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BOSNIEN-HERCEGOVINA

**** UNHCR ELECTRONIC CABLE / TELEX TRANSMITTAL FORM ****

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Please find attached UNHCR Situation Report on
the Former Yugoslavia Operation (Bosnia and Herzegovina, Croatia,
Federal Republic of Yugoslavia and The former Yugoslav Republic of
Macedonia).
Best regards.
(UNHCR GRNVA)

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**UNHCR SITUATION REPORT ON THE FORMER YUGOSLAVIA OPERATION
(BOSNIA AND HERZEGOVINA, CROATIA, FEDERAL REPUBLIC OF
YUGOSLAVIA AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA)**

DECEMBER 1998/JANUARY 1999

BOSNIA AND HERZEGOVINA

Security

The arrest of General Krstic (Bosnian Serb Army), indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for war crimes for events which took place in the area of Srebrenica in 1996, was followed by hostile demonstrations in Vlasenica, Bratunac and Zvornik. Three security incidents involving the use of explosive devices against the International Police Task Force (IPTF) personnel and property, which resulted in two civilians being injured, took place in Vlasenica and Bratunac on 3 and 4 December 1998 in retaliation for Krstic's arrest.

In the morning of 9 January 1999, SFOR French troops attempted to arrest Zoran Gagovic, former Chief of Police in Foca/Srbijne and publicly indicted by ICTY. Gagovic resisted the arrest and drove his vehicle at the soldiers who opened fire and killed him. In reaction, later that day a mob stormed the IPTF station and seriously beat up two police monitors. Since then, Foca/Srbijne remain tense and off limits to international organizations during nights. The entire local police force was placed on three months' probation by IPTF, pending the outcome of their investigation of the incidents.

In the Mostar area, on 7 December 1998, IPTF deployed an Inspection Team to Stolac to inspect the work of the Stolac police to prevent violence against returnees, following serious security incidents in October and November. IPTF activities were hindered by the strong resistance of Bosnian Croat extremists and illegal traders organized around the so-called "Renner Market". A mob gathered in front of Stolac police station, where IPTF was carrying out the inspection, and forced IPTF to leave under SFOR escort.

In January, upon the strong pressure of international organizations and in reaction to the above-mentioned and other organized attacks against international organizations, for the first time local courts initiated proceedings against the "Renner Market" at the inter-entity boundary line between Stolac and Berkovici. The arrest of the son of the owner of the Renner company by the Cantonal police was intended to serve as a signal to illegal traders and smugglers, as well as to perpetrators of violence against minority returnees, that the Federation laws will be enforced in Stolac municipality and that the situation of lawlessness, which had culminated in open challenges to SFOR presence and activities, will not be allowed to continue.

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Implementation of 1999 RRTF Action Plan

Planning activities for implementation of the 1999 Reconstruction and Return Task Force (RRTF) Action Plan proceeded in January 1999. A Plan Delivery Cell (PDC) was established on 28 December 1998, with the participation of the Office of the High Representative (OHR), SFOR and UNHCR. The Cell was tasked with assisting OHR in the further development of the Action Plan. In January, as requested by the PDC, international organizations, including UNHCR, submitted support plans to the RRTF Action Plan. OHR began to expand its presence on the ground and strengthen its central secretariat structure in Sarajevo. A fourth OHR office was established in Bihac, while OHR Special Envoys, reporting directly to the High Representative, took up their field posts. RRTF opened new field offices: in January OHR Tuzla established local RRTFs in Zvornik, Doboij and Tuzla itself. SFOR intensified preparations to support the Action Plan, including by gathering and sharing information on spontaneous returns and infrastructure assessments.

Strengthening of the institutional framework for implementation of the RRTF 1999 Action Plan focused on two elements: a strong commitment by OHR to carry out consistent and systematic intervention to promote minority returns and dismantle obstacles to return at the political level; enhanced commitment by SFOR to support civilian implementation by ensuring security conditions for returning minorities.

To provide the RRTF Action Plan with the financial resources and political support necessary to its implementation, OHR, UNHCR and SFOR approached the donor community in various fora with a request to donors to uphold commitments made at the Peace Implementation Council on 15 and 16 December in Madrid (see Regional Developments).

On 15 January NATO Supreme Commander Wesley Clark visited Bosnia and Herzegovina and received briefings from the various international organizations on the ground, including UNHCR. During the meeting the General showed an approach to returns which combines planning and aggressive implementation as the central formula. In response, UNHCR highlighted the complexity of the return process, not least of all the political impediments, and stressed that UNHCR plans are based on beneficiaries' decision to return, taking into account local authorities willingness to welcome them, rather than on given priority return axes identified through a top-down planning process.

Repatriation/Return Statistics and Trends

In January 1999, 2,500 refugees repatriated from Germany assisted through the REAG/GARP government-sponsored program. A review at the end of January 1999 showed that the total number of refugees repatriating from abroad in 1998 reached 110,000 of which 97,765 were assisted returns, mostly from Germany and Switzerland. Minority returns to and within Bosnia and Herzegovina totaled 41,275 in 1998, out of which only 15,531 were formally registered in their home communities, often because of obstruction by the local authorities. All other returnees "relocated" mostly to "majority areas" in the Federation. Tuzla-Podrinje Canton continued to receive the highest number of relocation movements. In 1998, the office of the International Organization for Migration (IOM) in Tuzla registered over 20,000 individuals who repatriated under the REAG/GARP program. According to Sanski Most municipal data,

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over 5,000 "relocatees" were registered during 1998. Throughout Bosnia and Herzegovina, these returnees continued to encounter significant integration problems, such as unemployment, inability to register with the municipal secretariats as internally displaced persons and imposition of war taxes. Local housing officials claimed that the influx of "relocatees" has further compromised the limited absorption capacity of the concerned municipalities to the detriment of social stability and minority returns.

Minority Returns

On 10 and 11 December 1998, the long-awaited start of the two-way return of Bosnian Croat DPs to the Bosniac-controlled area of Bijelo Polje and of Bosniac DPs to the Bosnian Croat-controlled area of Rastani took place peacefully, after a last-minute agreement was reached for Bosniac DPs to vacate a further 31 Croat-owned houses in Bijelo Polje. The Bosnian Croat return to Bijelo Polje of 10 December was largely symbolic, however, as none of the returnees stayed overnight. On 11 December, 30 Bosniac families returned to Rastani, assisted by SFOR, IPTF, local police and local authorities. Unfortunately, no further progress was made in implementing of the OHR-negotiated Mostar Return Agreement during January.

Little progress was made on finalizing the Klise Plan for Return, mainly due to the political stalemate in Zvornik.

On 21 January UNHCR Sarajevo-Srebrenica bus line was inaugurated. Seven Bosnian Serb DPs traveled to Ridza while nine Bosniac DPs and several French journalists made their trip to Srebrenica. The nine Bosniac women moved around Srebrenica freely without incidents, accompanied nonetheless by Bosnian Serb policemen.

The Martin Brod Border Dispute

By the end of January, the Joint Border Commission had not made any progress in resolving the Martin Brod border dispute between Croatia and Bosnia and Herzegovina. Thanks to the interventions of UNHCR in Zagreb with the Croatian Government on 20 and 22 January, UNHCR got access to the area through the Croatian controlled border-crossing. Canton 1 Police and IPTF continued to be denied access, however, thus preventing returnees in the Tiskovac area from having access to local and international police. UNHCR reiterated that it is essential to reinstate full freedom of movement for international organizations and individuals, to guarantee the security of returnees and facilitate further return of minorities to the area which was predominantly inhabited by ethnic Serbs before the war.

Property-Related Issues

On 2 December, the National Assembly of Republika Srpska (RS) promulgated a Law on the Cessation of Application of the Law on the Use of Abandoned Property, which entered into force on 19 December 1998. This law enables pre-war residents to reclaim their property in the RS. While owners of private property can file their claim at any time, pre-war occupancy-right holders of socially-owned apartments need to file their claims by 19 June 1999. Like similar laws in the Federation, the new property law in the RS provides a legal framework for repossession of property. While UNHCR welcomed the adoption of the new law in the RS,

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implementation will be the most formidable challenge. In the meantime, individuals who have been approaching the competent authorities already in January were unable to lodge their claims owing to the reported lack of preparedness by the competent administrative bodies and the lack of information among local housing officials that new property legislation had indeed been passed.

In the Federation, implementation of the laws concerning private and socially-owned property did not show any sign of improvement. Problems continued to range from inconsistent practice by some local authorities to open obstructionism by others. An extra-legal directive issued by the Ministry of Interior disabled local police officers from assisting in forced evictions of illegal occupants without the prior approval of the Cantonal authorities.

Kosovo Asylum-seekers in Bosnia and Herzegovina

During January 1999, 240 new Kosovo refugees were registered by UNHCR Sarajevo. As of end January 1999, the estimated total of Kosovo refugees in Bosnia and Herzegovina stood at 10,000, out of whom 1,500 were accommodated in seven collective centers and 8,500 were living in private accommodation, mainly in Sarajevo Canton. Local authorities continued registering the refugees and issuing temporary admission cards.

CROATIA

Return Movements

In December, UNHCR assisted five voluntary repatriation movements from Federal Republic of Yugoslavia (FRY), bringing back a total of 40 individuals. January saw five repatriation movements with 26 individuals returning. Implementation of the Return Program since June 1998 has led to the voluntary repatriation of over 3,000 individuals from FRY to Croatia. All these are individuals who are returning to Croatia for purposes of family reunion or to repossess their own empty and inhabitable homes. No progress was recorded with regard to refugees wishing to return to damaged/destroyed houses nor to their own houses when they are occupied.

Implementation of the Government Program on Return

On 3 December 1998, well beyond the deadline set in anticipation of the Conference on Reconstruction and Development, the Government of Croatia adopted mandatory instructions for implementation of the Reconstruction Program. These instructions provide non-discriminatory procedures for granting reconstruction assistance and accommodation to all persons covered by the Return Program, including those who had not previously submitted requests for reconstruction assistance or could not exercise their rights pursuant to restrictive provisions of the Law on Reconstruction. Reconstruction assistance should cover all housing destroyed or damaged by 15 January 1998 and situated in areas of return. The Mandatory Instructions and the Program on Reconstruction were published in the Croatian Official Gazette and entered into force on 14 December 1998. For those who have already returned, the deadline for submitting applications for reconstruction is 15 March 1999 or three months from the date of return for those still abroad. As was the case for other commitments

