration has not ended.

Anxious to move quickly towards integration with such international bodies as the EU and NATO, the present government has shown some willingness to take steps towards ending discrimination against Croatia's Serbs and promoting the return of Serb refugees.[1] This keenness to integrate with Euro-Atlantic structures in turn gives the international community considerable leverage, if it chooses to use it, to insist upon the full implementation of all of Croatia's international commitments, including on refugee return.

Discriminatory practices affecting the rights of refugees should be removed on human rights grounds, regardless of whether affected individuals wish to return or not. Of key importance is that every potential returnee should face a genuine, free choice as to whether to return, with full rights to their property, and without fears for their security or of discrimination. Unless and until full rights are guaranteed to all in practice, potential returnees cannot exercise such a genuinely free choice.

Refugee return is also essential to promote regional stability after the recent conflicts. As a signatory of the Dayton Peace Accord for Bosnia, Croatia committed itself to promoting return in the region. While the right to return should be unconditional for all, there are clear practical linkages between return to and within different countries in the region. For example, as Croatian Serb occupants are evicted from homes belonging to Bosniacs or Bosnian Croats in Bosnia, their own right to return is hampered if their homes in Croatia are occupied by Bosnian Croat refugees. Further, the prospects for normal, stable relations to develop among the states of the region, as well as among different ethnic groups within states, will be much set back if the wounds caused by wartime ethnic cleansing are not healed.

Upon coming to power, the current government promised more rapid progress in resolving problems associated with return, including a proposal to hasten the return of the 16,500 Serbs whose applications to return were at that time outstanding. While this more positive attitude improved the overall climate for return, discriminatory practices, particularly associated with the repossession of property and occupancy rights and the provision of reconstruction assistance, remained. Despite the expressions of goodwill from government officials, as this report describes, concrete actions to end discrimination have been slow in coming, limited and, in key areas, absent.

[1] There has been much speculation about an application for EU membership, possibly in the first half of 2003 (see, for example, interview with Foreign Minister Tonino Picula in *Vjesnik*, 5 December 2002).

The issues of the return and reintegration of Serb refugees and the full recognition of their rights continue to be perceived as politically sensitive. Much reduced in numbers and as a proportion of the population,[2] and as a consequence politically relatively insignificant, Croatia's Serbs no longer present any conceivable threat to Croatia, as they were perceived to do in 1991. But political parties of the nationalist right, broadly antagonistic to Serb return and keen to use any means to attack the government, still enjoy considerable support, especially in the war-affected areas to which many Serbs would return.[3] The issue has added sensitivity because in thousands of cases the homes of would-be Serb returnees are occupied by displaced Croats, the majority of them from Bosnia. Moves to evict them have elicited fierce reactions, which the government, at least until recently, has been loath to provoke. In general, the hostile atmosphere for Serb return, especially as seen in inflammatory media coverage, has much reduced in recent years, but it has not disappeared. President of the Serb People's Council Milorad Pupovac complained in October 2002 that Serbs in Croatia face discrimination as regards basic civil rights, including property rights, protection before the courts and the return of refugees.[4]

Reluctance to provoke the nationalist right goes a considerable way towards explaining the government's foot-dragging over refugee return. The same timidity in the face of challenges from the right can be seen in the authorities' approach to the issue of war crimes, and especially cooperation with the international war crimes tribunal (ICTY) in The Hague.[5] For his part, President Stipe Mesic has persistently adopted a bolder stance towards the nationalist right than has the government over a range of issues including war crimes, ICTY cooperation, minority rights and refugee return. In November 2002 Mesic said that the notion of a threat posed by national minorities to Croatia was groundless. Asserting that the maturity of a democracy could be measured by the degree of protection for minorities and vulnerable groups, he urged action to facilitate property repossession and refugee return.[6]

In contrast, the government has appeared to regard refugee return, as well as cooperation with the ICTY, as unpalatable necessities in order to avoid international pressure. It has shown little real will to resolve problems facing returnees except under sustained international pressure. The Ministry for Public Works, Reconstruction and Construction, which has the primary responsibility for most return-related issues, has, in its contacts with the international community on concrete issues affecting return, frequently displayed the same foot-dragging tendency as under the HDZ government.[7] In many cases, it is the same officials who were responsible for return-related issues as under the HDZ. The government's lack of enthusiasm for refugee return can be seen in the attitude of Prime Minister Ivica Racan, who in December 2002 declared that the mass return of Serb refugees to Croatia, or of Bosnian Croats to Bosnia's Republika Srpska, was unrealistic.[8]

The government has faced pressure from the international community on one side to end discrimination and facilitate refugee return, while domestically it has felt constrained by pressure from the nationalist right. Its response to this dilemma has been to adopt half-measures designed to appease the international community, while failing to fulfil its

[2] According to the census carried out in 2001, the Serb minority in Croatia had fallen to a little over 4 per cent of the population, down from about 12 per cent in 1991 (Institute for War and Peace Reporting, 14 June 2002). Given the wartime flight of Serbs from Croatia, it is unsurprising that their numbers have declined considerably. Some Serb leaders in Croatia, however, raised strong objections over this reduced presence, claiming that the true figure for the Serb minority is higher.

[3] According to a public opinion poll in October 2002, one in four Croatian adults would expel Serbs from Croatia. One in seven said they would also expel Montenegrins and Bosniacs, while one in ten would expel Slovenes. Areas where intolerance was highest were Dalmatia and Slavonia, areas heavily affected by the war, where 44 per cent and 35 per cent respectively said that they would expel Serbs (*Vecernji list*, 30 October 2002). In another poll, 75 per cent of respondents said that the government should not accelerate the return of Serbs (*Jutarnji list*, 22 November 2002).

[4] *Vjesnik*, 24 October 2002.

[5] The issue of cooperation with the ICTY has been a persistent cause of instability within the government, and has been one of the main reasons for continued international pressure against Croatia. The latest in a string of war crimes cases to cause uproar in Croatia is that of former army chief-of-staff General Janko Bobetko, the indictment against whom was made public by the ICTY in September 2002 (*Vjesnik*, 21 September 2002). For an analysis of the war crimes issue in Croatia, see ICG Balkans Briefing, *Croatia: Facing up to War Crimes*, 15 October 2001.

[6] Reported by *Hina* News Agency, 29 and 30 November 2002.

[7] Information from international officials in Croatia.

[8] Reported in *Vecernji list*, 7 December 2002.

international commitments in full. Thus while the atmosphere for return has, for the most part, improved considerably, the government, despite some positive steps in favour of returnees, has been unwilling to take all of the steps needed to end discrimination against returning Serbs, in particular as regards to property and occupancy rights, as demanded by the international community.

II. THE SCALE OF THE PROBLEM

By the end of the wars of 1991-1995 in Croatia and Bosnia, more than 500,000 people were displaced either from or within Croatia. In addition, Croatia played host to a large number of refugees from neighbouring countries, particularly from Bosnia.

A. DISPLACED CROATIAN CROATS

By the end of the war, an estimated 220,000 mainly ethnic Croats remained displaced from areas of Croatia that were under Serb control.[9] As of 1 October 2002, the return of some 205,000 of these had been recorded, including 80,500 out of an estimated 90,000 displaced from the Danube Region in Eastern Slavonia, the last piece of Croatian territory to be returned to the control of the Croatian government, at the beginning of 1998.[10]

B. DISPLACED CROATIAN SERBS

Of more than 300,000 Serbs who had either fled Croatia or been displaced to the Danube Region (then still under Serb control) by the end of the war, some 96,500 had, according to official data, registered as having returned to Croatia by 1 October 2002, including 22,700 from the Danube Region to other parts of Croatia.[11] The large majority of Croatian Serb refugees are located in Serbia, with smaller numbers in Bosnia and elsewhere.[12]

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[9] At the peak of the refugee crisis in late 1991, there were over 600,000 internally displaced persons, mainly Croats, within Croatia (information from UNHCR).

[10] Data from Croatia's Ministry for Public Works, Reconstruction and Construction, Department for Expellees, Returnees and Refugees (known as ODPR).

[11] Data from the ODPR.

[12] According to the Serbian authorities, 246,000 Croatian Serb refugees were registered in Serbia in 2001 (noted in the Serbian government's *National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons, Belgrade*, 30 May 2002). That figure may be over-stated, given that a comparison of Croatian and Serbian data showed that, according to UNHCR, more than 30,000 were simultaneously registered as refugees in Serbia and as returnees in Croatia. Part of the explanation for this discrepancy may be some individuals keeping their options open in both countries. This is also indicated by the observation of OSCE monitors in the field that a significant proportion of Serb returnees does not stay for long. According

There are some indications that of the Serbs who have not so far returned to Croatia, only a relatively small number intends to return. According to one survey, as few as 6 per cent of Croatian Serb refugees in Serbia expressed a desire to return.[13] Official Croatian data show that as of 1 October 2002 some 13,000 refugees in the Federal Republic of Yugoslavia (FRY) and Bosnia had officially applied to return to Croatia.[14] This outlook for return largely explains the emphasis in the Serbian government's refugees strategy on measures to integrate those refugees who choose to remain in Serbia.[15] Nevertheless, the same survey by Serbia's Commissariat for refugees showed that more than 25 per cent of Croatian Serb refugees in Serbia remained undecided as to whether to return. Serb refugees continue to return to Croatia, and in the first nine months of 2002 some 8,000 returns were recorded from the FRY and Bosnia.[16] It is likely that the widespread negative attitude towards return among Serb refugees in part reflects the continuing (in many respects justified) concerns about the unsatisfactory conditions for return and reintegration in Croatia. As is discussed below, concerns about issues such as security, property repossession and reconstruction remain disincentives to larger-scale return.

Although an application for reconstruction assistance does not represent conclusive proof of an intention to return, the fact that more than 40,000 households (i.e. representing a much larger number of individuals) have applied for such assistance suggests that a significant number of Serb refugees are at least keeping the option of return open.[17] A representative of Croatian Serb refugees in the Republika Srpska noted that most would like to reclaim their property in Croatia, especially given the recent increase in pressure to vacate the homes they temporarily occupy in Bosnia. However, he believed that most would want to sell their property once they had recovered it, and that few, apart from the elderly, would want to return to Croatia.[18]

C. CROAT REFUGEES FROM NEIGHBOURING COUNTRIES IN CROATIA

By the end of 1995, some 225,000 mainly, but not exclusively, Croat refugees from Bosnia and the FRY were registered in Croatia.[19] Around 150,000 of them (120,000 from Bosnia and 30,000 from the FRY) have gained Croatian citizenship, and thus no longer have refugee status.[20] By October 2002 about 8,500 people, mostly from Bosnia, were still registered as refugees in Croatia.[21] The rest of the Bosnian refugees had either returned to Bosnia or departed for third countries. Very few Croat refugees from the FRY have returned.

While the official figure for Croats who continue to have refugee status in Croatia is relatively low, a large number of Bosnian Croat settlers have still not satisfactorily resolved their position. In particular, as is discussed below, many of them continue to occupy Serb-owned properties, which they will have to vacate when the owners return. Official figures show that, as of 1 October 2002, some 5,500 families (21,000 persons) were occupying the property of others.[22] Indications from representatives of Bosnian Croat settlers in Croatia are that relatively few Bosnian Croats wish to return to Bosnia.

to the OHR, as of June 2002 there were 23,000 Croatian Serb refugees in Bosnia, mainly in Northwest Republika Srpska, in and around Banja Luka.

[13] The Deputy Commissioner of Serbia's Commissariat for Refugees, Dejan Keserovic, reported in July 2002 that, based on the Commissariat's research, only around 4 per cent of Croatian Serb refugees in Serbia wished to return (*Jutarnji list*, 20 July 2002).

[14] Data from the ODPR. However, many Croatian Serbs have returned without UNHCR/ODPR assistance. Many who have already acquired Croatian documents are free physically to go to Croatia.

[15] The Serbian government's *National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons, Belgrade*, 30 May 2002.

[16] Data from the ODPR.

[17] Information from UNHCR. Applicants for reconstruction assistance formally oblige themselves to return to and live in the reconstructed property.

[18] Reported in *Vecernji list*, 10 September 2002.

[19] Out of more than 400,000 refugees that Croatia had received during the war (information from UNHCR).

[20] Figures from the ODPR.

[21] Figures from the ODPR.

[22] Information from the ODPR.

III. RETURN INITIATIVES

Before 1998 the return of Serbs to Croatia was limited to simple cases such as family reunions. In 1997 an agreement was reached on the two-way return of internally displaced Croatian Serbs from and Croats to the Danube Region, then under transitional UN administration.[23] However, that agreement brought only limited results. The majority of displaced Serbs in the Danube Region left for third countries, primarily the FRY.

Since 1998 there has been a series of initiatives to facilitate the return of Serb refugees to Croatia. In April 1998 a Protocol on the Procedures of Organised Returns was signed by Croatia and the FRY. In the same month, the Croatian government issued procedures for return.[24] These procedures met with international criticism, above all because they required potential returnees to apply for Croatian citizenship anew, rather than just affirming the Croatian citizenship to which they were already entitled. In response to this criticism, the government in May 1998 issued "Mandatory Instructions" on the acquisition of Croatian documents, that partially addressed the shortcomings in the procedures.[25]

In June 1998 parliament adopted the Return Program.[26] While the procedures and mandatory instructions regarding the obtaining of Croatian documents remained valid, the Return Program acknowledged that everyone considered a refugee under the 1951 Geneva Conventions had the right to return. According to the Program, refugees lacking Croatian citizenship documents can have their citizenship confirmed through the interior ministry. A principal aim of the Program was to lay down procedures for the repossession of properties that, as is discussed below, had been allocated to temporary occupants (the majority of whom were Bosnian Croats).

From the outset there were concerns about how the Return Program would work in practice.[27] That scepticism has proven justified. While return did pick up after 1998, the results were nevertheless disappointing, and serious blockages hampered the process. In particular, a number of discriminatory legal provisions and practices placed potential Serb returnees at a disadvantage. Many of those who initially returned were relatively straightforward cases of people whose citizenship was non-controversial and who owned property which was neither destroyed nor occupied by someone else. For many others, serious obstacles to sustainable return remained.

A. CITIZENSHIP AND RESIDENCE

According to the Return Program, all people considered as refugees under the 1951 Geneva Conventions should be able to return. However, in practice Serb former habitual residents who could not confirm Croatian citizenship experienced particular difficulties in returning and regulating their status as residents. To make matters worse, Croatia's citizenship legislation discriminates on the basis of ethnicity. While ethnic Croats, even with no previous residence in Croatia, can easily acquire citizenship, for members of other ethnic groups who were until the war permanent residents of Croatia, but who were not registered as Croatian citizens, renewing permanent residence status and acquiring citizenship[28] is much more difficult.

As already noted, those refugees who do not have citizenship documents, but who can confirm their citizenship, must do so through the interior ministry. One way that this can be done is by applying through a Croatian consular office abroad, and then receiving a travel document ("putni list") enabling the applicant to return to Croatia. Alternatively, there is an organised procedure with the help of UNHCR and the Office for Displaced Persons and Refugees (ODPR). Although the procedure has involved delays, in the majority of cases such applications to confirm citizenship, thus enabling return, are successful. UNHCR reported in June 2002 that delays had been reduced to two months or less.

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[23] "The Agreement of the Joint Working Group on the Operational Procedures of Return", signed on 23 April 1997 by the Croatian government, UNHCR and the UN transitional administration in the Danube Region (UNTAES).

[24] "Procedure For Individual Return of Persons Who Have Abandoned Croatia", April 27 1998.

[25] Mandatory Instruction For Acquiring Documents Required For Implementation of the "Individual Return Procedure For Persons Who Left The Republic Of Croatia", adopted by the government on 14 May 1998.

[26] Program for the Return and Accommodation of Displaced Persons, Refugees, and Resettled Persons, 26 June 1998.

[27] For an assessment of the Return Program, see ICG Balkans Report N°49, *Breaking the Logjam: Refugee Returns to Croatia*, 9 November 1998.

[28] Under the 1991 Law on Croatian Citizenship.

Problems arose in the cases of people whose citizenship was not confirmed by the Ministry of the Interior (so-called "no MOI" cases). One reason for this was that the individuals concerned had not been registered as Croatian citizens, despite being pre-war permanent residents in Croatia.[29] Non-Croat pre-conflict residents whose permanent resident status was revoked by the Ministry of the Interior because they had left the country, have been subjected to the same naturalisation procedures as altogether new immigrants.[30] In the implementation of the Return Program, the stress on confirming citizenship meant that Serb former habitual residents who were not Croatian citizens were not able to return to Croatia, contrary to the Return Program's stipulation that all refugees should be able to return.

A step forward towards resolving such cases was taken in October 2001, when UNHCR secured agreement from the authorities that pre-war habitual residents who were not Croatian citizens could return to Croatia. However, they would, despite their previous long-term residence, be treated as immigrants. The international community in Zagreb urged that all those who had residence in Croatia on 17 August 1990 (when the first stirrings of conflict began) should not be treated as new immigrants. The government set 8 October 1991 (when Croatia activated its June declaration of independence) as the key date, by which time many Croatian Serbs had already left. The Croatian authorities assert that the question of dates is irrelevant, as no one's permanent residence had been terminated before October 1991.

Pre-war habitual residents who did return often faced problems regularising their status as permanent residents. However, in September 2002 a further important step forward appeared to have been taken when the Croatian authorities agreed that permanent residence would be reinstated on the basis of habitual residence on 8 October 1991, with no other conditions being attached.[31]

Other "no MOI" cases concern people for whom there are reported to be no valid records of residence. UNHCR recorded over 800 such cases in November 2002. International representatives assert that some such cases arise out of simple carelessness on the part of interior ministry officials, with the result that some "no MOI" rejections were quite arbitrary. In addition, some "no MOI" cases have arisen because record books had been taken to the FRY and not returned.

B. PROPERTY REPOSSESSION

After the 1991-1995 conflict the government introduced a number of laws that discriminated against property-owning Serb refugees. Under the 1995 Law on Temporary Take-over and Administration of Specified Property (LTTP), around 19,000, almost exclusively Serb-owned, residential properties were allocated to displaced persons, most of them refugees from Bosnia and the FRY. In addition, hundreds of individuals from non-war affected areas were invited to settle in Serb-owned houses.[32] This law was repealed in 1998, but its effects remained, as temporary occupants continued in possession of the properties that had been allocated to them. Additionally, an unknown number of vacated properties were taken over outside of the procedures laid down in the LTTP.

A key piece of discriminatory legislation was the 1996 Law on Areas of Special State Concern (LASSC), which, for example, held out the possibility that after ten years of uninterrupted occupancy, temporary occupants could acquire ownership title. This provision was revoked by amendments to the law in 2000. As with the repeal of the LTTP, these amendments to the LASSC did not provide any remedy for those owners, almost all of them Serb, who were still unable to repossess their property. Further amendments to the LASSC in July 2002 did introduce new measures designed to facilitate property repossession, but, as is discussed below, these measures were inadequate and did not satisfy international requirements.

[29] In former Yugoslavia, Yugoslav citizens were also registered as citizens of one of the six constituent republics. Depending on the date of birth and the law on citizenship in force at the time, citizenship would be registered either in the republic where the person was born or where the parents were registered. Thus, someone might have lived their entire life in Croatia, but be officially registered as the citizen of another republic. At the time, this was of no practical relevance, as all Yugoslav citizens enjoyed equal rights throughout Yugoslavia.

[30] According to the Law on the Movement and Stay of Foreigners.

[31] Agreed at a session of the joint Legal Working Group on Legislation, 13 September 2002.

[32] Information from the OSCE.

In 1997 the Constitutional Court judged that a provision in the LTTP that temporary occupants must be provided with temporary accommodation before the owners could repossess, violated the constitution's protection of ownership. Yet the Return Program, which contains detailed procedures for property repossession, repeated the requirement for alternative accommodation to be provided, irrespective of the temporary occupants' ability to provide for themselves. In this respect, the position in Croatia is the reverse of that pertaining in Bosnia, where the law favours the owner. This requirement for scarce alternative accommodation to be provided has been a principle factor holding up the repossession of private property. Another contrast with the practice in Bosnia has been that it is harder in Croatia to file repossession claims from outside of the country; applications to housing commissions needed to be made in person.

Another key weakness of the Return Program has been its sub-legal status. Essentially it represented a commitment by the previous government that depended on a political will that was largely absent. Lacking the status of a law, the complex bureaucratic procedures established under the Program proved inadequate as an instrument for allowing Serb refugees to repossess their property. Property repossession decisions taken under the Program could not be enforced without recourse to the courts by the often ineffectual and inactive Housing Commissions set up under the Program. In addition, access to courts for private lawsuits was often denied, as courts refused to hear property repossession cases, referring them instead to the Housing Commissions. Even in the rare cases when eviction orders against temporary occupants were issued, they were frequently not enforced. The political sensitivity of evicting Bosnian Croat settlers, often in the face of noisy protests, proved too great an obstacle in many cases.[33]

The discrimination practised in relation to property repossession is visible in the differences in treatment between ethnic groups. In the Danube Region, where most repossession cases involve Croat owners and Serb temporary occupants, courts generally rule in favour of owners on the basis of ownership legislation. As we have seen, this is in contrast to other regions of Croatia, where the plaintiffs are mostly Serb owners. The provision of alternative accommodation is not a precondition for evictions of Serb temporary occupants of Croat-owned property in the Danube region, and most evicted Serbs have not been offered alternative accommodation.[34]

Furthermore, some scarce alternative accommodation that could have been allocated to Croat temporary occupants of Serb-owned property has instead been allocated to newly arrived Bosnian Croats. Eleven families of Bosnian Croats who arrived in 2001 received construction materials to repair damaged houses which they had entered illegally and which were subsequently leased to them by the government's real estate agency (APN). This was despite government statements that priority would be given to the provision of alternative accommodation for temporary occupants, enabling the repossession of properties by their owners, rather than housing care for new, Croat settlers.[35]

This issue is especially sensitive given a new influx of Bosnian Croats in 2002, mainly from Drvar, as a result of evictions of temporary occupants there. Following a highly publicised protest by Bosnian Croats in Knin in March 2002, the Croatian government expressed its concern that the eviction of Croats from Drvar could prompt a "possible major refugee wave".[36] However, research by UNHCR and the OSCE in Bosnia showed that many who were seeking "refuge" in Croatia had in fact had property reconstructed or repossessed in other parts of Bosnia, to which they had not returned. Nevertheless, the international community needs to pay particular attention to ensure that evicted temporary occupants, from Drvar or elsewhere, do have somewhere to go when they are truly in need.

Some of the new arrivals from Drvar were placed in collective centres in Croatia, but concern has been expressed that new arrivals of Bosnian Croats should not put further strain on the allocation of housing care to existing temporary occupants of homes in Croatia, to the detriment of Serb owners.[37]

[33] Information from the OSCE.

[34] The Government asserts that such evicted Serbs can apply for "housing care".

[35] OSCE Mission to Croatia, Status Report N°10, 21 May 2002.

[36] Republic of Croatia, Ministry of Foreign Affairs Press Release, 18 March 2002.

[37] See statement by the Head of the OSCE Mission to Croatia, Peter Semneby, 18 March 2002.

C. RECONSTRUCTION

Of an estimated 196,000 housing units damaged or destroyed during the conflict, around 118,000 were reported to have been reconstructed by 2002, including 111,000 by the government, with others being reconstructed by international organisations.[38] The 1996 Law on Reconstruction, which set the criteria for the provision of government reconstruction funding, contained discriminatory provisions concerning priorities and eligibility, which placed Serb applicants at a disadvantage. This discrimination was one reason why the overwhelming majority of government-funded reconstruction has gone to ethnic-Croat rather than Serb applicants.[39] Reconstruction projects by international agencies, by contrast, tended more to benefit Serb applicants. International agencies reported cases of the authorities obstructing the reconstruction of Serb homes by delaying approval of projects.[40]

In June 2000, the new government amended the Law on Reconstruction to remove most of the shortcomings. As a concession to opponents in parliament, implementing instructions (the so-called "Rule Book") issued by the Ministry for Public Works, Reconstruction and Construction reintroduced discriminatory prioritisation. The authorities continued to deny reconstruction assistance for cases of destruction by "terrorist acts" or by the Croatian Army, including in areas under government control during the war, which mostly concerned Serb-owned houses. However, during 2001 new instructions were issued requiring that restrictions on the provision of reconstruction assistance should be lifted, in accordance with the June 2000 amendments. Cases of reconstruction being refused continued to be reported into 2002.[41]

At a session in Knin in March 2001, the government committed itself to an expanded program of reconstruction, including the allocation of additional funding from domestic loans. With the help of UNHCR, a public information campaign was carried out, including in the FRY and Bosnia, to encourage applications by a deadline of 31 December 2001. This campaign resulted in 19,000 new applications for assistance, including 17,000 from applicants in the FRY. With these new applications, the total of outstanding applications rose to 42,000.[42] The international community in Croatia has urged the government to allow applicants who had earlier been refused, for example because their homes had been destroyed in "terrorist acts", to re-apply, even after the 31 December 2001 deadline.

In the year 2001-2002 the government planned to rebuild 4,000 houses in the categories of heavily damaged properties, as well as providing assistance in the reconstruction of a further 3,800 more lightly damaged houses. In 2002-2003 the reconstruction of a further 3,000 heavily damaged houses, with a further 1,000 to be reconstructed with assistance from the EU's CARDS program.[43] It is clear that at this rate reconstruction activities would have to continue for another several years.

As already noted, of greatest concern has been discrimination on an ethnic basis in the provision of reconstruction assistance. Government representatives note coyly that, as most applications for assistance from ethnic-Croats have already been carried out, from now on a much higher proportion of beneficiaries are likely to be Serbs. In the second half of 2002, an improvement was noted, in that significant numbers of decisions for state reconstruction assistance for Serb beneficiaries were being recorded.[44] Nevertheless, at this stage it is too soon to say whether discrimination in practice has ended. An indication of goodwill in practice on the part of the authorities would be evidence that long-delayed applications from Serbs were at last being

[38] Information from the Ministry for Public Works, Reconstruction and Construction.
[39] While data analysing reconstruction activities by the ethnic group of beneficiaries is lacking, reports by international representatives in the field cite a stark contrast between the reconstruction carried out in Croat villages and the lack thereof in Serb villages.
[40] Information from the OSCE.
[41] OSCE Mission to Croatia, Status Report N°10, 21 May 2002. The Ministry for Public Works, Reconstruction and Construction informed the ICG that such practices would not continue.
[42] Information from the Ministry for Public Works, Reconstruction and Construction. The ministry has noted that an as yet undetermined, but significant proportion of applications are ineligible under the criteria in the law, because they relate to such cases as non-damaged houses, non-residential properties, weekend houses etc.
[43] Information from the Ministry for Public Works, Reconstruction and Construction.
[44] OSCE Mission to Croatia, Status Report N°11, 18 November 2002.

processed, and that previously rejected applications were being revised. The OSCE Mission in Croatia, with its strong field presence, should carefully monitor performance in this regard.

D. OCCUPANCY RIGHTS

During and after the conflict, tens of thousands of people fled homes that they had acquired under occupancy rights ("stanarsko pravo"), the main form of property right in urban areas in communist Yugoslavia. In a highly discriminatory manner, Serbs who had fled their homes were deprived of their former occupancy rights, while Croats were, with few exceptions, able to assert their rights.

Serbs who were deprived of their occupancy rights fall into two main categories:[45]

- During and after the war, Serbs who left, fled or were forced from their homes in areas under government control were deprived of their occupancy rights through judicial proceedings, mainly *in absentia*, usually on the basis of an absence of more than six months.[46] According to the Government, approximately 24,000 occupancy rights holders were affected by such court proceedings.[47]
- Following the end of the conflict, thousands of Serbs (the numbers are unknown) who had fled the formerly Serb-controlled areas of Croatia that were re-conquered in 1995 were deprived of their occupancy rights by the 1995 Law on Lease of Apartments in the Liberated Areas. This set a deadline of 90 days from the enactment of the law, on 27 September 1995, for occupancy rights holders to return. At that stage, so soon after the end of hostilities, it was clear that occupancy rights holders would not be able to return to claim their homes by the set deadline.

Most other holders of occupancy rights, Serbs as well as Croats, who had not fled or been forced from their homes, were eligible to privatise them. This was also the case for new residents, some of them Bosnian Croats, who were allocated the apartments of departed Croatian Serbs. Since then, the Croatian authorities have persistently refused to reconsider the issue of terminated occupancy rights, stating that the institution of occupancy rights has been abolished. The issue acquired new prominence in November 2001, when Deputy Prime Minister Zeljka Antunovic reacted furiously to the OSCE Mission's regular "Progress Report", which reiterated the need to address the matter.[48]

The cancellation of occupancy rights for Serbs who had fled the country and their exclusion from the privatisation of such rights was a discriminatory measure, ignoring the special circumstances of wartime or the genuine and justified fears of Serbs. The subsequent Law on Lease of Apartments in the Liberated Areas was explicitly intended to deprive Serb refugees of their rights. The harsh attitude towards Serb former occupancy rights holders in Croatia is in marked contrast to the position in Bosnia, where occupancy rights have been recognised as "possessions", based on Article 1, Protocol 1 of the European Convention on Human Rights, which refers to a variety of property rights and interests that have an economic value.[49] The result is that whereas Bosnian Croats in Croatia can reassert their occupancy rights in Bosnia, Croatian Serbs have been unable to do the same in Croatia. This has in turn hindered the return of Bosniacs and Croats whose homes in the Republika Srpska are occupied by Croatian Serbs.

The discriminatory nature of Croatia's approach to occupancy rights is further underlined by the fact that it is not applied consistently throughout the country. In the Danube Region, occupancy rights were not cancelled and the mainly ethnic Croat returnees there have been able to reassert their occupancy rights.

[45] An additional category of occupancy rights concerns former federal government-owned property, mainly the flats of Yugoslav army officers. This category is being dealt with in negotiations over succession to former Yugoslavia.

[46] The rule concerning a six-month, unjustified absence was contained in the communist-era Law on Housing Relations. In general, the wartime hostile environment was not considered as a justification for the absence of former occupants.

[47] Information provided by the government to the OSCE.

[48] *Novi list*, 21 November 2001; *Vecernji list*, 20 November 2001. Assistant Minister for Public Works, Reconstruction and Construction, Lovre Pejkovic, described the OSCE as "an unserious organisation" (*Jutarnji list*, 21 November 2001). For a survey of the occupancy rights issue, see *Globus*, 30 November 2001.

[49] See OSCE Mission to Croatia, Status Report N°10, 21 May 2002.

The government expresses its willingness to address the needs of former occupancy rights holders only in the case of people who return, in which case, if they have no other accommodation, they would be eligible for housing care. Amendments to the LASSC passed in July 2002 envisage the provision of housing care to returnees, with the possibility of lessees purchasing the homes allocated to them after ten years, or sooner. While this may provide a welcome, if limited, spur to refugee return, it fails to provide redress for the loss of previously held rights.

In that the measure applies only to returnees, and only to those returning to the Areas of Special State Concern, the measure fails to address the general principle of compensation for all who were deprived of their occupancy rights, whether they return or not. Significant numbers of potential returnees to areas outside the Areas of Special State Concern, including major cities such as Zagreb, Split, Zadar and Osijek, are unaffected by the new amendments. While it is reasonable to prioritise the cases of former occupancy rights holders who are returning, the principle of redress for all who lost their occupancy rights in this discriminatory manner should be acknowledged. A further problem is that the amended LASSC and the Rule Book on the Order of Priority of Housing Care in the Areas of Special State Concern (issued in October 2002) do not consider former occupancy rights holders a priority category for the provision of housing care.[50]

While thousands of former occupancy rights holders presented their claims to Housing Commissions, the Commissions were authorised only to receive the claims, and they have not been acted upon.[51] Many former occupants whose occupancy rights were terminated by *in absentia* court proceedings have sought a review of the decisions. In most cases, such requests have been denied, and in most cases where a review was granted, the termination of the occupancy right was confirmed. Very few such cases have succeeded.[52] Once a case has exhausted all of the legal possibilities in Croatia, some pin their hope on taking cases to the European Court of Human Rights in Strasbourg.[53] People who lost rights under the Law on the Lease of Flats in the Liberated Areas are without remedy. A challenge to the law has long been pending in the Constitutional Court.[54]

While the international community has been persistent in its insistence that the issue of deprived occupancy rights should be comprehensively addressed, it has not provided a clear view as to what a solution might entail. The issue is complicated by the fact that as flats have been allocated to others and privatised, it is probably unrealistic to expect restitution in most cases. The possibility of some form of compensation has been mooted as an alternative. The Council of Europe and the OSCE are working together to analyse the problem. In the absence of any will on the part of the government to address the matter, the Council of Europe and the OSCE should prepare recommendations to the government that are both fair and realistic.[55]

E. SECURITY

In general, the security situation in areas of refugee return has improved considerably in recent years, and while incidents of violence and intimidation still occur, in general security problems no longer present a serious impediment to return in most areas. The OSCE Mission reports that local police mostly deal effectively with ethnically related incidents, while noting that trust of the police among the Serb community continues to be low, and incidents are often not reported.[56] The performance of the police has often been less satisfactory when they have attended court-ordered evictions of Croat temporary occupants. Interpreting their duty to maintain public order extremely narrowly, they have sometimes stood by while protesters sabotaged the proceedings, with the result that the eviction had to be called off.

There are exceptions to the general picture of an improved security environment, and in individual areas tension remains high. For example, in the hinterland of the coastal town of Zadar, and the area around Benkovac, the environment for returnees can

[50] OSCE Mission to Croatia, Status Report N°11, 18 November 2002.
[51] Information from the OSCE. The OSCE puts the number of such requests to Housing Commissions at around 6,000.
[52] Information from the OSCE.
[53] For example, adviser to the FRY president, Vojislav Kostunica, Petar Ladjevic (*Novi list*, 2 and 4 July 2002). Ladjevic asserted that Belgrade had collected the names of 13,000 people claiming the return of their occupancy rights.
[54] Information from the OSCE.
[55] The Council of Europe is reportedly preparing a report on the issue (*Novi list*, 10 December 2002).
[56] See OSCE Mission to Croatia, Status Report N°10, 21 May 2002.

still be threatening.[57] If the authorities seriously begin to press for the eviction of Bosnian Croat temporary occupants of Serb-owned properties, the potential for further incidents exists.

While the security situation has improved, the perception of insecurity among potential Serb returnees appears still to be a real disincentive to return. Such a perception was fed by the appearance of an extensive list of alleged Serb war criminals that was published and placed on the internet by hardline Croat nationalists.[58]

F. WAR CRIMES ARRESTS AND AMNESTY

Arrests for alleged war crimes of Serbs returning to Croatia continue to discourage others from returning. The 1996 Law on General Amnesty covers acts of armed rebellion, but not war crimes. However, the application of the amnesty has been inconsistent and non-transparent, with the result that it has increased fear and uncertainty, contrary to its purpose. By 2001, more than 20,000 people had been granted amnesty. This practice of including named people in the amnesty would appear to go against the principle of a general amnesty, from which specified individuals are excluded. Especially worrying were cases of people who were charged with war crimes after having been granted amnesty. However, the application of the amnesty law appears to have improved since the current government came to power in 2000.[59]

In October 2000 the State Prosecutor ordered a review of pending war crimes cases, some dating back to 1992. The aim of the review was to close the cases, either through prosecution or by dropping the charges. The review resulted in an increase in police investigations and arrests in 2001, with the majority of prosecutions involving Serbs. Many arrested Serbs were quickly released, either on bail or with the charges dropped. [60] While the review's motive was to introduce greater clarity and transparency, the increase in arrests had the effect of increasing insecurity in the Serb community.

An added reason for nervousness among potential returnees is the number of Serbs convicted of war crimes before 2000, often *in absentia*, in a highly politicised environment, and with sometimes dubious verdicts. An unknown number of such persons remain in prison. By comparison, the treatment of the relatively rare cases of ethnic Croats accused of war crimes has often seemed lenient.[61] The issue of war crimes continues to be highly politicised and problematic for the government.[62] Finally, persons against whom there is evidence of war crimes, whatever their ethnicity, should be charged, and for that reason some potential returnees are never likely to be satisfied. But there is still considerable room for greater consistency in war crimes prosecutions.

G. ECONOMIC CONDITIONS

Difficult economic conditions in Croatia are another factor discouraging return. With unemployment at around 22 per cent,[63] conditions for the population as a whole are difficult, and for many potential Serb returnees the prospects are bleak. In the former war-affected areas, the economy is in particular dire straits. The stimulation of those areas is one of the aims of the amended LASSC, but while that may provide some alleviation, economic regeneration of those areas is unlikely to be rapid. While rural returnees, with some land to farm or modest pensions (a high proportion of returnees are elderly) may be able to eke a living, would-be urban returnees are severely disadvantaged, with no job opportunities, in addition to being unable to return to their pre-war homes.

Discrimination in employment is undoubtedly a major problem, including in public employment. For example, numbers of Serb public employees in the Knin area fall far below the Serb proportion in the overall population.[64] While a new Constitutional Law on National Minorities[65] represents an important

[57] This is notably the case in the village of Biljane Donje, near Benkovac, which is near the site of a major massacre of Croats in 1991. Attempts to reconstruct Serb-owned houses and to promote Serb returns have been met with violence and intimidation.

[58] Institute for War and Peace Reporting, 13 March 2002.

[59] Information from the OSCE.

[60] According to data collected by UNHCR, of 60 returnees arrested between 1999 and May 2002, 46 had been released, of whom five were pending trial and 41 were final.

[61] See OSCE Mission to Croatia, Status Reports N°10, 21 May 2002, and N°11, 18 November 2002.

[62] For an analysis of the politicisation of the war crimes issue, see ICG Balkans Briefing, *Croatia: Facing up to War Crimes*, 15 October 2001.

[63] Data for September 2002, *Reuters*, 11 November 2002.

[64] Information from the Croatian Helsinki Committee (HHO).

[65] The passage of a new Constitutional law on National Minorities, much urged by the international community, has

commitment regarding respect for minorities, guarantees of representation at various levels of government are likely to improve the lot of Serb returnees only to a very limited extent so long as such discrimination in employment continues. Rather, what is needed is robust anti-discrimination legislation, that would be enforced in practice, and which public employers would be required to take the lead in implementing.

An additional problem concerns the convalidation of documents issued by the wartime Serb para-state authorities (Republika Srpska Krajina - RSK) in Croatia. In 1997, under international pressure, Croatia passed a Law on Convalidation, providing for the recognition of acts and decisions of the RSK authorities. This meant, for example, that working years during the war in the RSK could count towards Croatian state pensions. However, despite the fact that the 1997 law contained no deadline for applications, in 1998 the government adopted a 1999 deadline, before many refugees had had the opportunity to apply for convalidation. Thus many pensioners lost up to five years of contributions to their pensions. Following OSCE pressure, the government has indicated that it might extend the deadline.[66]

Another problem facing Serb returnees who succeed in recovering their property is that, in contrast to provisions in the July 2002 amendments to the LASSC, they are still required to pay the accumulated electricity bills built up by the former temporary occupiers of their houses before their electricity supply is re-connected.[67]

been hugely controversial in Croatia through much of 2002. The government has come under pressure from the nationalistic right as well as from minority representatives and the international community. A new draft prepared in November 2002 elicited dismay from minority representatives as well as from the OSCE, over electoral representation of minorities and the government's failure adequately to consult with minority representatives in the drafting process (*Jutarnji list*, 13 November 2002; *Vecernji list*, 15 November 2002). As this report went to press, a compromise solution that would allow the law to be passed appeared in sight.

[66] Statement by the minister of Labour and Social Welfare, Darko Vidovic, *Jutarnji list*, 26 July 2002. As of November 2002, there had been no action on this point (information from the OSCE).

[67] *Novi list*, 6 November 2002.

IV. NEW GOVERNMENT MOVES

Responding to persistent international criticism regarding the obstacles facing the return and reintegration of refugees, at its session in Knin in March 2001 the government set in motion new measures designed to accelerate the process.

A. ACTION PLAN FOR REPOSSESSION OF PROPERTY

In the early months of 2001, the ODPR carried out a survey of all of the properties allocated for use under the LTTP. Thus an idea was gained of the scale of the repossession problem, at least as regards those properties that were allocated for temporary use by the government (the survey did not address properties that were taken over without the cover of the LTTP). In September 2001 the government decided that all cases of repossession of LTTP properties should be resolved by 31 December 2002. In December 2001 the government adopted an "Action Plan for Repossession of Property by the End of 2002".

Of nearly 19,000 housing units covered by the survey, some 8,300 were, as of 1 May 2002, identified as still being occupied by temporary users. Of these, some 1,550 either had already received reconstruction assistance for their own homes or were occupying the houses illegally, and so were identified as liable for eviction. By 1 October 2002, the official figure for housing units still occupied by temporary occupants had fallen to about 7,600, of which about 5,870 cases were expected to be resolved through the provision of alternative accommodation.[68]

The adoption of the Action Plan appeared to herald a tougher approach to property repossession. In February 2002 the State Prosecutor initiated proceedings against 51 temporary occupants who had been issued administrative orders to vacate the properties occupied by them because their own properties had been reconstructed, but had refused to move out. Against those who still refused to move out, proceedings were initiated to recover the investment in the reconstruction of their homes.

[68] All data from the ODPR.

The tougher line appears to be beginning to have an effect. By 1 October 2002, out of 1,550 temporary occupants who had been identified as liable for eviction earlier in the year, 465 cases of illegal occupancy and 246 cases of occupants whose own houses had been reconstructed remained outstanding. The resolution of an additional 216 cases was believed to be imminent.[69] The authorities' tougher approach is also indicted by the reactions of some temporary occupants and their representatives. Temporary occupants of state-owned properties in Knin whose homes in Kijevo had been reconstructed reportedly said that they would not comply with warnings of lawsuits from the government. Their claims that the reconstruction of their homes was incomplete were refuted by the authorities.[70] Josip Kompanovic, the President of the Association of Croat Returnees, stated at the end of August 2002 that 500 eviction warnings had been sent to temporary occupants in Sisak and 300 in Hrvatska Kostajnica.[71] In September 2002 the Knin authorities stated that the Ministry for Public Works, Reconstruction and Construction had issued eviction notices to 250 temporary occupants ordering them to vacate the premises, as their own homes had been reconstructed.[72]

Of cause for concern is the involvement of the State Prosecutor's office in enforcing evictions. While the authorities may show greater willingness to provide alternative accommodation to temporary occupants and to issue eviction notices, the return of property may in many cases depend on court proceeding. The record so far has not been encouraging. With the exception of 17 cases in Korenica taken over by the State Prosecutor in 2000, as of 31 October 2002, the State prosecutor had initiated no lawsuits for eviction.[73]

The continued requirement in the Action Plan that "legal" (under the LTTP) temporary occupants must be provided with housing care before they can be evicted, regardless of their ability to provide for themselves, continues to slow the process of repossession. The Action Plan does not satisfy the international community's insistence that the property rights of owners should have primacy over the needs of temporary occupants, in line with the Croatian constitution and with international standards.

The provision of housing care is to be achieved through a mixture of reconstruction or construction of housing and the purchase of housing by the APN. In 2000 Croatia was granted a 30 million Euro loan by the Council of Europe Development Bank to help fund reconstruction and construction of alternative accommodation for temporary occupants. This amount is being matched by funds from the state budget. The government is also seeking a further 40 million Euro loan from the Council of Europe Development Bank, under a project adopted in October 2002. This project again envisages the government matching the proposed 40 million Euro loan, in addition to another 27 million Euros earmarked from the state budget.[74]

The shortage of alternative accommodation is such that the plan is proving over-ambitious. This was confirmed when the deadline for resolving repossession cases was first put back to 1 July 2003, with the explanation that all repossession cases would be "formally and legally" resolved by 31 December 2002, but that physical repossession would come afterwards.[75] Later, the deadline for resolving all repossessions slipped further, to the end of 2003.[76] Nevertheless, the Plan likely will bring some progress in resolving property possession.

A significant flaw in the Action Plan is that it ignores many types of occupied property:

- Regarding multiple occupancy, the Plan covers cases where the temporary occupant's own home has been reconstructed, but ignores cases where one household has occupied more than one home belonging to other people.
- Properties allocated to temporary occupiers other than through the LTTP procedures, or taken over without official authorisation.
- No action is being taken as yet regarding non-residential property taken over under the LTTP,

[69] All data from the ODPR.
[70] Reports in *Jutarnji list*, 26 August 2002, *Novi list*, 27 August 2002.
[71] Interview in *Novi list*, 29 August 2002.
[72] *Jutarnji list*, 11 September 2002.
[73] Information from an OSCE report, October 2002.
[74] Reported in *Vecernji list*, 25 October 2002, plus information from the OSCE.
[75] Statement by Deputy Prime Minister Goran Granic, reported in *Novi list*, 17 June 2002.
[76] Information from an OSCE report of October 2002.

including business premises, agricultural land, forests and moveable property, including agricultural equipment.

- Homes allocated under the LTTP, but not registered by the authorities[77]

Thus significant numbers of people whose property was taken over by the discriminatory actions of the government after 1995 or in the general climate of lawlessness at that time which the government did little to prevent, are still unable to recover their property. The government maintains that those whose property was taken over outside of the LTTP process should recover it through private lawsuits in the normal way.[78] This hand-washing on the part of the government fails to recognise that the position immediately following the end of hostilities in the war-affected areas was far from normal, and that the government should face up to its responsibility towards those who suffered at that time.

An important factor supporting the implementation of the Action Plan concerns cooperation with Bosnia over cases of temporary occupants in Croatia whose homes in Bosnia have been, or will be reconstructed, or have been repossessed. In December 2001 Croatia and Bosnia signed an agreement on the exchange of data on reconstruction and repossession. This should enable the Croatian authorities to identify those temporary occupants who, having already had their homes in Bosnia reconstructed, should no longer be eligible for alternative accommodation in Croatia. While such cooperation should prove helpful, it has not begun to operate smoothly and systematically, and the agreement had not, as of November 2002, been ratified by either country. Under the Action Plan, however, the Croatian government has budgeted for reconstruction assistance for families that would return to Bosnia.[79]

In order for a proper assessment to be made of progress in implementing the Action Plan and speeding up property repossession, the OSCE Mission must systematically monitor developments in the field. As a start, the OSCE Mission should obtain from the ODPR clear, detailed data on progress, identifying how many homes have been vacated, progress with evictions and repossessions. In order to enable effective monitoring, precise data on developments at the municipal level should be obtained. The performance of the State prosecutor, as well as that of the ODPR, should be carefully monitored. In order to enable such effective monitoring, the OSCE Mission should continue to see the return and reintegration of refugees as one of its core functions, and with that in mind a strong field presence should be maintained for the time-being.

B. THE LAW ON AREAS OF SPECIAL STATE CONCERN

In July 2002 new amendments to the LASSC were passed. The amendments contained provisions intended to speed up the process of property repossession, but, as with the Action Plan, reiterated the priority given to the needs of (mainly Croat) temporary occupants over the rights of (mainly Serb) owners. The amendments enshrine in law the principle that temporary occupants shall have the right to use the property until they are provided with alternative accommodation (permanent housing care or temporary accommodation), thus denying owners the right to repossess their property in the meantime. In adopting such a position in the law, the government ignored the clear and persistent demands of the international community. The law disregards temporary occupants' ability to provide for themselves, and thus ignores the urgings of the international community to guarantee housing assistance only to those in need of help.

The amended law makes some advances on the procedures for repossession in force up until then. Notably, the procedures for repossession laid out in the failed 1998 Return Program have effectively been superseded. The ODPR has taken over direct responsibility for repossession decisions from the Housing Commissions. In particular, the ODPR, rather than Housing Commissions, takes on the responsibility for requesting the public prosecutor to file eviction suits, in LTTP cases. These suits should be filed according to special urgent procedures, thus

[77] The OSCE Mission to Croatia identified this problem. The ODPR has acknowledged that, since taking over records from the Housing Commissions in August 2002, as called for in the amended LASSC, it discovered that some temporary take-overs had indeed not been reported by the Housing Commissions. The extent of this problem remains controversial.

[78] ODPR to the ICG.

[79] In August 2002, 500 out of 550 contracts for such assistance were reported to have been implemented (*Novi list*, 22 August, 2002).

avoiding the indefinite delays inherent in Croatia's over-burdened judicial system.[80]

Another advance is that the government has set deadlines of 30 October 2002 (for those who had made repossession claims by 1 August 2002) and 31 December 2002 (for those who made the claims later) by which owners who have claimed, but not repossessed, their property will be entitled to compensation from the government. Thus the government imposed upon itself a clear incentive to expedite repossessions. But no commitment has been made to compensate owners for the years since 1995 when they have been deprived of their property. The offer of compensation only relates to residential properties allocated under the LTTP.

Here too, slippage has already been apparent.[81] Of some 3,800 houses for which owners had applied for repossession by 1 August 2002, as of 1 October 2002 confirmation of housing care had been given to only about 1,600 of the temporary occupants of the houses. Most of these occupants were not expected to be able physically to take up the offered housing solution before 2003. Yet the Ministry of Public Works, Reconstruction and Construction had not established a compensation mechanism for owners entitled to compensation under the amended LASSC.[82]

The state prosecutor can only file lawsuits once alternative accommodation has been provided for the temporary occupant. At the root of the problem is that the amended LASSC, like earlier discriminatory measures, restricts the rights of ownership in an inappropriate way. Croatia has a Law on Ownership, which should be sufficient guarantee of the rights of owners. Simply, the government should end the situation in which the interests of temporary occupants prevail over the rights of owners.

C. THE JOINT WORKING GROUP ON LEGISLATION

In June 2001, under pressure from the international community in Croatia, the government agreed to set up a joint Working Group on Legislation connected with return and reintegration, comprising relevant ministries and the key international actors in Zagreb. The Working Group's agenda includes:

- The right to unconditional return, especially concerning the right of former habitual residents to return and to register as permanent residents.
- The long-standing international call for a comprehensive legal approach to the repossession of all private property, and not just property allocated under the LTTP, as is the case in the amended LASSC. In particular, the protection of property rights under the Law on Ownership should not be restricted by provisions in the LASSC, as is still the case in the newly amended law.
- The restitution/compensation of deprived former occupancy rights holders.
- A legislative solution for compensation for damage caused by terrorist acts (in 1996 Article 180 of the Law on Obligations was repealed, and proceedings under it suspended, thus ending the government's responsibility to compensate for terrorist acts).

So far the record of the Working Group has in practice been disappointing. Deadlines slipped significantly. The government's consultation with the international community over the LASSC amendments was unsatisfactory and, as we have seen, key international demands were ignored. In October 2002, following a joint demarche by the international community, the prime minister promised that the Working Group would be reinvigorated. [83]

[80] It is estimated that some 1.2 million court cases are pending in Croatia.

[81] Information based on OSCE monitoring of the implementation of the amended LASSC.

[82] Information from the OSCE, 31 October 2002

[83] OSCE Mission to Croatia, Status Report N°11, 18 November 2002.

V. INTERNATIONAL ENGAGEMENT

International assistance and pressure on Croatia to move the return process forward have taken a variety of forms:

A. THE STABILISATION AND ASSOCIATION PROCESS

In October 2001 Croatia signed a Stabilisation and Association Agreement (SAA) with the EU, in which refugee return is one of the key areas in which progress is expected. In its 2002 Stabilisation and Association Report for Croatia, the European Commission reiterated the concerns of the OSCE and others concerning property repossession, occupancy rights, reconstruction assistance, the amnesty law and the lack of economic opportunities for returnees. The prominence given to return in the SAA has been a crucial factor in presenting the Croatian government with a clear, unambiguous international position on the expectation of progress on return. This has undoubtedly been a key factor encouraging the more serious attitude of the government towards return in 2001 and 2002, and the new measures designed to promote return. The importance that the EU attaches to refugee return was also underlined by the inauguration in October 2002 of a €23.2 million program for return and economic development in the war-affected areas.

Such clarity was not always apparent in the international approach towards Croatia. During 2000, such was the relief of the international community that the previous HDZ government had been defeated that there was a marked tendency to be over-lenient towards the government. The OSCE Mission in particular found that its warnings of a lack of progress on return and other issues went largely unheeded. The government thus got the message that it need not take the OSCE seriously. That is no longer the case, but it is important that the unity of approach among the international community in continuing to stress the importance of return should be maintained, and that failures to take adequate measures in line with international standards should be clearly rejected, above all by the EU, in the context of the Stability and Association Process. NATO has also stressed progress on return issues as a condition for Croatia's progress towards membership.

The success of the EU's clear conditionality towards Croatia demonstrates the effectiveness of offering rewards after, rather than before, compliance by the target government.

B. UNHCR

UNHCR has been gradually drawing down its involvement in Croatia for some time. By 2003, it is planned that the UNHCR presence in Croatia, especially its field presence, should be significantly cut back. UNHCR has played an important role in creating conditions for return and operating the organised return procedure to Croatia, in transporting belongings, tractors etc. It has provided care for refugees in Croatia and returnees to Croatia, including immediate reintegration assistance, healthcare, essential supplies (stoves, beds etc.), legal aid etc. Much of what it does has been through partners such as the Croatian Red Cross and non-government organisations (NGOs).

While a reduction in UNHCR's presence is justified as the immediate humanitarian crisis recedes, such core activities that UNHCR funds should be maintained. The OSCE Mission, with its reduced, but still extensive field presence is in any case better placed to carry out the key task of monitoring the return process.

C. THE STABILITY PACT

In 2001 the Stability Pact initiated a regional initiative for refugees and displaced persons, the Agenda for Regional Action (AREA) project. This initiative may be able to add value in helping to coordinate the actions of all of the key players around the region in the goal of promoting return. In particular, it could have a role in coordinating the commitments of the countries in the region with the readiness of donors to provide funds, and in coordinating approaches on conditionality. The project should try to avoid any temptation to duplicate the already established efforts of actors in the region in comprehensively engaging on the return issues. A particular weakness of the AREA project is that as it operates by consensus, Croatia can remove aspects of its approach (for example on occupancy rights) that it does not like. As with UNHCR, it is expected that the Stability Pact's engagement will be scaled down after 2003.[84]

[84] Report in *Novi list*, 23 July 2002.

VI. CONCLUSION

After years of evading its commitments to promote the sustainable return of refugees to Croatia, without discrimination, and with full rights to enjoy their property, recent government moves do seem to demonstrate a new, more serious approach. However, the steps that the government has taken do not go far enough, in particular as regards the rights of property owners over temporary occupants and cancelled occupancy rights. The international community should continue to insist that Croatia fulfil its commitments on return and reintegration in full.

The Croatian government has legislated and acted to promote return and to reverse discriminatory measures only under sustained international pressure. Thus while there has been a recent improvement in the government's performance, it will take much more to demonstrate a sincere good will to carry out its commitments without the need for constant pressure and monitoring. A credible international presence, including in the field, needs to be maintained in order to advise the government on reforms and monitor its progress in practice. It is essential that the international community should continue to speak with one voice and give a clear message to Croatia that return and reintegration and non-discrimination against minorities are taken seriously, and that Croatia cannot expect to progress with European integration unless its performance in these regards shows further improvement.

Zagreb/Brussels, 13 December 2002

APPENDIX A

MAP OF CROATIA

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 80 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, *www.crisisweb.org*. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices (in Amman, Belgrade, Bogotá, Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East,* the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

Foundation and private sector donors include The Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, The Henry Luce Foundation, Inc., John D. & Catherine T. MacArthur Foundation, The John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, The Ruben & Elisabeth Rausing Trust, the Sasakawa Peace Foundation and the United States Institute of Peace.

December 2002

APPENDIX C

ICG REPORTS AND BRIEFING PAPERS*

AFRICA

ALGERIA**

The Algerian Crisis: Not Over Yet, Africa Report N°24, 20 October 2000 (also available in French)

The Civil Concord: A Peace Initiative Wasted, Africa Report N°31, 9 July 2001 (also available in French)

Algeria's Economy: A Vicious Circle of Oil and Violence, Africa Report N°36, 26 October 2001 (also available in French)

BURUNDI

The Mandela Effect: Evaluation and Perspectives of the Peace Process in Burundi, Africa Report N°21, 18 April 2000 (also available in French)

Unblocking Burundi's Peace Process: Political Parties, Political Prisoners, and Freedom of the Press, Africa Briefing, 22 June 2000

Burundi: The Issues at Stake. Political Parties, Freedom of the Press and Political Prisoners, Africa Report N°23, 12 July 2000 (also available in French)

Burundi Peace Process: Tough Challenges Ahead, Africa Briefing, 27 August 2000

Burundi: Neither War, nor Peace, Africa Report N°25, 1 December 2000 (also available in French)

Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework, Africa Report N°29, 14 May 2001 (also available in French)

Burundi: 100 Days to put the Peace Process back on Track, Africa Report N°33, 14 August 2001 (also available in French)

Burundi: After Six Months of Transition: Continuing the War or Winning the Peace, Africa Report N°46, 24 May 2002 (also available in French)

The Burundi Rebellion and the Ceasefire Negotiations, Africa Briefing, 6 August 2002

DEMOCRATIC REPUBLIC OF CONGO

Scramble for the Congo: Anatomy of an Ugly War, Africa Report N°26, 20 December 2000 (also available in French)

From Kabila to Kabila: Prospects for Peace in the Congo, Africa Report N°27, 16 March 2001

Disarmament in the Congo: Investing in Conflict Prevention, Africa Briefing, 12 June 2001

The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff? Africa Report N°37, 16 November 2001 (also available in French)

Disarmament in the Congo: Jump-Starting DDRRR to Prevent Further War, Africa Report N°38, 14 December 2001

Storm Clouds Over Sun City: The Urgent Need To Recast The Congolese Peace Process, Africa Report N°38, 14 May 2002 (also available in French)

RWANDA

Uganda and Rwanda: Friends or Enemies? Africa Report N°15, 4 May 2000

International Criminal Tribunal for Rwanda: Justice Delayed, Africa Report N°30, 7 June 2001 (also available in French)

"Consensual Democracy" in Post Genocide Rwanda: Evaluating the March 2001 District Elections, Africa Report N°34, 9 October 2001

Rwanda/Uganda: a Dangerous War of Nerves, Africa Briefing, 21 December 2001

The International Criminal Tribunal for Rwanda: The Countdown, Africa Report N°50, 1 August 2002 (also available in French)

Rwanda At The End of the Transition: A Necessary Political Liberalisation, Africa Report N°53, 13 November 2002 (also available in French)

SOMALIA

Somalia: Countering Terrorism in a Failed State, Africa Report N°45, 23 May 2002

Salvaging Somalia's Chance For Peace, Africa Briefing, 9 December 2002

SUDAN

God, Oil & Country: Changing the Logic of War in Sudan, Africa Report N°39, 28 January 2002

Capturing the Moment: Sudan's Peace Process in the Balance, Africa Report N°42, 3 April 2002

Dialogue or Destruction? Organising for Peace as the War in Sudan Escalates, Africa Report N°48, 27 June 2002

Sudan's Best Chance For Peace: How Not To Lose It, Africa Report N°51, 17 September 2002

Ending Starvation as a Weapon of War in Sudan, Africa Report N°54, 14 November 2002

WEST AFRICA

Sierra Leone: Time for a New Military and Political Strategy, Africa Report N°28, 11 April 2001

Sierra Leone: Managing Uncertainty, Africa Report N°35, 24 October 2001

Sierra Leone: Ripe For Elections? Africa Briefing, 19 December 2001

Liberia: The Key to Ending Regional Instability, Africa Report N°43, 24 April 2002

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* Released since January 2000.

** The Algeria project was transferred to the Middle East Program in January 2002.

Sierra Leone After Elections: Politics as Usual? Africa Report N°49, 12 July 2002

Liberia: Unravelling, Africa Briefing, 19 August 2002

ZIMBABWE

Zimbabwe: At the Crossroads, Africa Report N°22, 10 July 2000

Zimbabwe: Three Months after the Elections, Africa Briefing, 25 September 2000

Zimbabwe in Crisis: Finding a way Forward, Africa Report N°32, 13 July 2001

Zimbabwe: Time for International Action, Africa Briefing, 12 October 2001

Zimbabwe's Election: The Stakes for Southern Africa, Africa Briefing, 11 January 2002

All Bark and No Bite: The International Response to Zimbabwe's Crisis, Africa Report N°40, 25 January 2002

Zimbabwe at the Crossroads: Transition or Conflict? Africa Report N°41, 22 March 2002

Zimbabwe: What Next? Africa Report N° 47, 14 June 2002

Zimbabwe: The Politics of National Liberation and International Division, Africa Report N°52, 17 October 2002

ASIA

CAMBODIA

Cambodia: The Elusive Peace Dividend, Asia Report N°8, 11 August 2000

CENTRAL ASIA

Central Asia: Crisis Conditions in Three States, Asia Report N°7, 7 August 2000 (also available in Russian)

Recent Violence in Central Asia: Causes and Consequences, Central Asia Briefing, 18 October 2000

Islamist Mobilisation and Regional Security, Asia Report N°14, 1 March 2001 (also available in Russian)

Incubators of Conflict: Central Asia's Localised Poverty and Social Unrest, Asia Report N°16, 8 June 2001 (also available in Russian)

Central Asia: Fault Lines in the New Security Map, Asia Report N°20, 4 July 2001 (also available in Russian)

Uzbekistan at Ten – Repression and Instability, Asia Report N°21, 21 August 2001 (also available in Russian)

Kyrgyzstan at Ten: Trouble in the "Island of Democracy", Asia Report N°22, 28 August 2001 (also available in Russian)

Central Asian Perspectives on the 11 September and the Afghan Crisis, Central Asia Briefing, 28 September 2001 (also available in French and Russian)

Central Asia: Drugs and Conflict, Asia Report N°25, 26 November 2001 (also available in Russian)

Afghanistan and Central Asia: Priorities for Reconstruction and Development, Asia Report N°26, 27 November 2001 (also available in Russian)

Tajikistan: An Uncertain Peace, Asia Report N°30, 24 December 2001 (also available in Russian)

The IMU and the Hizb-ut-Tahrir: Implications of the Afghanistan Campaign, Central Asia Briefing, 30 January 2002 (also available in Russian)

Central Asia: Border Disputes and Conflict Potential, Asia Report N°33, 4 April 2002 (also available in Russian)

Central Asia: Water and Conflict, Asia Report N°34, 30 May 2002

Kyrgyzstan's Political Crisis: An Exit Strategy, Asia Report N°37, 20 August 2002 (also available in Russian)

The OSCE in Central Asia: A New Strategy, Asia Report N°38, 11 September 2002

Central Asia: The Politics of Police Reform, Asia Report N°42, 10 December 2002

INDONESIA

Indonesia's Crisis: Chronic but not Acute, Asia Report N°6, 31 May 2000

Indonesia's Maluku Crisis: The Issues, Indonesia Briefing, 19 July 2000

Indonesia: Keeping the Military Under Control, Asia Report N°9, 5 September 2000 (also available in Indonesian)

Aceh: Escalating Tension, Indonesia Briefing, 7 December 2000

Indonesia: Overcoming Murder and Chaos in Maluku, Asia Report N°10, 19 December 2000

Indonesia: Impunity Versus Accountability for Gross Human Rights Violations, Asia Report N°12, 2 February 2001

Indonesia: National Police Reform, Asia Report N°13, 20 February 2001 (also available in Indonesian)

Indonesia's Presidential Crisis, Indonesia Briefing, 21 February 2001

Bad Debt: The Politics of Financial Reform in Indonesia, Asia Report N°15, 13 March 2001

Indonesia's Presidential Crisis: The Second Round, Indonesia Briefing, 21 May 2001

Aceh: Why Military Force Won't Bring Lasting Peace, Asia Report N°17, 12 June 2001 (also available in Indonesian)

Aceh: Can Autonomy Stem the Conflict? Asia Report N°18, 27 June 2001

Communal Violence in Indonesia: Lessons from Kalimantan, Asia Report N°19, 27 June 2001 (also available in Indonesian)

Indonesian-U.S. Military Ties, Indonesia Briefing, 18 July 2001

The Megawati Presidency, Indonesia Briefing, 10 September 2001

Indonesia: Ending Repression in Irian Jaya, Asia Report N°23, 20 September 2001

Indonesia: Violence and Radical Muslims, Indonesia Briefing, 10 October 2001

Indonesia: Next Steps in Military Reform, Asia Report N°24, 11 October 2001

Indonesia: Natural Resources and Law Enforcement, Asia Report N°29, 20 December 2001 (also available in Indonesian)

Indonesia: The Search for Peace in Maluku, Asia Report N°31, 8 February 2002

Aceh: Slim Chance for Peace, Indonesia Briefing, 27 March 2002

Indonesia: The Implications of the Timor Trials, Indonesia Briefing, 8 May 2002

Resuming U.S.-Indonesia Military Ties, Indonesia Briefing, 21 May 2002

Al-Qaeda in Southeast Asia: The case of the "Ngruki Network" in Indonesia, Indonesia Briefing, 8 August 2002

Indonesia: Resources And Conflict In Papua, Asia Report N°39, 13 September 2002

Tensions on Flores: Local Symptoms of National Problems, Indonesia Briefing, 10 October 2002

Impact of the Bali Bombings, Indonesia Briefing, 24 October 2002

Indonesia Backgrounder: How The Jemaah Islamiyah Terrorist Network Operates, Asia Report N°43, 11 December 2002

MYANMAR

Burma/Myanmar: How Strong is the Military Regime? Asia Report N°11, 21 December 2000

Myanmar: The Role of Civil Society, Asia Report N°27, 6 December 2001

Myanmar: The Military Regime's View of the World, Asia Report N°28, 7 December 2001

Myanmar: The Politics of Humanitarian Aid, Asia Report N°32, 2 April 2002

Myanmar: The HIV/AIDS Crisis, Myanmar Briefing, 2 April 2002

Myanmar: The Future of the Armed Forces, Asia Briefing, 27 September 2002

AFGHANISTAN/SOUTH ASIA

Afghanistan and Central Asia: Priorities for Reconstruction and Development, Asia Report N°26, 27 November 2001

Pakistan: The Dangers of Conventional Wisdom, Pakistan Briefing, 12 March 2002

Securing Afghanistan: The Need for More International Action, Afghanistan Briefing, 15 March 2002

The Loya Jirga: One Small Step Forward? Afghanistan & Pakistan Briefing, 16 May 2002

Kashmir: Confrontation and Miscalculation, Asia Report N°35, 11 July 2002

Pakistan: Madrasas, Extremism and the Military, Asia Report N°36, 29 July 2002

The Afghan Transitional Administration: Prospects and Perils, Afghanistan Briefing, 30 July 2002

Pakistan: Transition to Democracy?, Asia Report N°40, 3 October 2002

Kashmir: The View From Srinagar, Asia Report N°41, 21 November 2002

BALKANS

ALBANIA

Albania: State of the Nation, Balkans Report N°87, 1 March 2000

Albania's Local Elections, A test of Stability and Democracy, Balkans Briefing, 25 August 2000

Albania: The State of the Nation 2001, Balkans Report N°111, 25 May 2001

Albania's Parliamentary Elections 2001, Balkans Briefing, 23 August 2001

BOSNIA

Denied Justice: Individuals Lost in a Legal Maze, Balkans Report N°86, 23 February 2000

European Vs. Bosnian Human Rights Standards, Handbook Overview, 14 April 2000

Reunifying Mostar: Opportunities for Progress, Balkans Report N°90, 19 April 2000

Bosnia's Municipal Elections 2000: Winners and Losers, Balkans Report N°91, 28 April 2000

Bosnia's Refugee Logjam Breaks: Is the International Community Ready? Balkans Report N°95, 31 May 2000

War Criminals in Bosnia's Republika Srpska, Balkans Report N°103, 2 November 2000

Bosnia's November Elections: Dayton Stumbles, Balkans Report N°104, 18 December 2000

Turning Strife to Advantage: A Blueprint to Integrate the Croats in Bosnia and Herzegovina, Balkans Report N°106, 15 March 2001

No Early Exit: NATO's Continuing Challenge in Bosnia, Balkans Report N°110, 22 May 2001

Bosnia's Precarious Economy: Still Not Open For Business; Balkans Report N°115, 7 August 2001 (also available in Bosnian)

The Wages of Sin: Confronting Bosnia's Republika Srpska, Balkans Report N°118, 8 October 2001 (also available in Bosnian)

Bosnia: Reshaping the International Machinery, Balkans Report N°121, 29 November 2001 (also available in Bosnian)

Courting Disaster: The Misrule of Law in Bosnia & Herzegovina, Balkans Report N°127, 26 March 2002 (also available in Bosnian)

Implementing Equality: The "Constituent Peoples" Decision in Bosnia & Herzegovina, Balkans Report N°128, 16 April 2002 (also available in Bosnian)

Policing the Police in Bosnia: A Further Reform Agenda, Balkans Report N°130, 10 May 2002 (also available in Bosnian)

Bosnia's Alliance for (Smallish) Change, Balkans Report N°132, 2 August 2002 (also available in Bosnian)

The Continuing Challenge Of Refugee Return In Bosnia & Herzegovina, Balkans Report N°137, 13 December 2002

CROATIA

Facing Up to War Crimes, Balkans Briefing, 16 October 2001

KOSOVO

Kosovo Albanians in Serbian Prisons: Kosovo's Unfinished Business, Balkans Report N°85, 26 January 2000

What Happened to the KLA? Balkans Report N°88, 3 March 2000

Kosovo's Linchpin: Overcoming Division in Mitrovica, Balkans Report N°96, 31 May 2000

Reality Demands: Documenting Violations of International Humanitarian Law in Kosovo 1999, Balkans Report, 27 June 2000

Elections in Kosovo: Moving Toward Democracy? Balkans Report N°97, 7 July 2000

Kosovo Report Card, Balkans Report N°100, 28 August 2000

Reaction in Kosovo to Kostunica's Victory, Balkans Briefing, 10 October 2000

Religion in Kosovo, Balkans Report N°105, 31 January 2001

Kosovo: Landmark Election, Balkans Report N°120, 21 November 2001 (also available in Albanian and Serbo-Croat)

Kosovo: A Strategy for Economic Development, Balkans Report N°123, 19 December 2001 (also available in Serbo-Croat)

A Kosovo Roadmap: I. Addressing Final Status, Balkans Report N°124, 28 February 2002 (also available in Albanian and Serbo-Croat)

A Kosovo Roadmap: II. Internal Benchmarks, Balkans Report N°125, 1 March 2002 (also available in Albanian and Serbo-Croat)

UNMIK's Kosovo Albatross: Tackling Division in Mitrovica, Balkans Report N°131, 3 June 2002 (also available in Albanian and Serbo-Croat)

Finding the Balance: The Scales of Justice in Kosovo, Balkans Report N°134, 12 September 2002 (also available in Albanian)

Return to Uncertainty: Kosovo's Internally Displaced and The Return Process, Balkans Report N°139, 13 December 2002

MACEDONIA

Macedonia's Ethnic Albanians: Bridging the Gulf, Balkans Report N°98, 2 August 2000

Macedonia Government Expects Setback in Local Elections, Balkans Briefing, 4 September 2000

The Macedonian Question: Reform or Rebellion, Balkans Report N°109, 5 April 2001

Macedonia: The Last Chance for Peace, Balkans Report N°113, 20 June 2001

Macedonia: Still Sliding, Balkans Briefing, 27 July 2001

Macedonia: War on Hold, Balkans Briefing, 15 August 2001

Macedonia: Filling the Security Vacuum, Balkans Briefing, 8 September 2001

Macedonia's Name: Why the Dispute Matters and How to Resolve It, Balkans Report N°122, 10 December 2001 (also available in Serbo-Croat)

Macedonia's Public Secret: How Corruption Drags The Country Down, Balkans Report N°133, 14 August 2002 (also available in Macedonian)

Moving Macedonia Toward Self-Sufficiency: A New Security Approach for NATO and the EU, Balkans Report N°135, 15 November 2002 (also available in Macedonian)

MONTENEGRO

Montenegro: In the Shadow of the Volcano, Balkans Report N°89, 21 March 2000

Montenegro's Socialist People's Party: A Loyal Opposition? Balkans Report N°92, 28 April 2000

Montenegro's Local Elections: Testing the National Temperature, Background Briefing, 26 May 2000

Montenegro: Which way Next? Balkans Briefing, 30 November 2000

Montenegro: Settling for Independence? Balkans Report N°107, 28 March 2001

Montenegro: Time to Decide, a Pre-Election Briefing, Balkans Briefing, 18 April 2001

Montenegro: Resolving the Independence Deadlock, Balkans Report N°114, 1 August 2001

Still Buying Time: Montenegro, Serbia and the European Union, Balkans Report N°129, 7 May 2002 (also available in Serbian)

SERBIA

Serbia's Embattled Opposition, Balkans Report N°94, 30 May 2000

Serbia's Grain Trade: Milosevic's Hidden Cash Crop, Balkans Report N°93, 5 June 2000

Serbia: The Milosevic Regime on the Eve of the September Elections, Balkans Report N°99, 17 August 2000

Current Legal Status of the Republic of Yugoslavia (FRY) and of Serbia and Montenegro, Balkans Report N°101, 19 September 2000

Yugoslavia's Presidential Election: The Serbian People's Moment of Truth, Balkans Report N°102, 19 September 2000

Sanctions against the Federal Republic of Yugoslavia, Balkans Briefing, 10 October 2000

Serbia on the Eve of the December Elections, Balkans Briefing, 20 December 2000

A Fair Exchange: Aid to Yugoslavia for Regional Stability, Balkans Report N°112, 15 June 2001

Peace in Presevo: Quick Fix or Long-Term Solution? Balkans Report N°116, 10 August 2001

Serbia's Transition: Reforms Under Siege, Balkans Report N°117, 21 September 2001 (also available in Serbo-Croat)

Belgrade's Lagging Reform: Cause for International Concern, Balkans Report N°126, 7 March 2002 (also available in Serbo-Croat)

Serbia: Military Intervention Threatens Democratic Reform, Balkans Briefing, 28 March 2002 (also available in Serbo-Croat)

Fighting To Control Yugoslavia's Military, Balkans Briefing, 12 July 2002 (also available in Serbo-Croat)

Arming Saddam: The Yugoslav Connection, Balkans Report N°136, 3 December 2002

REGIONAL REPORTS

After Milosevic: A Practical Agenda for Lasting Balkans Peace, Balkans Report N°108, 26 April 2001

Milosevic in The Hague: What it Means for Yugoslavia and the Region, Balkans Briefing, 6 July 2001

Bin Laden and the Balkans: The Politics of Anti-Terrorism, Balkans Report N°119, 9 November 2001

LATIN AMERICA

Colombia's Elusive Quest for Peace, Latin America Report N°1, 26 March 2002 (also available in Spanish)

The 10 March 2002 Parliamentary Elections in Colombia, Latin America Briefing, 17 April 2002 (also available in Spanish)

The Stakes in the Presidential Election in Colombia, Latin America Briefing, 22 May 2002 (also available in Spanish)

Colombia: The Prospects for Peace with the ELN, Latin America Report N°2, 4 October 2002 (also available in Spanish)

MIDDLE EAST

A Time to Lead: The International Community and the Israeli-Palestinian Conflict, Middle East Report N°1, 10 April 2002

Middle East Endgame I: Getting to a Comprehensive Arab-Israeli Peace Settlement, Middle East Report N°2, 16 July 2002 (also available in Arabic)

Middle East Endgame II: How a Comprehensive Israeli-Palestinian Settlement Would Look, Middle East Report N°3; 16 July 2002 (also available in Arabic)

Middle East Endgame III: Israel, Syria and Lebanon – How Comprehensive Peace Settlements Would Look, Middle East Report N°4, 16 July 2002 (also available in Arabic)

Iran: The Struggle for the Revolution's Soul, Middle East Report N°5, 5 August 2002

Iraq Backgrounder: What Lies Beneath, Middle East Report N°6, 1 October 2002

The Meanings of Palestinian Reform, Middle East Briefing, 12 November 2002

Old Games, New Rules: Conflict on the Israel-Lebanon Border, Middle East Report N°7, 18 November 2002

Voices From The Iraqi Street, Middle East Briefing, 4 December 2002

ALGERIA*

Diminishing Returns: Algeria's 2002 Legislative Elections, Middle East Briefing, 24 June 2002

ISSUES REPORTS

HIV/AIDS

HIV/AIDS as a Security Issue, Issues Report N°1, 19 June 2001

Myanmar: The HIV/AIDS Crisis, Myanmar Briefing, 2 April 2002

EU

The European Humanitarian Aid Office (ECHO): Crisis Response in the Grey Lane, Issues Briefing, 26 June 2001

EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management, Issues Report N°2, 26 June 2001

EU Crisis Response Capabilities: An Update, Issues Briefing, 29 April 2002

* The Algeria project was transferred from the Africa Program in January 2002.

APPENDIX D

ICG BOARD MEMBERS