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Help us make the Information Notes more responsive to your needs

The editors of the Information Notes are keen to make them more responsive to the needs of readers. Beginning with this issue, we have attempted to sharpen their regional focus and to highlight emerging issues and challenges. In keeping with tradition, we have also encouraged contributions from institutions and agencies working in the region. We would encourage readers to contact us with feedback on how we can improve the Information Notes further.

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Update

The first two months of 1998 were rich in momentous developments. Throughout South-eastern Europe there were positive signals of a growing willingness to strengthen cooperation on key issues and deepen the post-war normalization process. But the period has also been one of marked contrasts. All eyes have been riveted on Banja Luka, the new capital of the Republika Srpska, and on every move made by new RS Prime Minister Milorad Dodik, who many hope will set the Dayton Agreement firmly on its rails. Within Croatia, the joy and fanfare marking the end of the mission of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the peaceful reintegration of the Croatian Danube region was marred by departures from the region and developments indicating that more needs to be done to accelerate the two-way return of displaced persons, as a means to build confidence within the Serb community. The Federal Republic of Yugoslavia and Norway both reported influxes of asylum-seekers from Croatia. At the same time, international concern grew in reaction to developments in Kosovo.

BOSNIA AND HERZEGOVINA

The conclusions of the Bonn meeting of the Peace Implementation Council (Bonn PIC) appeared to give added momentum to implementation of the peace agreement, by establishing clear goals and defining time-frames for action.

Return of Refugees and Displaced Persons Recognized as a Priority

The Bonn PIC acknowledged that large-scale repatriation in 1998 is contingent on successful minority return movements, in particular to Sarajevo and the Republika Srpska, and demanded that the authorities act resolutely to remove all barriers to return. This priority to refugee returns, particularly the return of minorities, was again reiterated during a meeting of the PIC's Humanitarian Issues Working Group (HIWG), chaired by High Commissioner Sadako Ogata in Geneva on 17 December 1997.

The HIWG meeting endorsed the plans and priorities contained in UNHCR's 1998 Plan – "Bosnia and Herzegovina: Repatriation and Return Operations 1998" (document HIWG/97/7). The planning document forecast the repatriation in 1998 of a range of from 138,600 to 220,000 refugees, but insists that the return of refugees and displaced persons to minority areas is the priority task in 1998. UNHCR's principal objective for 1998 is to achieve a substantial breakthrough on minority returns, defined as involving "credible numbers" (at least 50,000 by June 1998); the return of entire family units, as opposed to just individual or elderly family members; to areas administered by all three ethnic communities; and with indications, similar to those contained in the Open Cities criteria, that returns are likely to be sustainable. The main instrument to push for minority returns will be the "Open Cities" initiative (see "Open Cities"). The 1998 Plan sets out a list of Open Cities, potential Open Cities and potential minority return areas in 1998.

The Plan also describes UNHCR's policy on relocation, which is that, to be acceptable, relocation must be voluntary and to either newly constructed property or existing accommodation, but based on legal transactions respecting property rights. UNHCR specifically recommends that a code of conduct for international support to the construction of new housing be developed within the Reconstruction and Return Task Force.

Progress on Minority Returns

There were a number of developments indicating that 1998 may indeed become the year of minority return. A major push for minority returns was given by the February Sarajevo Conference on the Return of Refugees, chaired by the High Representative, the United States Presidential Envoy and a representative of the European Commission. The pre-war population of Sarajevo of some 500,000 included almost 150,000 Serbs and 35,000 Croats. UNHCR estimates that today's population of 380,000, 19,000 are Serbs and 21,000 Croats. The 150 officials participating in the conference challenged Bosnian authorities to make Sarajevo a model for the rest of the country by permitting a substantial number – some 20,000 – of Bosnian Serbs and Croats to return to Sarajevo Canton. Important to meeting this goal is the recovery of pre-war houses and apartments. Barriers to return in the Ca



ton include delays in or failure to evict illegal tenants; high fees charged for copies of public documents needed by those wishing to return to pre-war homes; and refusal to cooperate with the Federation Ombudsmen on hundreds of housing and discrimination complaints. Agreement on the creation of a Sarajevo Housing Commission, in follow-up to the conference, had not yet been reached at the time of writing.

Another encouraging development was the Sanski Most-Prijedor declaration on returns. On 7 February, the authorities of both municipalities, accompanied by Deputy High Representative Schumacher, UNHCR, UNMIBH, UN Civil Affairs, IPTF, OSCE and the EC met in Prijedor at the invitation of the three communities of displaced persons and refugees of Bosnia and Herzegovina. In renewing their commitment to Dayton, the mayors agreed on an immediate start to return to communities in both Prijedor and Sanski Most. Both Mayors stated their commitment to informing their Municipal Assemblies of their joint declaration and to seek their approval. They further agreed that steps would be taken to ensure that the property of refugees and displaced persons is not allocated to others and will be returned to them immediately upon becoming vacant.

The leaders of the divided city of Mostar (Federation) also announced their agreement, on 24 February, to start a programme of refugee returns. Mostar Mayor Safet Orucevic and his Croat deputy Ivan Prskalo agreed at a meeting in Sarajevo to begin moving Croat families back to Bosniac-populated East Mostar and Bosniac families back to Croat-majority West Mostar. While most observers welcomed this development, substantial differences still separate the two communities. Politicians have yet to agree on a budget to fund the city administration. Tensions again flared in the city as a result of disturbances on 23 February involving the stoning of several cars, as well as a bomb attack at a cafe, which led police to close the Boulevard of the Revolution, Mostar's unofficial dividing line, the following day.

Since the new year, there have also been successful return movements from Gasinci Camp in Croatia to Velika Kladusa and Cazin. Abdic supporters repatriated in movements on 7 January (189) and 15 January (180), following the return of 250 on 30 December.

Throughout Bosnia and Herzegovina, individual displaced persons and refugees, as well as associations representing their interests, made clear their desire to begin substantial return movements in 1998.

Flashpoints

Despite many positive developments during the first two months of the year, unresolved problems and tensions in Bosnia and Herzegovina are myriad.

Security incidents aimed at blocking minority returns raised tensions and concern in Croat-administered Drvar (Federation). Before the war the town, with a pre-war population of about 20,000, was 97 per cent Serb. Thanks to absentee voting in the September 1997 elections, a Serb mayor was elected, but the town – which today has a population of 8,000 – is still run by a Croat municipal council. Serb returns began last year, with some 540 Serbs returning in 1997. It is estimated that the total now stands at over 1,200. In the most serious spate of arson aimed at discouraging the return of Serbs since 25 houses were torched in May 1997, 15 houses were set ablaze between 31 January and 18 February. The fires were clearly part of a well-organized campaign to prevent the return of Serbs to their pre-war homes and were accompanied by attempts to evict returnees and even to arrest them. UNHCR has opened an antenna office in Drvar, thereby establishing a permanent presence. IPTF is working with local police to strengthen their monitoring of the area and are also deploying additional international police.

Impatience with the persistent blocking of minority returns to Stolac – one of the four intra-Federation “pilot projects” for return agreed upon at Dayton – angered the international community and triggered calls for the removal of its mayor. No less than 18 incidents (including four assaults, two explosions, one attempted abduction and three incidents relating to freedom of movement) directed against Bosniacs occurred in the period between 13 January and 2 February. On 3 February, the Bosnian Croat Chief of Police was sacked. Deputy High Representative Schumacher visited Stolac on 4 February and delivered an ultimatum that the Mayor would be given 7 days to comply with requests to establish a functioning Municipal Return Office; to establish a Joint Housing Assessment Team; to make concrete arrangements for the security of the returnees; and to speed the issue of documentation for Serb returnees. In a press conference in Mostar, Schumacher also cited Capljina as being a problem case.

The situation in Stolac and Drvar was discussed in a meeting between the High Representative and Croatian President Tudjman and Foreign Minister Granic



in Zagreb on 24 February. Following his meetings, High Representative Westendorp told the press that he had requested the Croatian authorities to find a suitable replacement for the mayor of Stolac who would comply with Dayton. At the time of writing, Mayor Raguz was still in office in Stolac. The IPTF has also pressed for the removal of the Chief of Police of Prozor, who holds a record 30 IPTF non-compliance reports, higher than any other police officer in all of Bosnia and Herzegovina.

It is clear that the Bosnian Croat authorities throughout the Federation are coming under increased pressure to comply with the Dayton Agreement. On 25 February the OSCE accused Bosnian Croat nationalists of obstructing efforts to implement the results of the September 1997 municipal elections. The head of the OSCE mission in Bosnia and Herzegovina, Robert Barry, was quoted in the press on 25 February as saying that "Most of the outstanding problems that we have stem from the intransigence, the obstructionism of the HDZ in these inter-party negotiations." Barry also blamed the HDZ for blocking power-sharing agreements in some 20 municipalities.

The fate of Brcko is also a potential source of tension. Hearings relating to the Brcko Arbitration process resumed in Vienna on 5 February and a final award is expected on 15 March. RS Prime Minister Dodik warned that his Government could fall and that the entire Dayton Peace process would be imperilled if the final award were to give the disputed area to the Federation. Bosnian Serb President Biljana Plavsic was quoted on 10 February as saying "There is no Republika Srpska without Brcko." Federation President Ganic, while insisting that Brcko be given to the Federation, did not rule out a proposal for joint administration of Brcko by both Entities. Serb, Bosniac and Croat police have been patrolling together in the disputed northern town for two months, as part of international efforts to create a multi-ethnic administration. While Brcko has witnessed return movement of Bosniacs, security remains the principal obstacle.

On 12 February, one Bosnian Serb was seriously injured and another suffered light injuries when a Bosniac crowd stopped and stoned two vehicles belonging to the Swedish NGO Crossroads International and one belonging to Danish peacekeepers near the town of Jablanica. The crowd attacked the cars because they accused one of the Serbs of killing 12 people during the war.

A large demonstration in Sarajevo on 16 February

organized by displaced women from Srebrenica served as a reminder that minority returns will remain a source of tension until members of all communities are able to return to their former homes. Some 3,000 Srebrenica survivors requested more vigorous international efforts to find more bodies of the some 7,000 former Srebrenica inhabitants, mostly men, who are unaccounted for and presumed dead. The women were also reacting to the goal stated in the Sarajevo Declaration to see 20,000 returns to Sarajevo in 1998. The women fear that they would be the first to be displaced, once again, to make room for such returns.

Wider-scale detention of war crimes suspects could be a new source of tension, particularly in the RS. The arrest by Federation police in Sarajevo of 26-year old Goran Vasic on 6 February, a suspect in the murder of Bosnian Deputy Prime Minister Hakija Turalic, killed on 8 January 1993 while under UNPROFOR escort sparked ugly incidents in Lukavica. Outraged Serbs responded to the arrest by seizing two UNHCR-sponsored buses transiting Lukavica en route towards Ilidza and holding 20 passengers hostage for a few hours. Crowds later erected a wall on the road through Dobrinja, which straddles the IEBL, blocking traffic between the RS and Federation. By 16 February, the wall had been dismantled. The UN Mission in Bosnia and Herzegovina observed that excessive force had been used in apprehending Vasic, since video tapes of the arrest showed Vasic being beaten and kicked while lying on the ground. Bosnian officials charged Vasic with murder, but not with war crimes. The Office of the High Representative was studying whether the Bosnian authorities acted in conformity with the 199 "rules of the road" agreement, governing the apprehension of war crimes suspects by the authorities.

On 22 January, SFOR also detained Goran Jelusic (29) the self-styled "Serb Adolf", who during May 1995 was the commander of the Luka camp in Brcko. Jelusic has been indicted by the International Criminal Tribunal for the murder of more than 16 persons, torture, theft and ordering the murder of many others.

Planning for Return

The Bonn PIC urged "the Entity Governments instruct cantonal and municipal authorities to elaborate appropriate phased return plans, starting with the identification of areas where returns or preparations for returns to empty housing could happen immediately."



Elaboration of such plans should be made in cooperation with the UNHCR, the Return and Reconstruction Task Force (RRTF) and international organizations, and associations of displaced persons and refugees, and be completed by the end of February 1998." Pursuant to this PIC conclusion, UNHCR organized three one-day workshops (26-28 January) and a final wrap-up workshop for senior officials (30 January) attended by a wide range of international and local organizations. The workshops designed a planning outline intended to facilitate the consolidation of planning efforts, while ensuring their completeness and coherence.

Also to assist planning for return, the Joint Civilian Commission Working Group on Refugees and Displaced Persons meeting on 18 February agreed to proceed with a nation-wide census to be conducted simultaneously in both Entities, under UNHCR auspices, by their respective Institutes for Statistics and with the full cooperation of the central, Entity and local level authorities. The census should give a clearer picture of returns of displaced persons and refugees and other movements and generate information on intentions regarding return. One problem which has emerged in negotiations with the authorities on the census issue, however, is how to reconcile it with the registration exercise which Federation authorities intend to carry out to review the legal status of displaced persons.

Federation Refugee Minister Kadic issued an instruction to all cantonal authorities on the modalities for registration, property assessment and exchange of information on refugee registration at the municipal, cantonal and Federal levels. It is hoped that the Republika Srpska authorities will follow suit, standardizing procedures nation-wide. UNHCR is also in the final stages of discussions with the Federation Ministry regarding the draft law of repatriates and displaced persons, which will be in line with both the Dayton Agreement and the 1951 Convention relating to the Status of Refugees. On 17 January, Federation Refugee Minister Kadic also issued instructions requesting Cantons and municipalities in the Federation to comply with the Bonn PIC's call for the elaboration of phased return plans.

Zenica-Doboj Canton was the first to comply with the instruction, elaborating a Cantonal Plan that consolidates and develops the contributions of the 11 municipalities within the Canton. The Plan, which was approved by the Cantonal Government on 16 February, foresees the return of up to 53,100 persons to

vacant privately owned houses during the first phase of the Plan. UNHCR, IMG and OHR provided advice and technical support for the plan.

In early January 1998, the Herzegovina-Neretva Canton government indicated its commitment to preparing a Cantonal Plan by 5 March, and set up several commissions to ensure the collaboration of the municipalities in designing municipal plans and forming Joint Housing Assessment Teams. By 26 February, all but 2 municipalities in Mostar had created posts for the Joint Housing Assessment Teams (JHAT). By the same date, municipal plans had been forwarded to the Canton by eight municipalities and three municipalities had opened Municipal Return Offices. Delays in reaching joint agreements on the contents of some municipal plans led the Canton to set a new deadline of 4 March for receipt of final municipal plans. Despite the delays, major progress has been achieved in ensuring the collaboration of the two main constituent peoples in this planning process with minority groups already being included in the staffing of Municipal Return Offices and Joint Housing Assessment Teams in several municipalities.

The Cantons of Una Sana, Tomislavgrad, Tuzla-Podrinje, Gorazde and Sarajevo are in varying stages of preparation of Cantonal Plans, though progress has been slower than in other Federation cantons.

The Republika Srpska authorities have reportedly issued analogous instructions to municipalities in the Entity. Even before such instructions, a number of them had initiated the return-planning process with the assistance of UNHCR, OHR and other international organizations. Rather than using a destination focus in the approach to municipal return plans, emphasis is being laid on developing certain 'axes' of return between specific areas in the Federation and in the Republika Srpska where significant concentrations of displaced persons could return through reciprocal or inter-linked minority return movements. The month of February 1998 has witnessed a spate of cross-Entity visits of displaced persons, combined with a promising new development -- the participation of local mayors and other authorities in promoting, and in some cases participating in, such visits.

Growing hope for closer cooperation with the international community on implementation of the Dayton Agreement

Of the many developments occurring in the first two months of the year, none appears to have had as much of an impact as the election in Bijeljina on 18 January of 39-year-old Milorad Dodik as Prime Minister of the Republika Srpska. A businessman with strong ties to Belgrade, Dodik also maintained contacts with Bosnian politicians during the war. The son of a landed potato farmer, Dodik rose to become the senior municipal official in Laktasi (in northern RS) while also prospering in business.

In the few weeks since officially taking office on 1 February, Dodik has moved quickly to address many of the demands imposed by the international community on the Serb Republic as a condition for unblocking much-needed international assistance: a pledge to welcome back refugees and displaced and establish closer cooperation with the International Criminal Tribunal, reform of the media and police, combined with fiscal and economic reforms.

Dodik's first hurdle was to overcome the resistance of the Pale faction. The Prime Minister's Independent Social Democratic Party had garnered only 2 seats in the 83-member RS parliament. His election as Prime Minister, which occurred after hard-line politicians stormed out of the session in the middle of the night, was later branded as an illegal coup by Karadzic's Serbian Democratic Party (SDS) and its Radical Party allies (who together hold 39 seats). In a statement published on 20 January, the SDS described Dodik's government as an "unrepresentative puppet Government." But on 7 February, the Bosnian Serb Member of the Joint Presidency, Momcilo Krajisnik finally stated that he was ready to cooperate with the new Bosnian Serb Government, but repeated reservations about the manner in which the new government was elected. President Biljana Plavsic and Prime Minister Dodik moved quickly to replace hard-liners with more moderate elements. For example, President Plavsic named Lt. Gen. Momir Talic as Chief of Staff on 16 February, dismissing Gen. Pero Colic. Talic, who led the Serb 1st Krajina Corps during the war, is considered a moderate and is reportedly favourable to closer cooperation with SFOR.

Dodik has also scored a number of diplomatic successes in a flurry of visits to foreign capitals: Belgrade, Bonn, Vienna, Washington and Zagreb. Dodik's first

visit abroad as Prime Minister was to Bonn in early February. The trip was followed by the visit of German Foreign Minister Kinkel to Banja Luka on 10 February, during which both discussed potential financial support for the return of refugees to the Republika Srpska. UNHCR estimates that there are still over 200,000 refugees from Bosnia and Herzegovina in Germany, some 60 per cent of whom are thought to originate from the Republika Srpska. In a historic visit, Prime Minister Dodik, accompanied by other RS Ministers also travelled to Croatia to meet Foreign Minister Granic – the first such contact since the outbreak of the war. Discussions centred on economic cooperation between Croatia and the Republika Srpska as well as the return of refugees. They also discussed a plan to open a Croatian Consulate in Banja Luka, a move which would be welcomed by Croatian Serb refugees presently in the RS who wish to repatriate to Croatia.

Dodik appeared equally intent on improving cooperation between the Entities. One sign was the signature of an agreement on 7 February clearing the way to re-establishing rail links across the IEHL. Although war-damaged tracks were repaired with the help of NATO engineers over the past two years, political squabbling held up the resumption of rail traffic. Western countries have pledged US\$ 11 million to improve the railway system and an additional US\$ 55 million have been earmarked on condition that rival companies agree to restructure along the lines suggested by international advisers. Commercial railway traffic resumed on 26 February, when a 30-wagon train departed the town of Tuzla bound for the Adriatic port of Ploce. In another significant gesture, a ceremony took place at the central post office in Banja Luka on 6 February to mark the delivery of almost 1 million pieces of mail – three containers full – which had gone undelivered and had been stored in Sarajevo since 1992.

The voluntary surrender to SFOR troops on 14 February of Milan Simic (39) and Miroslav Tadic (60), two members of the "Samac Six", was welcomed by many and raised hopes of closer cooperation between the Republika Srpska authorities and the International Criminal Tribunal at The Hague. The two are among six Serbs from the north-eastern town of Samac charged with deporting non-Serbs in 1992. The indictment of the six alleges that they organized a campaign of terror to drive non-Serbs out of the town, including by opening camps where they allegedly tortured, raped and killed inmates. On 24 February, a third member



of the "Samac Six", Simo Zaric, surrendered to the International Criminal Tribunal, becoming the 23rd suspect to be taken into custody (leaving 51 still at large). While in Vienna, Dodik promised to authorize the opening of an International Criminal Tribunal office in Banja Luka. In a separate development, Judge MacDonald of the International Criminal Tribunal briefed the Security Council on 12 February, requesting that an additional Trial Chamber be established and four additional judges be appointed to enable the tribunal to expedite its proceedings.

Use by the High Representative of the new authority given by the Bonn Peace Implementation Conference

The Bonn PIC also accorded new powers to the High Representative, in an effort to give new impetus to implementation of the Dayton Agreement where disagreement within the Joint Institutions had blocked decisions on key issues. Where the Joint Institutions fail to come to an agreement on matters considered crucial to Dayton's implementation, the High Representative is now empowered to take a binding, interim decision, until such time as an agreement can be reached which is in conformity with the peace treaty.

Exercising this new authority, the High Representative took decisions resolving persisting disagreements relating to the flag of Bosnia and Herzegovina, uniform license plates and the design of the new currency, the Bosnian Marka. These moves followed a decision on a citizenship law, which was imposed by the High Representative after disputes stalled final agreement. On 4 February, the High Representative chose on behalf of the authorities the one of the three designs for the flag of Bosnia and Herzegovina which received the highest number of votes. The new flag is composed of a large golden triangle, with a line of white stars trailing along one side, against a blue background. The new flag was raised formally at United Nations Headquarters in New York on 6 February. The High Representative also requested the same Independent Commission which designed the proposals for the new flag to come up with a design for the Coat of Arms of Bosnia and Herzegovina.

Distribution of common, uniform license plates began in Sarajevo and Banja Luka on 2 February. It is widely hoped that they will significantly ease freedom of movement throughout country since the new plates

bear no Entity or religious markings, do not identify the municipality of registration, and display six digits and letters which are common in both the Latin and Cyrillic alphabets. Existing plates will be deemed to have expired after 1 July 1998. The Office of the High Representative has urged the authorities to ensure that the plates be provided at cost (15 German Marks or approximately US\$ 8.40), following reports that fees charged by police stations ranged anywhere from 50 to 120 German Marks (US\$ 28 to US\$ 67).

On 20 January, the High Representative decreed the design for the new common currency -- the convertible Marka. The Belgrade press quoted the governor of the central bank on 23 February as saying that the convertible Marka, the new currency of Bosnia and Herzegovina, will be put into circulation in May of this year.

Additional Funding for the Republika Srpska

International approval of the style and rhetoric of RS Prime Minister Dodik has triggered a flurry of international assistance. On January 26, the EU Council of Ministers approved a donation of the equivalent of US\$ 6.6 million. On the same day, President Plavsic signed an agreement with the World Bank for a credit of US\$ 17 million, the first tranche of a US\$ 65 million loan to be used to rebuild water and power networks and provide assistance to farmers. During his visit to Washington on 19 and 20 February, Dodik reportedly charmed US Secretary of State Madeleine Albright, who described the Prime Minister as "a breath of fresh air", but also walked away with a promise of US\$ 1 million in emergency funding for his cash-strapped Government. The US is also planning a \$60 million aid programme for this year, but USAID director Brian Atwood was quoted as saying that release of the multi-million dollar aid package hinges on Dodik honouring pledges to implement the Dayton Agreement, privatize state enterprise and isolate war crimes suspects. On 24 February, High Representative Westendorp and RS Prime Minister Dodik signed a US\$ 8.8 million aid agreement to cover unpaid salaries for teachers and customs officials. This aid had been pledged to the RS by the European Union, the Netherlands and Sweden. On 25 February, British International Development Secretary Clare Short announced a contribution of 1 million pounds (US\$ 1.65 million) to support the RS budget, alongside a 1 million pound contribution to refugees. Earlier in the month, Short described the British EU Presidency's drive to speed EU aid to the



Republika Srpska.

SFOR support for civilian implementation

In another major development, NATO approved plans to renew the mandate of the NATO-led force in Bosnia and Herzegovina after June 1998. While the mandate renewal still requires action by the Security Council, the decision would maintain the follow-on force -- which will retain the name SFOR -- at substantially similar troop levels until the September 1998 elections. The 36-nation force will be kept at some 35,000, and will then be scaled down to 20,000-25,000 after the elections. The new-NATO led multinational force would have as its mission to deter renewed hostilities and to contribute to a secure environment for the ongoing civilian implementation efforts, in order to stabilize and consolidate the peace in Bosnia and Herzegovina. It will have an enhanced capability to promote public security in close cooperation with the Office of the High Representative, the United Nations International Police Task Force and the authorities of Bosnia and Herzegovina. This would include the creation of tough new police units to control ethnic disturbances that military forces are not trained or equipped to handle. The follow-on force would also continue to provide broad support for the work of agencies involved in civilian aspects of the peace agreement and assistance in carrying out humanitarian tasks. The US contingent is expected to diminish from 8,500 to about 7,000 troops, to be offset by increases in European troops. UN High Commissioner for Refugees Sadako Ogata addressed a meeting of the Euro-Atlantic Partnership Council at NATO Headquarters on 14 January, indicating how NATO could assist in achieving the 1998 objective of accelerating minority return movements.

CROATIA

International Focus on the Croatian Danube Region

The situation in Croatia's Danube Region remained a source of international concern. On the positive side, ceremonies were held in Vukovar on 15 January 1998 to mark the successful completion of the mission of the

United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the assumption of full Croatian sovereignty over the region. But January and February also witnessed an increase in incidents directed against Serb displaced persons in the region and a crisis in confidence regarding the Government's commitment to safeguard their rights and safety, which triggered the movement of Serbs to the Federal Republic of Yugoslavia and Norway. Among the factors underpinning these movements were perceived slow progress in addressing the legal (especially property and tenancy rights issues), procedural and financial obstacles standing in the way of the two-way return process out of the Croatian Danube region to other parts of Croatia, the increasingly precarious situation of Serb displaced persons in the region, combined with growing concerns about security.

On 10 January, UN Transitional Administrator Walker made a statement to the press expressing deep concern over spontaneous attempts by Croat displaced persons entering the Danube region and retaking possession of their homes. Government authorities reacted energetically to these evictions by issuing regulations and orders to the police and other relevant authorities. On 16 January, President Tudjman stated that the authorities would not "allow any acts of individuals who would jeopardize state politics and the interest of peace" and that "nobody, including the rightful owner, is allowed to take the law into his own hand and evict tenants without proper procedures." A report of the Secretary-General of 22 January noted however, that "while some progress has been made in facilitating the return of displaced persons to their homes, the process has been increasingly limited by continued legal and financial obstacles to the return of occupied property to its legal owners, delays in providing Government funding for the reconstruction of houses owned by Serb citizens and uncertain economic and social conditions in areas of potential return. (S/1998/59, para. 14).

Incidents directed against Serbs in the Croatia Danube region and elsewhere in the country continue to alarm the Croatian Serb community. According to reports of UN monitors, the period from 15 January to 25 February saw 201 reported incidents relating to housing, including 169 incidents of intimidation, assaults, 6 evictions, 13 non-criminal disputes and incidents involving criminal activity. Some 68 ethnic motivated incidents were reported during the same period, including the murder of two elderly Serbs.



separate incidents.

In a Presidential Statement on 13 February, the Security Council welcomed the successful completion of the UNTAES mission, but said that much remained to be done. The statement observed that the Government remained responsible for the rights and safety of members of all ethnic groups in the country and bound by various international agreements. It called upon the Government to intensify its efforts to promote full reintegration, in particular to resolve property issues and other problems which are hindering the return of displaced persons and refugees.

Another cause of concern during the period was an Executive Order on Renting Apartments under the Ownership of the Republic of Croatia in the Croatian Danubian Region dated 22 January, which would have allowed the mainly Croat occupants of State-owned apartments in the Danube region to reclaim their property by 15 March 1998. The measure was criticized by Serb leaders as being discriminatory, since no analogous procedures had been adopted to address the return of Croatian Serbs to their property in other parts of Croatia. The OSCE also declared its opposition to the measure, considering it discriminatory and in contravention to international commitments undertaken by Croatia. The controversial Executive Order was rescinded on 12 February, but the Croatian Serb community took the very introduction of the decree as a signal that the authorities were keener on facilitating the return of displaced Croats into the region than on facilitating the return of Serbs to areas outside the region.

Members of the Article 11 Commission visited the region on 16 February and expressed concern at the growing feelings of insecurity in the Serb community in both the Danube region and the rest of Croatia, owing to the incidents in the region. They commended the authorities for having repealed the contested property decree and urged them to adopt non-discriminatory and speedy measures by which people could reclaim their property. They urged an acceleration of the two-way return process. They also called for an end to the practice of housing refugees from Bosnia and Herzegovina in property belonging to displaced Serbs.

Two demonstrations by Croats in the Croatian Danube region further fuelled tensions. Police in Vukovar-Srijem County and the National Committee for the Establishment of Trust strongly condemned the actions of the Croatian Party of Rights (HSP) and de-

manded that competent authorities take legal measures against individuals who disturbed public order by staging rallies in Vukovar and Borovo Naselje on 14 February. In another incident, a group of 100 Croats linked to the far right staged a rally on 22 February in front of the Serb Orthodox Church in Baranjsko Petrovo Selo, at which they made fascist salutes and burned objects with Serb symbols or inscriptions. The mob later attacked two policemen, one Serb and one Croat, who came to investigate. The Croatian daily *Vecernji List* described the incident as a traditional masquerade and that the villagers were just having fun.

A Rise in the Number of Croats Seeking Asylum Abroad

Responding to the arrival of asylum-seekers in Norway (an influx which numbered 940 from 1 January to 28 February), the Norwegian authorities dispatched an interministerial fact-finding mission to Croatia from 11 to 13 February, to gather information on the ground with the aim of assisting the Norwegian authorities to formulate a policy regarding the treatment of these asylum applications. UNHCR issued a position paper on 11 February, urging that each asylum application be analyzed on its merits. The paper concluded that, while not everybody leaving the Croatian Danube region at this time has a valid claim to refugees status, some may indeed have a "well founded fear of persecution" within the terms of the 1951 Convention relating to the Status of Refugees.

Repatriation of Refugees

UNHCR also continued its dialogue with the Croatian authorities on the repatriation of Croatian refugees (350,000) presently in Bosnia and Herzegovina and the Federal Republic of Yugoslavia. UNHCR officials, in addition to organizing go-and-see visits for refugees presently in Bosnia and Herzegovina in co-operation with the Office of the High Representative and Croatia's ODP, met on 29 January with members of the Croatian Trust Commission and ODP to discuss the situation of refugees in the Federal Republic of Yugoslavia and to encourage the authorities to adopt mechanisms to facilitate repatriation. On 26 February, Belgrade's Beta news agency reported that Croatia's Foreign Minister Granic had announced the beginning



of cooperation between Croatia and the Republika Srpska regarding the repatriation of refugees and the imminent establishment of a joint body to tackle repatriation-related issues. The Joint Croatian-Yugoslav Commission for Implementation of Annex 7 of the Agreement on the Normalization of Relations between Croatia and FRY met in Zagreb on 13 February. Representatives of both countries expressed their readiness to enable the two-way return of refugees and displaced persons and drafted an agreement relating to repatriation which is scheduled to be ratified in March by the countries' respective Minister of Foreign Affairs. The 13 February meeting also focused on property issues, notably on real estate transaction linked to durable solutions.

Reactions to a Speech by President Tudjman

On 22 February, President Tudjman was unanimously re-elected to lead Croatia's ruling party – the HDZ (Croatian Democratic Union). In a speech to a 3-day party congress on 21 February, Tudjman was widely interpreted as justifying his support for a Bosnian Croat substate during the war and portraying critics of his policies as enemies of Croatia. President Tudjman's comments drew unusually sharp criticism from international and Bosnian officials, as well as Croatian opposition leaders. US Envoy Robert Gelbard is reported to have said that the US was "profoundly angered" by Tudjman's comments and accused him of "reneging on some of his commitments to the Dayton Peace process." The head of the Bosnian Presidency, Alija Izetbegovic, qualified the remarks as "unacceptable" and instructed the Bosnian ambassador in Zagreb to lodge an official protest. On 27 February, the European Union issued a statement deploring the "tone and content" of the speech. HDZ spokesman Drago Krpina issued a statement on 25 February, sweeping aside the criticisms, alleging that "unfounded statements were made without a thorough and full insight into President Tudjman's speech."

FEDERAL REPUBLIC OF YUGOSLAVIA

Arrival of Asylum-Seekers

In response to an influx of Croatian Serbs from the

Croatian Danube region estimated at some 20-30 families per day, the Serbian Commissioner for Refugee gave guidelines to its local trustees in municipalities bordering the region, outlining conditions for the grant of refugee status to asylum-seekers wishing to reside in the border areas. The guidelines appear to be designed to encourage the movement of new arrival away from border municipalities eastwards to underpopulated parts of Vojvodina, where it would be easier to absorb them. UNHCR has been in close contact with the Commissioner for Refugees of Serbia and has offered its assistance to the authorities in processing individual asylum applications. The Office also provided a translation of the UNHCR Handbook on Procedures and Criteria for the Determination of Refugee States.

Kosovo

Alarm over the deterioration of the situation in Kosovo, particularly in the Drenica region west of Pristina, led to a flurry of missions and initiative aimed at encouraging a dialogue between Belgrade and leaders of the province. On 28 January, the European Parliament adopted a resolution urging the Government of Yugoslavia to start immediate talks with Kosovo leaders and to allow "a permanent international presence" in the region. Following up on an earlier Franco-German initiative, German Foreign Minister Klaus Kinkel and British Deputy State Secretary Tony Lloyd visited Tirana in early February where Kinkel announced that the international community would increase its pressure on the Yugoslav Government to respect human rights in Kosovo and urged the Kosovo Albanians to avoid acts of terrorism and violence. A report of an OSCE fact-finding team described the situation in Kosovo as dramatic.

In a visit to Pristina on 22 February, US Envoy Robert Gelbard strongly condemned the escalating violence in Kosovo. Gelbard also reportedly warned President Milosevic not to use military force in the trouble province, but condemned attacks carried out by the Kosovo Liberation Army, describing it as a "terrorist organization." He also called for speedy implementation of the education agreement signed last year allowing Albanian students back to the schools. The Yugoslav news agency, Tanjug, quoted Gelbard as agreeing with the view that ethnic Albanian political parties must clearly condemn terrorism in Kosovo. After meeting with Gelbard, ethnic Albanian leader



Ibrahim Rugova condemned terrorism in his first public statement directed against the Kosovo Liberation Army. The group has claimed responsibility for killing more than 20 people in the last 18 months, 11 of whom since 1 January. During February, the Assembly of the Democratic League of Kosovo (LDK) confirmed the mandate of Rugova. After meeting in Moscow on 25 February, the Contact Group (Britain, France, Germany, Italy, the Russian Federation and the USA) overseeing implementation of the Dayton Agreement urged Serbia to grant the province "meaningful self-administration", as well as an immediate dialogue with Kosovo's ethnic Albanian majority. The statement also said that the Contact Group supports neither independence nor maintenance of the status quo.

In a move interpreted as an effort to elicit closer cooperation on implementation of the Dayton Peace Agreement, US Envoy Gelbard announced four measures on 23 February to improve ties with the Federal Republic of Yugoslavia. Following a meeting with President Milosevic in Belgrade on the same day, Gelbard announced that Yugoslavia will be invited to join the South-east European Cooperative Initiative (SECI), a US backed effort to promote economic development in the region. Yugoslavia will also be allowed to open a consulate in the United States and expand its diplomatic representation at its UN observer mission in New York. Finally, the Yugoslav air carrier, JAT, will also be allowed to apply for landing rights in the US for charter flights. The measures reward President Milosevic's cooperation in supporting the election of RS Prime Minister Dodik, but fall far short of the removal of the outer wall of sanctions desired by Yugoslavia.

Concerns amongst refugees in Kosovo for their safety is rising, particularly after a rifle grenade and automatic weapons were used in an assault on a collective centre in the village of Babolac near Decani (some 100 km south-west of Pristina) on the night of 26 February. No one was injured in the attack. The month of February ended with a massive security sweep by Serbian security forces against Albanian militants in Kosovo. Twenty people were killed (including four policemen) in violence on 28 February.

Formation of a New Government

After five months of negotiations, as well as rumours and speculation, Serbian President Milutinovic nominated acting Prime Minister Marjanovic of the Socialist Party as Prime Minister designate, with the mandate to form a new government on the basis of the election results of the parliamentary elections last September. Marjanovic will initially try to form a government consisting of left-wing parties and the Serbian Renewal Movement (SPO).

Republic Of Montenegro

Mr. Milo Djukanovic was inaugurated as President of Montenegro on 15 January. The ceremony was preceded by disturbances in Podgorica between Djukanovic supporters and those of outgoing President Bulatovic, an ally of Yugoslav President Milosevic.

March 1998

Background The Federal Republic of Yugoslavia (FRY) hosts the largest number of refugees in the region: some 550,000. Approximately 300,000 originate from Croatia, while the remaining 250,000 are from Bosnia and Herzegovina. Most refugees in FRY are of Serb ethnicity. The majority of those from Bosnia and Herzegovina arrived at the start of the war in 1992, while some 200,000 of the refugees from Croatia arrived in 1995, fleeing the military offensive against the Krajina Serb Republic in Croatia. A new flow of ethnic Serb asylum-seekers from the Danube region of Croatia is being witnessed.

Difficult Humanitarian Situation The majority of refugees in FRY live in very precarious conditions, in an environment of economic decline which affects the entire population. Some 70 per cent are unemployed, while only five per cent have permanent employment.

Forty-three thousand refugees live in collective accommodation (school buildings, sports centres, former workers' barracks and other public buildings). Conditions in collective centres are crowded, with very little living space per refugee family. In some centres the hygienic facilities are sub-standard. The situation for elderly people is especially difficult, as many have lost contact with their friends and relatives. Many suffer mental stress caused by living together with strangers, the lack of privacy and feeling abandoned and helpless, with little prospect of resolving their situation in the near future. Refugees in collective centres are totally dependent on humanitarian assistance. In addition, over 4,000 refugees are accommodated in specialised institutions such as homes for the elderly, schools for the blind and deaf, and in psychiatric institutions. Close to 3,000 refugee students live in student hostels.

UNHCR provides funds to the national commissioners for refugees for the daily running costs of collective accommodation and for refugees in specialised institutions. With donations from the German and Japanese Governments, UNHCR provides a fresh food programme for the collective centres, as well as heating fuel. CARE International effects

the delivery of the fresh food and heating fuel, while essential structural repairs to collective centres are carried out by the Swiss Disaster Relief, a UNHCR implementing partner.

The majority of refugees in FRY stay in private accommodation -- with relatives or friends, with other host families or as tenants (and very occasionally as owners) of apartments or houses. Conditions in private accommodation vary. Vulnerable, destitute refugees live in outhouses, cellars and garages. They may be dependent on neighbours or friends for firewood or coal for heating and cooking. Local authorities sometimes exempt them from paying electricity bills. More than 200,000 refugees in private accommodation are dependent on humanitarian assistance to survive; the most desperate receive one meal a day at the Red Cross soup kitchens.

The perceived reluctance of international donors to continue food assistance to vulnerable refugees in FRY through WFP, ECHO and IFRC is a cause of concern. The need for further food assistance will be evaluated by a joint UNHCR-WFP-ECHO-IFRC assessment mission to FRY in March 1998.

New Asylum-Seekers Even before the transfer of authority on 15 January 1998 in the Croatian Danube Region from UNTAES to the Croatian government, international monitors registered the movement of Croatian Serbs from the region to FRY. This movement has continued and intensified since 15 January. Together with those who beginning in November 1996 left Eastern Slavonia during the UNTAES mandate, the number of new arrivals in FRY is estimated by the authorities at some 50,000, the majority of whom have applied for asylum. The government of FRY wishes to undertake the registration of the new arrivals and is accepting applications for refugee status. UNHCR is in consultation with the Serbian Commissioner for Refugees concerning the application of the 1951 Convention on Refugees. A translation of the UNHCR Handbook on Procedures and Criteria for the Determination of Refugee Status has been provided. This new influx clearly aggravates the already difficult humanitarian situation in the country.

Repatriation Prospects Repatriation has been relatively limited. While repatriation to Bosnia and Herzegovina from Western European host countries has been taking place on a relatively large scale since 1996, there has been little movement from FRY back to Bosnia and Herzegovina or to Croatia. A total of 2,118 refugees repatriated (1,125 to Croatia, 997 to Bosnia and Herzegovina) in organised movements, while some 25,000 are thought to have returned spontaneously (15,000 to Bosnia and Herzegovina and 10,000 to Croatia) without UNHCR assistance, from 1 January 1996 to end February 1998. UNHCR will continue efforts to accelerate repatriation to Bosnia and Herzegovina. At the same time, bilateral discussions between Croatia and FRY on the text of a protocol on repatriation, which is expected to be adopted in March, are progressing in the framework of Article 7 of the Normalisation Agreement between both countries. These discussions manifest a willingness to speed up the repatriation process.

Against this backdrop, UNHCR, in consultation with the Serbian and Montenegrin Commissioners, has initiated a repatriation registration exercise. The intention is to inform refugees about their fundamental right to repatriate, and to encourage those seriously considering return to register for voluntary repatriation. The number of people who wish to repatriate has always been higher than the number of those who have actually registered. An initial analysis of the ongoing exercise revealed that refugee interest in repatriation is growing. It is essential that their right to repatriate be respected and mechanisms for repatriation be implemented.

Local Integration The over half a million refugees make up an important proportion of FRY's total population of 10 million. Indications are that many refugees will opt to integrate locally, despite the dismal economic prospects. UNHCR has initiated local integration projects providing small business loans for refugees, to help them shake off their dependence on humanitarian assistance. Through six implementing partners, UNHCR is now supporting more than 2,000 income-generating projects, benefiting a total of 14,000 refugees. Examples of projects are: pizza parlours, barber

shops, roof construction, goat farming, car maintenance and flute making. The rate of repayment of loans has been very good: it now remains to assess whether refugee self-reliance is in fact being achieved.

One of the problems facing refugees wishing to stay in FRY is access to adequate accommodation and to jobs. Already in 1994, UNHCR funded the construction of a refugee settlement in Podgorica in Montenegro and another in Jagodina in Serbia. Since then the concept has been developed to ensure that building projects provide not only permanent accommodation, but also farmland and employment for refugees. In a newly devised model, the local municipality will provide the land and infrastructure, while UNHCR funds the construction. The first settlement of this type was completed at Zitiste in the Vojvodina in October 1997. Twenty-six modest houses attached to plots of agricultural land and employment for one member of each of eight families now provide a long-term solution for 149 refugees. Where agricultural land is not available (as in Montenegro) or where families do not have a farming background, another type of employment is guaranteed. Eight further settlement projects are nearing completion, three in Montenegro, four in the Vojvodina and one in Southern Serbia. The need for such integration projects far exceeds UNHCR's capacity and it is hoped that additional donors will come forward to facilitate the integration of refugees wishing to remain in the FRY.

Resettlement to third countries Some 7,000 refugees per year in need of this solution are accepted for resettlement by Australia, Canada and the USA, with occasional opportunities offered by other countries, especially when it is a question of family reunion.

The UNHCR Mission in FRY is divided into five "areas of responsibility", each managed by a Field Office: Vojvodina (FO Novi Sad), Belgrade area (FO Belgrade), Central Serbia (FO Kraljevo), Southern Serbia (FO Pristina) and Montenegro (SO Podgorica). The Office of the Chief of Mission in Belgrade takes overall responsibility for policy and coordination.

Republic of Serbia

Vojvodina Vojvodina in the North of Serbia hosts roughly half of the refugee population in FRY. This is in part explained by its proximity to Croatia, and partly because the population in many areas of the region is descended from settlers from Croatia who arrived during earlier population movements. Since family ties in former Yugoslavia are very strong, many refugees who fled Croatia in 1991 and 1995 chose to go to towns and villages in Vojvodina where they could secure accommodation with relatives.

The refugees in Vojvodina make up just over 12 per cent of the inhabitants of the area and represent an enormous burden on the region, whose economy was greatly damaged by the war in neighbouring Croatia and continuing economic sanctions. Refugees have survived to some degree thanks to international humanitarian support, but also with the help of the local community and through their own efforts, whenever they could find casual work. Vojvodina is predominantly an agricultural region, with some under-populated areas in the east where there are prospects for refugees to integrate locally and where communities have offered integration possibility by sharing available agricultural land. In five municipalities in Vojvodina, UNHCR is supporting projects for refugee settlement. However, the situation for the majority of the refugee population in the region remains bleak, with 163,000 directly dependent on humanitarian assistance. An additional complication is a new movement of Serbs from the Danube region of Croatia. Most of the newcomers are stopping in Vojvodina, their point of entry, and many have applied for refugee status to the Serbian refugee authorities, adding to the humanitarian caseload of the region.

Greater Belgrade Region More than a quarter of the refugees in FRY live in the larger Belgrade area, comprising a swath of north-central Serbia from the Bosnian (RS) border in the west to the Romanian border in the east. Refugees are spread throughout this area, with a majority of them living in the city of Belgrade or its suburbs. Most refugees in this region live in private accommodation, since the refugees were allowed to settle in the capital pro-

vided a host family would guarantee their accommodation. There are also some collective accommodation centres, catering mainly to refugees in need of continuing medical care available only in the capital. Refugees are drawn to the Belgrade area believing that there may be better employment opportunities in the capital and its surroundings. UNHCR's activities in the area are mainly focused on income-generating projects and the care and maintenance of collective centres. The UNHCR office in Belgrade receives hundreds of refugee visitors from all over FRY every week who wish to register for voluntary repatriation or resettlement, or seek other assistance. The office is responsible for receiving and considering the claims of asylum-seekers from countries outside the region of the former Yugoslavia and, if recognised as refugees of concern to the High Commissioner, seeking a solution through resettlement (or repatriation if feasible).

Central Serbia The area of responsibility of the UNHCR Kraljevo office is geographically the largest of all five areas. Most of the 60,000 refugees in this area are living in the larger towns of Nis, Kragujevac, Kraljevo and Uzice. This area has 189 (of the total 625) collective centres in the country, housing almost 12,500 refugees. Central Serbia was the industrial heartland of the country. In the past, industry and trade provided significant sources of income. But as a result of the economic crisis in FRY, many companies are idle or working at low capacity, resulting in a high unemployment rate with little or no employment opportunity for the refugee population.

Agricultural land in this region is in private ownership, so municipalities are not easily in a position to offer the possibility for self-reliance through agricultural settlements. UNHCR with its implementing partners is encouraging refugees to come forward with good proposals for micro-credit financing, and urging those housed in collective centres to undertake activities to produce some of their own food and engage in other activities to render them at least partly self-reliant. One prospect for improved living conditions is to upgrade the accommodation in publicly owned centres, so that each family or small group could have a partially

self-contained room or apartment, where they could live in some privacy and dignity. However, this is a longer-term project, and will be dependent on at least a portion of the refugees finding solutions outside the collective centre, through repatriation, resettlement abroad or successful local integration. For now, refugees live in difficult conditions.

Southern Serbia This UNHCR area of responsibility comprises Kosovo, Sandzak and South-East Serbia. The number of refugees in Southern Serbia totals some 23,000. Of these, 80 per cent are Serb refugees from the Croatian Krajina, while some 20 per cent are Muslims who fled Bosnia and Herzegovina in 1992-93.

The situation of the refugees in Kosovo, where they represent less than one per cent of the total population, is particularly worrying. Some 9,000 or two-thirds of the refugees in Kosovo are accommodated in collective accommodations, many of which are in poor condition. Nineteen are school buildings. The recent rise in tension and worsening security situation has raised anxiety among the refugees, some of whom have requested to be transferred from collective centres situated in areas where violence exists or incidents between police and terrorists have occurred. The same conditions have made programme implementation particularly difficult, and there has been some disruption to the delivery of material assistance to refugees in remote accommodation.

General living conditions in Kosovo and Sandzak are very poor with the lowest living standards in FRY, with high unemployment and inadequate infrastructure and health facilities. Durable solutions for the refugees in Southern Serbia will be particularly hard to find. In Sandzak, there are also some internally displaced persons, in addition to the refugees. During the Bosnian war, some Muslims living in the border areas fled their homes to urban centres in Sandzak. Most have found their solution, while the remaining some 300 are being assisted by UNHCR to return to their homes.

Republic of Montenegro

Montenegro The Republic of Montenegro hosts some 27,000 refugees. With just over 600,000 inhabitants, this small republic is carrying the same refugee burden per capita as Serbia. Most of the refugees here are originally from Bosnia and Herzegovina, many with family ties to Montenegro. The republic authorities have a generous policy towards the refugees, which, while favouring voluntary repatriation, offers the option of integrating locally if important international support is provided. The economic situation, characterised by large-scale unemployment, is an obstacle, however, for many who would like to stay in Montenegro.

UNHCR's programmes and policies in Montenegro are the same as in the four areas of responsibility in Serbia: humanitarian assistance is provided to collective accommodation centres and to the most needy refugees living in private accommodation. It was in Montenegro that the first income-generation projects for refugees were undertaken in 1996, initially with funding from ECHO through the Danish Refugee Council, as well as where the first housing schemes for refugees were built, both by UNHCR and by the Swiss Disaster Relief. Five UNHCR-funded refugee settlements have been completed in Montenegro, providing durable accommodation for 1,600 refugees. Three more settlements are under construction, with a total of 86 housing units for as many refugee families. This construction differs from that in Serbia in that there is no agricultural land attached, due to its scarcity in Montenegro, and no guaranteed employment. However, many refugees are able to find irregular, seasonal work.

Protection Activities The effort to facilitate the establishment of principles, procedures and mechanisms to achieve voluntary repatriation is central to UNHCR's protection work in FRY.

Local integration requires not only economic self-reliance and adequate accommodation for refugees, but also the acquisition of a long-term resident status, preferably through naturalization. FRY adopted a new citizenship law in 1996, which came into force in January 1997.



Under this law, refugees can apply for citizenship. To date many refugees, even those planning to stay in the country, have hesitated to apply for citizenship, owing to concerns that this would impair their claims to property or pensions at home. Several humanitarian and civil rights organisations are working in consultation with UNHCR, advising refugees on how to secure solutions. A number of

legal counselling offices are already well established and efforts are being made to create a country-wide network of such offices, to help refugees secure necessary documentation and provide information and practical assistance on such issues as claims for property, pensions and securing necessary documentation from the country of origin.

REGIONAL PERSPECTIVES - CROATIA

Interview with Ambassador Tim Guldemann

Head of the OSCE Mission to Croatia

by Andrej Mahecic, UNHCR Public Information Officer, OCM Zagreb

With the successful completion on 15 January 1998 of the mission of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), the Mission to Croatia of the Organization on Security and Cooperation in Europe (OSCE) became the key international player in the country. The mission was established on 18 April 1996, by a decision (No. 112) of the OSCE Permanent Council in Vienna, following a fact-finding mission carried out in October 1995 and an invitation to the OSCE by the Croatian Government. A year later, on 26 June 1997, the Permanent Council expanded the existing mission and authorised it to "assist with and to monitor implementation of Croatian legislation and agreements and commitments entered into by the Croatian Government on: a) two-way return of all refugees and displaced persons and on protection of their rights, and b) the protection of persons belonging to national minorities." The mission is also authorised to make specific recommendations to the Croatian authorities and refer, as appropriate, urgent issues to the OSCE Permanent Council. Prior to his arrival in Croatia, the Head of the OSCE Mission, career diplomat, Ambassador Tim Guldemann, was the Head of the OSCE-Assistance Group in Chechnya and held various posts in the Swiss Ministry of Foreign Affairs. In the following interview for UNHCR's Information Notes, Ambassador Guldemann describes the OSCE Mission to Croatia.

What can you tell us about the OSCE Mission in Croatia?

Ambassador Guldemann:

Apart from the mission in Bosnia and Herzegovina, this is the second big OSCE mission in the region. But this is a new task for the OSCE. Unlike its immediate mediation in war-torn Chechnya or its election-related work in Bosnia, the OSCE mission in Croatia is supporting the normalisation process, stepping in after the departure of UNTAES in January 1998. When we look at the whole area of former Yugoslavia, the international community appears to be focusing most of its attention on Bosnia and Herzegovina, and less so on Croatia. We are addressing the consequences of the war, above all when it comes to return of refugees and displaced persons, but also when it comes to resolving the political situation in Bosnia and Herzegovina, for which developments in Croatia are decisive. The success or failure of the reintegration of the Danube Region will undoubtedly have an impact on Bosnia and Herzegovina. That's why the return process can be resolved only by adopting a regional approach. Here UNHCR is playing a key role and we are working very closely together. Finally, we and the international community support a normalisation process within Croatia, a process which is clearly linked to Croatia's key role in Bosnia.

After UNTAES left the scene, the OSCE became the key international player. What do you see as the mission's most significant accomplishments since 15 January?

Ambassador Guldemann:

One very positive development is the actual completion of the UNTAES mission and the subsequent maintenance of absolutely acceptable conditions in the area. This could not have been predicted one year ago, especially since it was not certain whether UNTAES' mandate would be extended.



Yet satisfactory conditions prevailed, enabling the hand-over of administrative authority from UNTAES to the Croatian Government on January 15 and reintegration of the Danube Region into Croatia. There was also a seamless hand-over from UNTAES to the Croatian Government when it came to reintegration of institutions. All that happened peacefully. That is a great achievement. On the other hand, however, we see that all this has failed, so far, to build confidence in the future within the Serb community. They are increasingly insecure and really do not have trust in their future in the region as Croatian citizens. There are indications that the number of departures has increased, leading to the new phenomenon of Croatian asylum-seekers in Western Europe.

This is the present situation. What kind of steps would the OSCE mission like to see in the foreseeable future to improve the situation?

Ambassador Guldemann:

First, we hope that administrative measures can be introduced immediately which adopt a non-discriminatory approach, bringing forward the two-way return process by resolving the housing problem of Serbs presently occupying Croat houses, so that Serbs can return to their places of origin, thereby enabling Croats to return to their houses. Of course, it will be impossible to satisfy each and every wish of all Serb people or all Croat people. But Government efforts to address legitimate concerns must find expression in legally acceptable measures. Secondly, there are indications from the Government that a comprehensive legal approach could be pursued to create a new legal regime concerning property and tenancy rights; returns; as well as the status of returnees, refugees and displaced persons. We hope that such a comprehensive, nation-wide, non-discriminatory approach will be devised in consultation with the international community prior to being introduced, and will be implemented, in the near future. Above all, this would calm the situation considerably and allay the feelings of insecurity of the Serb community. This would also hopefully limit the number of departures. Finally, it is important to take measures to facilitate the return of people who are from Croatia (Croatian Serb refugees). These persons have lived here and are entitled to repatriate to their own country. Many of them are refugees in Bosnia and Herzegovina and in the Federal Republic of Yugoslavia.

How do you see co-operation between UNHCR and the OSCE Mission to Croatia?

Ambassador Guldemann:

We are working together very well. We do this in the Joint Working Group on Returns where UNHCR covers the operational aspects and we cover the more political ones. Together, we are defending the principles which the Government has undertaken to respect in this process. We have very close co-operation at Headquarters level, but also in the field, and that is very good.

In terms of staff, is the OSCE mission fully operational?

Ambassador Guldemann:

It is operational but is not yet up to full capacity. We shall have 200 international staff very soon, and

250 towards the end of the year. We shall then be taking over some tasks in police monitoring in the Danube Region from the United Nations, which is doing this now with something over 180 staff.

What can you say about present monitoring activities?

Ambassador Guldemann:

At the beginning we emphasised reporting but now we realize that we have to go more and more into political action. We could not do that at the beginning because we had to learn. We are now actively monitoring, noting the problems, immediately intervening and assisting individuals. We also contact authorities, suggesting solutions for problems at different levels. We are closely co-ordinating our activities with the Council of Europe and European Commission. ECMM (European Community Monitoring Mission) has the monitoring-related task of observing and reporting. Our task is more political, undertaking political interventions. UNHCR is monitoring and being operational when it comes to returns. So there are three different tasks and there is complementary co-operation which is working well.

On the basis of Article 11 of the Erdut Agreement, a special commission was set up and tasked with supervision of implementation of the agreement. What are your thoughts on the Article 11 Commission, its activities and format?

Ambassador Guldemann:

The Article 11 Commission is the main instrument to achieve international coherence here in Zagreb. The new US Ambassador to Croatia, William Montgomery, is very active and is willing to use and to mobilise this Article 11 Commission, together with the European Union, as an active instrument of the international community in Croatia. When I came to Croatia, I feared that this strong coherence of the international community in its approach to Croatia might evaporate after 15 January. I do not see any indications of that.

The first two months of 1998 saw a marked interest in the Open Cities Initiative on the part of municipal authorities throughout Bosnia and Herzegovina. This was demonstrated by several municipalities declaring themselves "open", with others approaching UNHCR to gain more information about what must be done in order to achieve recognition. Although most of the interest is coming from the Federation, with recent political changes more and more municipal authorities in Republika Srpska are willing to discuss the possibilities for minorities to return. Amongst municipalities in the Federation either declaring themselves "open" or requesting to be recognized as Open Cities were: Bugojno and Travnik in Central Bosnia Canton; Mostar in Herzegovina-Neretva Canton; Celic, Doboj East and Doboj South in Tuzla-Podrinje Canton; as well as Breza and Zadovici in Zenica-Doboj Canton.

It cannot be denied that some of the recent interest is motivated more by a desire to attract international assistance than the return of former neighbours. However, this was to be expected. Indeed, the thrust of the initiative is based on positive conditionality. For this reason, UNHCR takes great pains to work closely with the municipal authorities to explain that recognition can only be achieved when there is genuine commitment to support and promote the minority return process and that assistance will depend both on this commitment being sustained and returns taking place. As part of this process, UNHCR discusses with the authorities, concrete steps that should be taken in order to demonstrate the necessary commitment.

On 12 January Sipovo (RS) became the eighth city to be recognized as an Open City by UNHCR, and the second in the Republika Srpska after Mrkonj Grad (recognized on 17 December 1997). The other six Open Cities are in the Federation: Bihac, Busovaca, Gorazde, Kakanj, Konjic and Vogosca. At the time of going to press, Laktasi and Srbac in the Republika Srpska were also declared Open Cities.

For many municipalities, the decision to become open can be a politically risky one to take. While individual authorities may see the return of former residents as imperative for the viable future of the municipality, their views are not necessarily shared by the governing political parties which still pursue nationalist aims. In this environment, it is important for the international community to respond rapidly with assistance, so that high-level politicians, other municipal leaders and displaced persons alike can witness the benefits of "openness".

This need for speedy and flexible assistance is even greater in these early stages of the Initiative. Minority return is still a fledgling process and many potential returnees, despite frustration with years of waiting, still prefer to see how the braver of their numbers fare when taking the first steps towards home. This means that, even where the authorities are welcoming, return is not necessarily immediate or on a large scale. Furthermore, for a variety of reasons, minorities do not always register the fact of their return and reliable statistics are difficult to obtain. It is important that, in this interim period, the international community continue to maintain its support for the efforts of the municipal authorities to encourage returns and ensure that the necessary conditions exist.

Judging whether or not a municipality's intentions are genuine and to what extent their hands will be tied by political influences beyond their control is not always an easy task. However, through careful assessment, regular monitoring and most importantly, constant contact with the authorities, minority representatives and other national and international organisations working in the relevant municipality, UNHCR is able to determine where true minority return possibilities exist and to guide the authorities towards making them a reality.

RECOGNISED AND POTENTIAL OPEN CITIES



2 March 1998



UNHCR

Repatriation and Return in 1997

UNHCR estimates that some 120,000 refugees repatriated to Bosnia and Herzegovina from countries of asylum in 1997, bringing total repatriation since the signature of the Dayton Peace Agreement to close to 210,000. The upward adjustment in repatriation figures for 1997 is based on year-end revisions of figures reported by some municipalities.

It is estimated that the number of returnees from abroad who "relocated" upon return to areas other than their pre-war home areas increased considerably during the year, accounting for some 40 to 50 per cent of all repatriation occurring during the second half of 1997.

During the same period, some 58,000 displaced persons are thought to have returned; far below the 1996 total of 164,000. This decrease appears to confirm UNHCR's assumption that the so-called "easy returns" are over.

Statistics furnished by municipal authorities throughout the country indicated that as many as 34,000 "minority" returns occurred (both of returnees and displaced persons), accounting for some 19 per cent of all movements during the year. Most minority returns took place to or within the Federation of Bosnia and Herzegovina. Only 1,123 minority returns were registered in the Republika Srpska. Comparatively large minority return movements were reported by the authorities in Odzak (5,992), Brcko (2,281), Jajce (1,768), Prozor (539) and Kalesija (489). Up to 700 Serbs returned to Drvar from areas in the Republika Srpska, but do not figure on official return statistics since they were not yet registered by the authorities. Registered minority return to Sarajevo Canton amounted to 2,422 (1,499 Croats and 923 Serbs). Official sources report a substantially higher number of minority returns to the Canton (18,900), but these figures are disputed by the Croat and Serb communities.

The pace of repatriation from abroad fluctuated in the period between March and September 1997 from a low of 10,800 to a high of 17,200 per month. Repatriation movements peaked in July and August 1997, and then tapered off in late 1997 to approximately 4,000 per month.

Repatriation and Return in 1998

The downward trend in repatriation continued into January and February of 1998, despite the mild winter and the impending expiry of tolerance permits in some of the European host countries in March/April 1998. During the first two months of the year, some 6,700 refugees repatriated from abroad, mostly from Germany (4,619). A total of 369 refugees repatriated from Croatia during the same period.

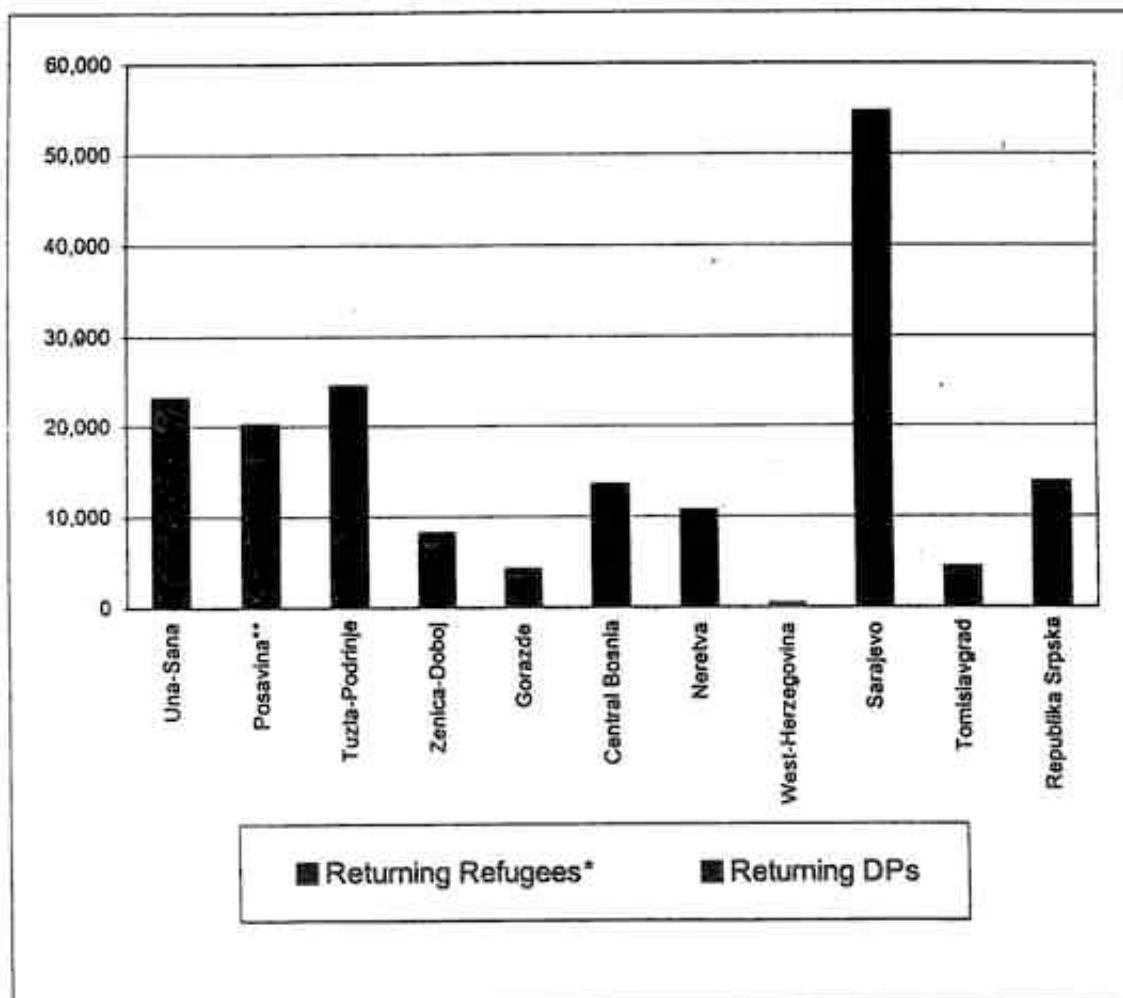
A total of 409 minority returns were recorded in January 1998, 60 per cent involving Serbs returns to areas within the Federation.

Tuzla -Podrinje, Zenica-Doboj, Central Bosnia and, above all, Sarajevo Cantons accounted for the largest number of reported returns (both refugees and displaced persons) confirming the trend witnessed in 1997.

Improved freedom of movement, thanks to recent political changes in the Republika Srpska combined with the introduction of uniform license plates, led to an increase in informal "go and see" visits and will most probably contribute to an increase in spontaneous, unassisted minority returns, particularly to urban areas in both Entities.

REPATRIATION AND RETURN TRENDS: 1997

Federation	Returning Refugees*	Returning DPs	Total
Una-Sana	22,900	350	23,250
Posavina**	16,900	3,500	20,400
Tuzla-Podrinje	11,000	13,600	24,600
Zenica-Doboj	7,300	1,000	8,300
Gorazde	3,700	500	4,200
Central Bosnia	7,600	6,000	13,600
Neretva	7,800	3,000	10,800
West-Herzegovina	400	10	410
Sarajevo	30,500	24,200	54,700
Tomislavgrad	3,550	1,000	4,550
Sub Total	111,650	53,160	164,810
Republika Srpska	8,700	5,200	13,900
Grand Total	120,350	58,360	178,710



* Of whom 68,848 in organized repatriation movements under IOM/UNHCR programmes

** Figures are increased by 10,750 refugees and 2,800 DPs because of a retroactive adjustment by the authorities

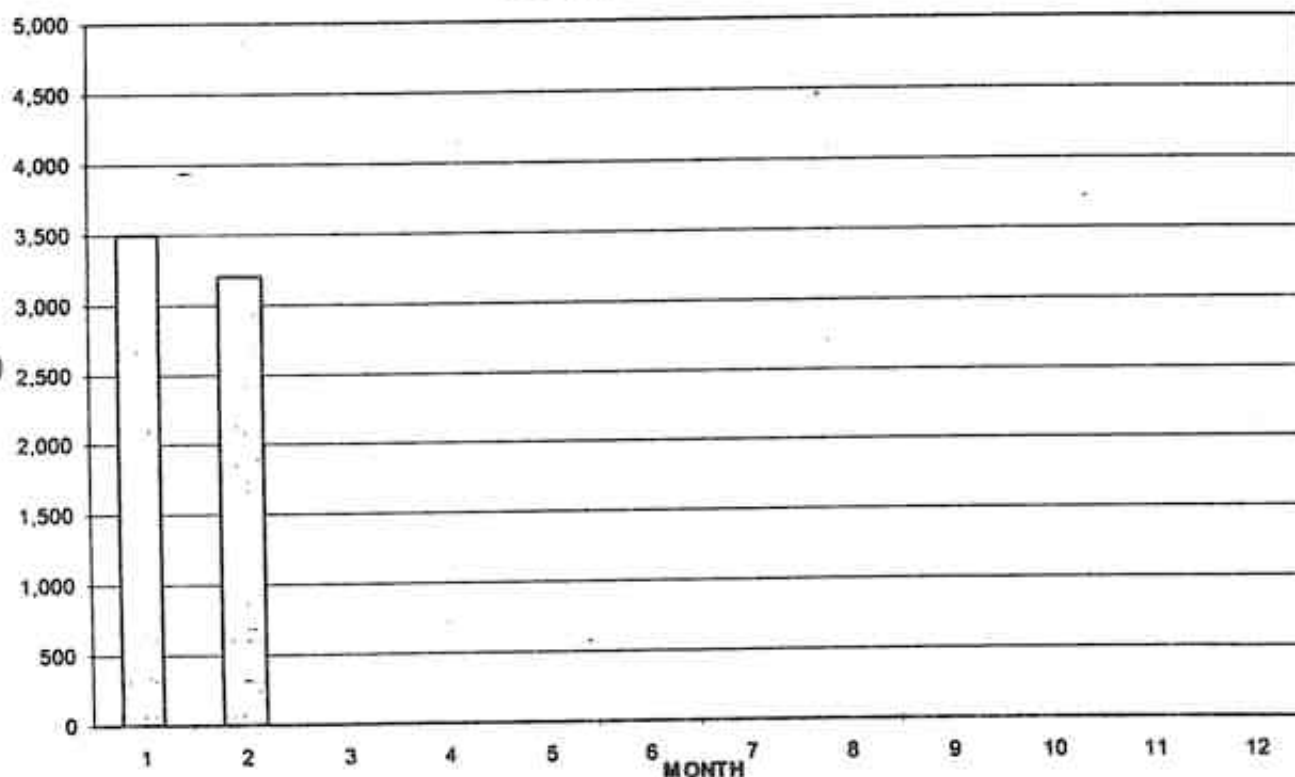
UNHCR
Sarajevo
31/12/1997



REPATRIATION AND RETURN TRENDS: 1998

MONTH	1998				
	Organized/Assisted			Estimated	
	UNHCR/ GARP ¹	Other	Total	Expected	Actual ²⁾
January	2,458	203	2,661	7,500	3,500
February	2,248	157	2,405	15,000	3,200
March				20,000	
April				23,000	
May				25,000	
June				17,000	
July				35,000	
August				25,000	
September				20,000	
October				15,000	
November				10,000	
December				7,500	
TOTAL	4,706	360	5,066	220,000	6,700

REPATRIATION IN 1998



¹ GARP - German Government Assisted Repatriation Programme

²⁾ Including estimates of spontaneous returns

Source: UNHCR; IOM; Ministries for Refugees; Deportation movements; Transit through Slovenia; and NGOs



THE WORK OF THE RRTF

Interview with Mr. Andrew Bearpark newly appointed Deputy High Representative for RRTF matters

by Ariane Quentier, Public Information Officer, UNHCR Sarajevo

In focusing on the work of the Reconstruction and Return Task Force (RRTF) in Bosnia and Herzegovina, the December 1997 Bonn meeting of the Peace Implementation Council acknowledged the "solid achievements of the RRTF in 1997," but recognized that "further measures are urgently required if the RRTF is to fulfil its mandate in 1998." It resolved to provide the RRTF with a secretariat "whose expertise reflects the multi-sector task of return and reconstruction" and encouraged RRTF members and donors to provide reserves for the RRTF in their 1998 programmes "to support brokered breakthroughs in minority return movements at local level." The Council also supported RRTF proposals and recommendations on resource allocation and management, including those concerned with the allocation of donor-financed housing, implementation of the principle of conditionality and the proposal for a return-related donors meeting in early 1998, chaired by the European Commission and the World Bank. (Bonn Peace Implementation Conference 1997, "Bosnia and Herzegovina 1998: Self-Sustaining Structures", Chapter III, section 2)

Mr. Andy Bearpark, formerly head of the department responsible for emergency relief for the former Yugoslavia at the British Government's Department for International Development, is the newly appointed Deputy High Representative for RRTF matters. Mr. Bearpark has kindly agreed to provide the following interview for Information Notes.

The RRTF's crucial role in the implementation of the Dayton Peace Agreement was stressed in the conclusions of the Bonn Peace Implementation Conference. You, have recently been appointed as Deputy High Representative within the Office of the High Representative (OHR) to head the RRTF. How would you describe the role of the RRTF?

Mr. Bearpark:

As you know, although UNHCR is crucial as the lead agency for the return of refugees, returns to Bosnia also have to do with economic development. Some people left over 4 years ago, if not more. For them to return, there should be some prospects, at least for their children.

In addition, for minority returns to take place, there is also a political side, which is the security environment; the need for the minority returnees not to be persecuted. So, in general, for refugee returns to take place there should be a combination of economic development, which implies a prospect for the future, and the right political circumstances, which means security.

UNHCR is of course crucial in the return process. However, promoting economic development or security goes beyond UNHCR's primary role. The purpose of the RRTF is to pull together different partners to have an integrated approach and enable returns to take place. In this respect, RRTF is not itself operational, but brings together SFOR, IPTF, OHR, UNHCR and all others working for returns to promote and facilitate them.



What about Sarajevo?

Mr. Bearpark:

As you know, the Sarajevo Return Conference of 3 February was a stunning success. Substantial progress was made. However, the proof will be to see how many people will in fact return to Sarajevo Canton.

We have now made progress on property issues as well, with the signature of the Memorandum of Understanding for the establishment of the Sarajevo Housing Committee. These are preparatory steps, but success will depend on how quickly returns take place.

What is UNHCR's role in the RTTF framework?

Mr. Bearpark:

UNHCR is the key agent for returns and, as such, is the most important partner. But so far, we have not seen much results, so we have to change the whole system. By mid-March, there will be a high level meeting where a strategy will be produced. But the strategy is not the hardest thing to come up with, it is its implementation. And once again, all actors should work closely together.

DEALING DIRECTLY WITH COOPERATIVE LOCAL AUTHORITIES

by Mr. Herman de Lange, Principal Advisor, European Commission, DG1A

New regulations will speed up the European Commission's (EC) decision-making on aid projects and allow direct negotiations with regional and local authorities in Bosnia and Herzegovina. The EC presence in Sarajevo is to be strengthened to improve oversight and speed implementation. The EC expects that the combination of revised regulations and decentralisation will bolster the reconstruction effort and, in turn, boost refugee returns in 1998.

The pace of the EC assistance effort in Bosnia and Herzegovina has come under fire from various quarters. The reasons for these delays, some of which are entirely beyond the control of the Commission, are manifold. Differences at the level of the central institutions of Bosnia and Herzegovina have often led to long delays in decisions on priority projects. Political conditionality, which is being applied to encourage full implementation of the Dayton Agreement, has rightfully led to the suspension of reconstruction projects in certain cases. In the interest of maximising controls on project expenditure and maintaining transparency, the EC had adopted a centralised approach to project planning and implementation. Finally, the prevailing regulatory framework entailed long lead times for the preparation, publication and evaluation of tenders.

Streamlining the Procedures

To accelerate the EC's assistance effort and to increase its overall flexibility and efficiency, the Commission has proposed modifications which will greatly simplify the decision-making process. New regulations will allow the Commission to conclude contracts involving up to 3 million ECU directly with implementing organisations. Contracts between 3 and 10 million ECU will be awarded through restricted tenders instead of lengthy open tenders. To overcome some of the difficulties which have been slowing down the assistance effort, the Commission will deal directly with local and regional bodies, rather than solely with the central government. This will allow the EU to speed procedures by at least 4 months, and to reward those who comply with the refugee-return related provisions of the Dayton Peace Agreement. The final adoption of this new approach is foreseen for the end of March.

Beefing up the EC presence in Sarajevo

Experience has shown that, to be effective, most projects should be prepared, implemented and monitored through a Sarajevo-based presence. A new decentralised structure is therefore being set up. As from 15 March 1998, 10 additional staff will start moving to Sarajevo, bringing new technical, monitoring and auditing capacity aimed at reinforcing the EC's management capacity on the spot. This new staff will help to accelerate implementation of the remaining 1996/97 projects and the launch of the 1998 programme.

1998 : Giving top priority to refugee return

In line with the conclusions of the Peace Implementation Council in Bonn (December 1997), preparation for the return of refugees and displaced people to their homes is a top priority, in order to stabilise the situation



in Bosnia and Herzegovina. To boost returns, the European Commission will allocate 70 million ECU to NGOs and international organisations working on housing and improving the socio-economic environment. The EC convened a workshop on 23 January 1998 in Brussels to explain to potential implementing organisations how projects should be presented and financed. Over 500 representatives of governmental and non-governmental organisations attended. At the time of writing, projects submissions already exceed the available budget... The Commission is in the process of selecting the most promising projects aimed at successfully bringing refugees back to their homes, especially in regions where they would be in the minority. The objective is to start implementing selected projects by 1 April 1998, in order to be ready for the construction season. Special efforts will be made to orient a substantial number of these projects to Republika Srpska, given the recent positive developments there.

In parallel with the housing projects, 50 million ECU will be devoted to the "economic recovery" of Bosnia and Herzegovina. Creating jobs is even more crucial than rebuilding houses for returnees. Although macroeconomic recovery hinges on improvements in the political situation and the passage of crucial economic legislation, the Commission will continue to support projects designed to boost employment and economic recovery at local level. The Commission will also continue to support peace implementation and institution building projects. A budget of 35 million ECU has been earmarked for this purpose. Negotiations are under way with the Office of the High Representative and government authorities.

Funds for Republika Srpska

Given the new positive developments in the Republika Srpska, the European Union has agreed rapidly to expand its cooperation with the new government of Mr. Dodik, and to provide budgetary support help it start to function effectively. A total of 6 million ECU have been allocated through a quick, joint CFSP (Common Foreign and Security Policy) action, to support the salaries of health workers, teachers and the police.

Beyond the portion of 1998 projects which will go to Republika Srpska, programmes using 1996 and 1997 funds will be accelerated and implemented, mainly in the field of infrastructure.

CONCERT FOR FREEDOM OF MOVEMENT AND RECONCILIATION

For over twenty years, Djordje Balasevic's songs have touched millions of people across Yugoslavia. During the war, Bosniaks, Croats, Serbs, Jews and others wept when listening to the "Man With the Moon In His Eyes" - perhaps the most powerful of Balasevic's war-time songs. To those numbed by the brutality and senselessness of war, Balasevic offered a unique feeling of decency and compassion. His voice crossed front lines and cut through the barbed wire. It laid bare the entire absurdity of the bloodshed.

On 7 and 8 February, UNHCR hosted two concerts featuring Djordje Balasevic at Skenderja Stadium before more than 20,000 people. The aim was to inspire freedom of movement and a spirit of reconciliation among people of all political persuasions and ages. UNHCR sold tickets for the concerts from its offices throughout the country and 9 UNHCR buses brought people to the city from Banja Luka and other parts of the RS, returning them the same night. Positive press coverage of the event was enormous, with INTERNEWS filming the event for national broadcast. Forty journalists from Belgrade traveled to Sarajevo with UNHCR assistance to cover the concert and UNHCR used the occasion to arrange an informal dialogue with a number of Sarajevo writers, community figures and independent thinkers - a highly successful gathering. Balasevic's press conference, shared with UNHCR, was the best attended by local and international press in many months. UNHCR received tremendous cooperation from SFOR and IPTF in logistical and security arrangements for the concert. The equivalent of US\$ 78,000 raised from the two concerts will, by mutual agreement, contribute to the purchase of prostheses and rehabilitation for children who are mine victims throughout the country. The concerts were an extraordinary success.

By accepting UNHCR's invitation to perform in the "Freedom of Movement and Reconciliation Concert" Balasevic helped all people of Bosnia and Herzegovina begin to overcome the bitter heritage of war and to move from fragile peace toward reconciliation. UNHCR hopes that Balasevic's universal message of human decency and togetherness will help open the doors for the return of all those driven out of their homes.

Accords, financed the physical construction of infrastructure and provided loans to the manufacturing sector. An August donors conference garnered \$1.4 billion in pledges for Bosnian reconstruction.

The commitment to respect citizens' human rights and civil liberties remains tenuous in Bosnia and Herzegovina, and the degree of respect for these rights continues to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. In many areas the reduction in interethnic abuses and discrimination owed less to reconciliation than to the groups' continuing separation.

Human rights abuses by the police declined in 1997, but serious problems persist. Police continued to commit abuses throughout Bosnia-Herzegovina. Police and mobs that appeared organized by local authorities committed a few extrajudicial killings. For example, West Mostar police shot and killed a retreating Bosniak man; a Bosniak man was killed when mobs in Jajce, with police complicity, burned 4 houses and expelled more than 435 Bosniak returnees; and a group of displaced Bosniak women beat a returning Serb refugee to death in Visoko and held violent demonstrations protesting Serb returns. In two incidents in the Travnik area, ethnic Croat returnees were murdered by unknown assailants, and Croats in the area subsequently complained about insufficient police efforts to find the perpetrators and about the lack of security.

Members of the security forces abused and physically mistreated citizens. They also continued to use arbitrary arrest and detention, although to a lesser extent than during the previous year. Criminal procedure legislation held over since the Yugoslav period granted police wide latitude to detain suspects for long periods of time before filing formal charges. Police often exceeded even the broad powers granted them by law—those illegally detained included two Serb men released in August who had been registered by the Red Cross as missing since September 1995 and "war criminals" in Una-Sana Canton whose arrest was not authorized by the ICTY. Prison conditions continued to be poor.

IPTF and SFOR supervision of police produced a number of improvements, such as the dismantlement of virtually all fixed police checkpoints, which greatly enhanced freedom of movement. In August the SFOR announced that it would begin inspecting and monitoring special police units in both the Federation and the RS under military provisions of the Dayton Accords. These units are composed of former state security police officers that are outside the regular chain of command and have close ties to hard-line nationalist parties.

The judiciary in all entities remained subject to coercive influence by dominant political parties and by the executive. In many areas, close ties exist between courts of law and the ruling parties, and those judges who show independence are subject to intimidation by the authorities. For example, a judge on the RS Constitutional Court was severely beaten by thugs prior to a major politically related case. Even when independent decisions are rendered, local authorities often refuse to carry them out. Authorities in all areas infringed on citizens' right to privacy and home.

Although authorities imposed some limits on freedom of assembly and association, there was marked improvement compared with 1996, especially during the election campaigns. Authorities and dominant political parties in their respective areas of Bosnia-Herzegovina exerted influence over the media, and freedom of speech and the press was limited to varying degrees in the different entities. Political influence was particularly egregious in parts of the RS broadcast media, which strongly backed the Pale-based SDS party leaders at the expense of RS President Biljana Plavsic. The RS media also made inflammatory statements against the SFOR and the ICTY actions directed at persons indicted for war crimes. This led the SFOR in October to take control of a number of broadcasting facilities in the RS. In contrast, in the western RS, there was notable development of an independent media. International donors are attempting to expand the broadcasting range of the Open Broadcast Network (OBN) in an effort to promote more objective reporting in the RS. Academic freedom was constrained.

Severe ethnic discrimination continues, particularly in the treatment of refugees. Expulsions of minorities who had remained in place throughout the war generally have ended, with the significant exception of the harassed Bosniak community in the RS town of Teslic. More often, local authorities and organized mobs

bitterly denounced the arrest and death and endorsed violent action against representatives of the international community. Unknown assailants attacked the facilities of the SFOR troops and international organizations stationed in the RS in over a dozen incidents. By the end of 1997 only 19 of those accused by the ICTY were in custody, and 2 persons had been convicted.

b. *Disappearance*

There were no reports of politically-motivated disappearances in 1997, and investigations into some earlier disappearances make progress, despite delays.

Several sites have been excavated and hundreds of bodies found, but many persons from Srebrenica and Zepa are still missing.

In addition to those killed in Srebrenica and Zepa, the International Committee of the Red Cross (ICRC) reported in July that it received tracing requests from family members on 19,380 persons missing from the war years; 1,133 of these persons were accounted for. The ICRC noted that Serb, Croat, and Bosniak authorities should be able to provide more information in response to its inquiries, particularly those concerning 432 persons who are known to have been detained at one time in connection with the war and who are still missing. The ICRC also called for stepped-up exhumation efforts, although it acknowledged that in many cases this complex process would not lead to positive identification.

Former Senator Robert Dole took over the chairmanship of an international commission on missing persons established by the International Committee of the Red Cross.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment. No reliable reports emerged that any of those in authority in Bosnia and Herzegovina employed torture as an instrument of state. However, in all areas of the country, authorities, police, and prison officials were responsible for numerous instances of physical mistreatment at the time of arrest and during detention. In some areas, the growing number of complaints in part reflect citizens' increased access to international human rights groups and growing confidence that allegations of abuse would not trigger retribution against the complainants. However, frequent reports of excessive force used in some places suggests local authorities tolerate such abuses. According to a number of reports, police beat drivers dragged from their cars and beat detainees during questioning.

The International Police Task Force made significant progress in its efforts to restructure and professionalize the police. By the end of December the IPTF has certified police in eight of the ten Federation cantons, six of which had integrated their police forces to reflect the prewar ethnic composition of the area. Human Dignity and basic skills training was well underway in these cantons. In the RS, police restructuring had begun in Banja Luka, Trebinja, Doboj, Mrkonjic Grad, and Prijedor, and was scheduled to be completed throughout the entity by May 1998. Brcko deployed a certified and ethnically integrated police force in December 1997.

Serb police often employed excessive force to prevent Bosniak former residents from returning to, or staying in, territory designated as RS territory in the Dayton Accords. Local Serb police apparently took no action against the perpetrators of severe incidents involving harassment. Similar patterns of abuse occurred in Croat-majority areas.

As mentioned above, Bosnian Croat police used excessive force against a crowd of Bosniaks visiting a West Mostar graveyard on February 10, resulting in the death of one Bosniak man (see Section 1.a.). A June IPTF investigation of the Sarajevo canton police force looked into 29 allegations of police abuse and use of excessive force in 5 police stations in the period from January 1 to June 15. The investigation substantiated seven cases of abuse, and recommended disciplinary action against the officers involved. Of the cases in which excessive force was alleged, 3 were untrue, and the remaining 20 allegations were not confirmed due to lack of evidence or serious injury. The Sarajevo police force took disciplinary measures against several of the officers.

Human Rights Watch (HRW) has documented a pattern of severe police abuses by SDA-controlled local police in Velika Kladusa and Cazin, although the frequency of such acts has greatly diminished since 1996 as a result of intense monitoring and intervention by international human rights organizations. The HRW identified most of those abused as persons formerly associated with Fikret Abdic, who led a breakaway Bosniak region during the war. The IPTF investigated a number of reported cases of police abuse in Brcko and Banja Luka, in the RS, as well as in Drvar, in a Croat-majority region of the Federation. The officers found responsible for these abuses were either dismissed from the force or fined.

In 1997 police were provided with human dignity and basic skills training. Toward the end of the year, such training began in the RS as well. In addition, the IPTF is working with local police to develop their own internal controls and capacity to conduct their own investigations of police abuse. Until recently, RS police generally had failed to cooperate with international monitors, particularly on police restructuring. For example, they refused to give the IPTF the names of officers on police rolls. After the internal dispute between competing factions in the RS broke out in the summer, police in the western RS took a much more cooperative attitude and by year's end, both the Banja Luka and Pale leaderships formally had committed to begin the police restructuring process. This process began in the Banja Luka area. In Brcko RS police initially refused to issue identification cards to returning Bosniaks and improperly issued cards to nonresident Serbs in an effort to distort electoral results. However, in October the Brcko police began to restructure their organization in cooperation with the IPTF.

Conditions in Federation and RS prisons are poor and well below minimum international standards.

d.

Arbitrary Arrest, Detention, or Exile

There were fewer cases of arbitrary arrest and detention in both the Federation and the RS compared with 1996. In both entities, police enjoy great latitude based on Communist-era criminal procedure laws that permit the police to detain persons up to 6 months without bringing formal charges against them. In the Federation, these laws are currently being revised, with the aim of eliminating this practice.

Of major concern were reports of prisoners held before the Dayton Accords came into effect who have not been registered and whose locations are unknown to monitors. In several other instances, authorities have detained members of ethnic minorities in the hope of exchanging these prisoners for members of their own ethnic group who are detained elsewhere in Bosnia. The Bosnia-Herzegovina Human Rights Chamber reported that in a particularly egregious and well-known case, Tomislav Matanovic, a Croat priest from Prijeedor, and his parents disappeared after they were arrested in the RS in September 1995. Their whereabouts remain unknown, although in 1996, RS authorities acknowledged their detention and expressed interest in swapping them for Serb prisoners. On August 4, two Serb men who had been registered by the ICRC as missing since September 1995 were freed from an isolated section in the Zenica military prison.

Una-Sana authorities are currently holding approximately 10 individuals in the Luka prison near Bihac on charges of war crimes. Their arrests and detentions were done without ICTY approval, in violation of the

February 1996 agreement signed in Rome by the parties to the Dayton Accords (a Serb prisoner, Milorad Marceta, was released on August 12). Some detainees were beaten severely before their imprisonment.

There were no reports that forced exile was practiced as a juridical device. However, police often failed to provide protection to individuals being mistreated by elements of the population, with the same end in mind. In the RS there were continuing attempts to expel families, notably in Teslic, where Serb thugs and members of the civil protection unit from nearby villages intimidated or attempted to evict mostly Bosniak families. Land confiscations were also reported.

In the Federation, on February 10 approximately 30 Bosniak families were forcibly removed from their homes in West Mostar, after the cemetery confrontation that occurred earlier in the day (see Section 1.a.). Most of those families later returned to their homes, after the international community exerted heavy pressure on local authorities. Pressure on Bosniaks to emigrate through land expropriation and denial of employment also occurred in Tomislavgrad.

e.

Denial of Fair Public Trial

The Constitution provides for an independent judiciary, extends the judiciary's independence to the investigative division of the criminal justice system, and establishes a judicial police force that reports directly to the courts. However, Yugoslav and wartime practices in which the executive and the leading political parties exerted considerable influence over the judicial system persisted in all areas. Party affiliation and political connections weighed heavily in the appointment of prosecutors and judges. In particular, Bosnian non-governmental organizations (NGO's) expressed concern over the judicial selection process in eight Federation cantons, especially in Sarajevo and Tuzla. Bosnian legal experts argued that the laws on judicial selection in those two cantons are inconsistent with the canton and Federation Constitutions.

The existing judicial hierarchy in the Federation is based on municipal courts, which have original jurisdiction in most civil and criminal cases, and cantonal courts, which have appellate jurisdiction over the canton's municipalities, as well as three federal courts (constitutional, supreme, and human rights). The Constitution provides for the appointment of judges who serve until the age of 70 and for internal administration of the judicial branch.

The Constitution provides for open and public trials, and the accused has the right to legal counsel. In April an RS municipal court in the town of Zvornik found seven Bosniaks guilty of murdering four Serb civilians in May 1996 and of possessing illegal weapons. International organizations found the court's proceedings deeply flawed and called on the court to retry the case in accordance with fair trial standards. Human rights groups pointed to the lack of evidence, torture of the defendants, and the refusal to allow effective representation by lawyers chosen by the defendants. Three of the defendants were sentenced to 21 years each for murder; the other four men were given 1-year sentences for illegal possession of firearms, then freed because they had served 11 months in jail awaiting trial. The Human Rights Ombudsperson for Bosnia-Herzegovina is reviewing this case.

On August 15, the RS Constitutional Court ruled that RS President Plavsic exceeded her authority in dissolving the RS assembly, despite clear constitutional provisions to the contrary. The Court's decision was clearly made under duress—Bosnian Serb thugs severely beat one of the judges in advance of the ruling.

Human rights organizations reported that judicial institutions in both entities were controlled or influenced by the ruling parties. As a result, they were often neither able nor willing to try cases of human rights abuse referred to them. Lack of resources and a backlog of unresolved cases provided a convenient and credible excuse for judicial inaction. Even when the courts rendered a fair judgment, local officials often refused to implement their decisions.

Except for the alleged war crimes cases in Una-Sana Canton (see Section I.d.), there were no reports of political prisoners.

f.

Arbitrary Interference with Privacy, Family, Home, or

Correspondence

The Constitution of Bosnia and Herzegovina provides for the right to "private and family life, home and correspondence" and the right to protection of property. These rights were generally better observed in the Federation than the RS. Neither entity has acted to bring property law into conformity with international norms. Implementation of the laws that do exist was often guided by considerations of ethnic or political advantage.

In most places the authorities continued to use their control over "socially-owned" and privately-owned housing occupied by displaced persons or other nonowners to slow down or block altogether minority returns. While the main problem is the large number of displaced persons in relation to available housing stock, all three ethnic groups have used the control of housing as a major instrument for political influence-peddling and enrichment.

Reports continued of persons who either had returned to their homes or had never left who found their residences occupied after short absences, as permitted under Federation and RS law. In Serb- and Croat-controlled areas, authorities appear to have incited crowds to violence against minority returnees. In Bosniak areas as well, radical elements of the SDA exerted growing influence over certain groups of displaced persons, inciting them to acts of violence against returning Serbs. In addition, as in the case of Jajce (see Section I.a.), there were a number of cases in which returnees were subsequently forced to leave their homes under threat, although in some cases external intervention succeeded in returning those evicted to their homes. In the Bosniak-majority Travnik area, Croat returnees were shot to death in their homes in two incidents—one in August and one in November. A joint investigation by Croat and Bosniak police and IPTF was underway at year's end. The Bosniak leadership condemned the acts.

Because few minorities dared to return to the RS, the most frequent cases of intimidation against returnees occurred in Bosnian Croat-controlled regions. In addition to the violence in Jajce, in early May Bosnian Croats burned 25 houses belonging to former Bosnian Serb residents in a village outside the western Bosnia town of Drvar. The organized attack, which occurred shortly after Federation mediators held discussions with the Drvar mayor on possible Bosnian Serb returns, was clearly intended to prevent such returns. Weeks before the arson incidents, the Drvar mayor incited Croats against returning Serbs on Drvar radio, and Bosnian Croat officials appear at least to have acquiesced in the attacks, which took place over 2 days. Other homes had been burned near Drvar in previous months. The IPTF investigated and concluded that the chief of the criminal department and the leader of anti-terrorism and homicide were directly involved in the incidents. On recommendation of the IPTF, both were relieved of duty on June 3, 1997. Organized mobs also repeatedly have obstructed the return of Bosniaks to Stolac, now Croat-controlled, through the use of violence and intimidation. On August 16, three potential returnees, including two children, were assaulted during an assessment visit. The investigation of this attack is proceeding slowly.

Evictions of those who remained in their homes throughout the war decreased dramatically, in large part because so many minorities had already been forced to relocate to areas where their group was in the majority. However, in some areas minorities continued to face intense pressure to move. In the RS town of Teslic, Bosnian Serb thugs threatened Bosniak families, burning haystacks and burglarizing homes in a campaign that appeared to be backed by local authorities. Similar pressure was felt by Bosniaks in Croat-controlled areas, e.g. Jajce, Stolac, Tomislavgrad, and Livno, by Serbs in Bosniak-controlled areas (Drvar), and by Croats in some Bosniak areas, e.g., Bugojno.

In the RS, displaced persons generally were placed in dwellings alongside the primary occupants, when the original occupants had more than 15 square meters per person. These unwanted "roommates" were often

Serbs inserted into Bosniak or Croat households. In a few reported cases, the dwelling's owner was harassed into vacating his bedroom for a shed in the backyard or abandoning his property altogether.

There were frequent and growing reports in the RS of threats against displaced persons, particularly those concentrated in collective centers, who spoke with representatives of international organizations about the possibility of returning to their homes in the Federation. Noncompliant displaced persons were threatened with a cutoff in humanitarian assistance, permanent exile from the RS, or worse, should they break solidarity with the Serb hard-liners on the issue of return. The work of the United Nations High Commissioner for Refugees (UNHCR), in particular, was affected by such tactics, with persons previously anxious to return home subsequently intimidated into silence.

Throughout the country, membership in the leading party was often necessary to obtain, retain or regain employment, especially in the management of state enterprises.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press. This right was partially respected in the Federation and in the western Republika Srpska, but less so in the eastern RS. Within the Federation, press freedom is more severely restricted in Croat-majority areas. Some progress has been made in establishing independent media in the Federation (though only in Bosniak-majority areas) and in the Republika Srpska, particularly in Banja Luka. Party-controlled media—particularly Croatian State Radio and Television—are the only electronic media available to the vast majority of citizens in Croat-majority areas of the Federation.

Some opposition and independent newspapers operate in the Muslim-majority areas of the Federation and in the Republika Srpska, principally in Banja Luka. *Oslobodjenje* and *Vecernje Novine* are the leading independent dailies, and *Dani* and *Slobodna Bosna* the most influential independent magazines in the Federation. *Dani* and *Slobodna Bosna* are the most influential independent magazines in the Federation. One of the few independent magazines in the RS is *Reporter*, a first-rate weekly published by a former foreign correspondent of the independent weekly *Vreme*. Also in the RS, the Social-Liberal Party publishes an opposition magazine, *Novi Prelom*, and the Social Democratic Party publishes a daily paper. Both of these publications take an opposition line, and are consistently supportive of the Dayton Accords.

It is difficult for independent and opposition media in the RS to gain access to the kiosk distribution system. The same is true of some areas of the Federation. Distribution is particularly problematic in Croat-controlled regions. In Sarajevo, however, independent print media access to distribution systems is readily available. Some independent media in the two entities, for example, *Dani* and *Reporter*, assist in the distribution of each others' publications in their respective entities.

The dominant nationalist political parties continue to exercise strong control over the most influential media, i.e., television and radio. Federation state television (TVBiH) faithfully serves the interests of the SDA. TVBiH gives preferential coverage to SDA leaders and greatly limits reports on the opposition. Its broadcasts are often biased, but rarely of an inflammatory nationalist nature. Croat politicians in the Federation have complained about TVBiH coverage and argued against the Muslim ethnic homogeneity of its staff. However, TVBiH does employ journalists from minority ethnic groups, though their numbers are small and their influence inconsequential.

Croat-controlled areas in Bosnia-Herzegovina are covered by Croatian state television HTV. Its news programs and editorials frequently criticize the Dayton Accords. HTV weather maps show the Federation as part of Croatia, and coverage of Bosnian events often leaves the impression that the scene pictured was actually in Croatia. The HTV station in Mostar refused to issue an OSCE-mandated apology for inaccurate and

inflammatory broadcasting, resulting in the resignation of the editor (in an attempt to avoid more radical measures by the Office of the High Representative).

Until the SFOR acted on an OHR request to end offensive broadcasts by RS government-run Serb Radio-Television (SRT), SRT followed the SDS line, with frequently inaccurate and inflammatory reporting. SRT sought to undercut the Dayton Accords by covering events in the Federation in the "international" portion of the news. After the SFOR actions in Prijedor against persons indicted for war crimes, the SRT broadcasts endorsed violent actions against representatives of the international community. The SRT backed off only when the SFOR and the OHR threatened retaliatory actions. Following RS President Plavsic's break with the Pale leadership, the SRT affiliate in Banja Luka began to broadcast its own programming, giving a favorable slant to Plavsic's activities. The High Representative has developed a plan for restructuring the SRT. In the interim, only the SRT station in Banja Luka is authorized to continue broadcasting.

Radio broadcasting in the Muslim-majority areas of the Federation—particularly in Sarajevo, Zenica, and Tuzla—is diverse, and opposition viewpoints are reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the Republika Srpska—particularly in Banja Luka—but they tend to skirt most significant political issues for fear of retaliation by the SDS. Nezavisni Radio and Nesavisna Televizija (NTV) report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they are usually highly nationalistic. Opposition viewpoints are not tolerated.

The television Open Broadcast Network—with affiliates in Sarajevo, Mostar, Zenica, and Tuzla and a correspondents' bureau in Banja Luka—reports independent news and public affairs programming under the sponsorship of the international donor community. The Network has been plagued by poor management at its Sarajevo hub and problems with affiliate relations. The OBN fares extremely poorly in the competition for viewers with party-controlled media in the two entities. The quality of the network's programming is below local standards. In August the OBN launched a major effort to expand its broadcast range and improve programming quality. The Banja Luka OBN bureau has facilities to broadcast network programs but not to broadcast programs directly in the way affiliates in the Federation do. There are plans to convert the OBN affiliate in Banja Luka (ATV) into a full-fledged OBN affiliate. There is no Bosnian Croat participation in the OBN.

Foreign journalists representing recognized media were able to travel freely to most areas of Bosnia and Herzegovina. Bosnian journalists from the Federation were able to travel to the Republika Srpska only under the escort of accredited diplomatic personnel. Journalists from the Republika Srpska travel to the Federation only under the same conditions, although there have been no incidents of abuse of Republika Srpska journalists in the Federation. Federation journalists have been beaten and verbally harassed in the RS. Bosniak journalists were harassed in West Mostar on several occasions. International journalists also have been harassed on several occasions in the RS.

Academic freedom was constrained. In the Federation, Serbs and Croats complained that SDA party members receive special treatment in appointments and promotions. Officials of the "Cultural Community of Herceg Bosna" ensure that Croats dominate the University of (West) Mostar.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, there were some limits imposed on this right in practice. In the lead-up to the September municipal elections, opposition political parties enjoyed greater latitude in staging rallies and campaigning than they had during the 1996 national elections.

The Constitution provides for freedom of association; however, while this right is not directly limited, indirect pressure constrains its exercise. A wide range of social, cultural, and political organizations functioned

without interference. Although political membership is not forced, membership in the ruling SDA and HDZ parties in Federation territory was viewed as a way to obtain and keep housing and high-level jobs in the state-owned sector of the economy.

In the RS, SDS-controlled security and police demonstrated a clear attitude of intolerance toward opposition parties. Few opposition parties exist in Croat-majority areas, and in the Bihac area, former Abdic supporters continue to be harassed.

c. Freedom of Religion

The Constitution provides for freedom of religion, including private and public worship, and in the Federation the authorities rarely interfered. In general, individuals in their ethnic majority areas, who constitute the great majority of the population, enjoyed unfettered freedom of religion. However, there were some incidents that resulted in damage to religious edifices and cemeteries (see Section 5).

In the RS, authorities repeatedly rejected efforts by minorities to visit religious sites and graveyards in their previous areas of residence, and international representatives had to negotiate on a case-by-case basis with authorities for the few such visits that did take place. In February Bosnian Croat police fired at retreating Muslims visiting a graveyard in West Mostar (see Section 1.a.).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for "the right to liberty of movement and residence." Freedom of movement—including across the inter-entity boundary line (IEBL) -- improved significantly, although many people continue to fear crossing that line. Under prodding from the SFOR and the IPTF, fixed police checkpoints—particularly those in the RS—were virtually dismantled, although some RS authorities continued to impede traffic by demanding unauthorized "visas" and transit fees. The UNHCR-funded IEBL bus lines begun in 1996 were expanded into new areas. The total number of passengers grew dramatically to nearly ½ million by August. The bus lines have been instrumental in encouraging minority return, allowing displaced persons a secure opportunity to assess conditions at their places of origin. IEBL bus lines in many cases forced hard-line communities to deal with the fact of a minority presence. Even in such places as Stolac, Drvar and Prijedor, daily visits became a reality.

For minorities in the Federation, freedom of movement remained restricted, but to a far lesser degree than in 1996.

By midyear, some 52,000 refugees had returned to Bosnia and Herzegovina from their places of refuge abroad. Through May an additional 19,000 internally-displaced persons were estimated to have returned to their homes of origin. Of those returning from other countries, only a small number went to regions where they would be in the minority. The total number of returns fell far short of UNHCR expectations.

Returns from Europe further complicated the situation within Bosnia-Herzegovina, as most of such returnees were unable to return to their homes of origin in the RS. They thus became internally displaced and, through a combination of tightening regulations, limited accommodation, and political interests, ended up massed in a few areas. Chief among these is the Una-Sana Canton which, like Croatia, is openly soliciting those returning from Europe to take up residence there, a short distance from their original homes in the RS. The overcrowding of such places creates the potential for social tension and also provides a mass of persons who could be manipulated to agitate for return to the Serb republic.

The pace of spontaneous returns by displaced persons increased somewhat in the late summer months, particularly in the wake of the UNHCR "open cities" initiative. Under this initiative, the UNHCR evaluates

towns and cities using a set of criteria (including, inter alia, access to housing, freedom of movement, and police protection) to determine whether the municipalities have dropped the barriers to return by displaced persons and refugees. More significant returns were impeded by a variety of factors. Chief among these is the continuing use of the "law on abandoned apartments," which effectively deprives prewar owner/occupants of the right to return to their homes by declaring such property to have been abandoned. Claims to such "socially-owned" property increased during 1997, but few reached positive resolution through the municipal court system. Even decisions issued by the Commission for Real Property Claims by Displaced Persons and Refugees relied on political will at the local level to issue and enforce eviction orders and to provide security for returnees. Another problem was the failure by both entities to pass amnesty laws that would stimulate the return process.

The patterns of return and obstruction suggest that most problems do not originate at the local level. While the RS intention to remain ethnically distinct and to bar repatriation of Serbs to non-Serb areas is clear, the highest levels of the Croat leadership also appear to be manipulating events in a similar direction. Accordingly, the Croat-majority areas between Stolac and Drvar remain opposed to more than the most token returns, and Croatian newspaper ads recruit settlers for areas in Bosnia-Herzegovina that are now under Croat control and ethnically "pure." In central Bosnia as well, a general policy of obstructing return has been in effect, along with a policy of recruiting Croat minorities to relocate to "Croat" areas. In Bosniak areas, policies on property negatively affected the possibility of return, particularly in Sarajevo, where there is paralysis in the settlement of property claims by intending returnees.

Official and popular attitudes toward minority returns are reflected in the rate at which they occurred in the various areas. Through midyear 78 percent of all minority returns were to Bosniak-controlled areas of the Federation, 19 percent to Croat-controlled areas of the Federation, and 3 percent to the RS.

On the positive side, although high-level political figures continue to promote ethnic separatism, popular attitudes are far more favorable toward reintegration and acceptance of prewar neighbors. Displaced persons other than former neighbors remain a problematic social factor, however, and have often been used as the pretext for acts of intimidation and harassment against minorities. Authorities have manipulated displaced persons for this purpose.

The Government grants asylum and refugee status in accordance with international standards. It cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise in 1997. There were no reports of the forced return of persons to a place where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Dayton Accords commit the parties to "ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment," and to ensure the right to "vote in secret without fear or intimidation." These rights were respected imperfectly in the national, entity, and Federation cantonal elections of September 1996. The three dominant nationalist parties harassed their rivals and impeded their campaigns. The coordinator for international monitoring concluded that the elections nevertheless provided "a first and cautious step toward the democratic functioning of the governing structures of Bosnia and Herzegovina."

Municipal elections were originally scheduled to take place at the same time as the 1996 national and provincial elections. However, logistical and political difficulties, including massive manipulation of Serb voter registration, resulted in their postponement until September 1997. The OSCE registered 2.5 million voters and approximately 20,000 candidates who ran in 136 municipalities.

International supervision of the registration process disclosed irregularities and fraudulent attempts to register voters in certain areas: Banja Luka, Prijedor, Gradiska, Kotor Varos, Srpski Drvar, Srpski Kljuc/Ribnik,

Brcko, Zepce, Jajce, Stolac, and Capljina. Where fraud claims were substantiated, the OSCE reregistered voters and enforced sanctions that included striking candidates from party lists and removing members of local election commissions.

There were few reports of politically motivated harassment or violence compared with the pre-electoral period in 1996.

Croat and Serb nationalist parties threatened to boycott the process, but elections took place on September 13 and 14, and well over 70 percent of the population took part. Voters had a choice of voting in the municipality where they currently resided or in their prewar municipality, and if they could show substantial ties to that municipality, in a place of future residence. Most of those voting cast their ballot for municipalities where they had lived prior to 1991.

In certain areas, election results are proving difficult to implement, as majority groups attempt to prevent minority representatives from assuming their municipal government seats, and as opposition or minority parties block final certification for political purposes. Election results demonstrated that nationalist parties still remain strong in both entities of Bosnia and Herzegovina, but opposition parties made important gains in the western RS and parts of the Federation.

RS assembly elections were called following President Plavsic's decision to dissolve the assembly. On November 22 and 23 these elections were held under OSCE supervision. Voter turnout was approximately 70 percent. The Serb nationalist parties lost their parliamentary majority. The Pale hard-liners' SDS won 24 seats, the Bosniaks' Coalition for an Undivided Bosnia-Herzegovina (led by the SDA) 18, the Serb Radical Party and President Plavsic's SNS 15 each, the RS branch of Milosevic's Socialist Party 9, the Independent Social Democrats 2, and the Bosnian Social Democratic Party 2 seats as well. A government strongly supportive of the Dayton Accords, led by Milorad Dodik, a member of the Independent Social Democratic Party, was elected on January 18 with the votes of moderate Serb parties and Bosniak and Croat representatives.

Although Bosnian citizens have the right to change their government, ruling party control of the media and security apparatus precluded full citizen participation without intimidation, especially in Bosnian Croat areas and parts of the RS. The SDS was intolerant of opposition political activity, and after tensions emerged between the SDS leadership in Pale and President Plavsic in Banja Luka, Pale-controlled media severely constrained her access to live and unedited broadcast time. To a lesser degree, the SDA also inhibited political expression in Bosniak areas. There was intimidation of non-ethnic based minority parties by the SDA and HDZ outside of Sarajevo in the Federation.

Women are generally underrepresented in government and politics, although a few women, such as the President of the Republika Srpska entity, occupy prominent positions. In the three legislatures, women are seriously underrepresented. Only two women were elected to the RS assembly in the November elections.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

In general, the authorities permitted outside investigations of alleged human rights violations. International and local NGO'S involved in human rights appear to operate fairly freely, with few reports of intimidation or harassment. The OHR reports that human rights monitors, both those associated with foreign governments and NGO's, were able to travel without restriction in all areas of the country. The ECMM, the OSCE, and the IPTF were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

While monitors enjoyed relative freedom to investigate human rights abuses, they were less successful in persuading the authorities in all regions to respond to their recommendations, especially in cases in which the authorities were involved. Monitors' interventions often met with delays or outright refusal. For exam-

ple, protests by the OHR and the Ombudsperson failed to obtain due process for the "Zvornik Seven" (see Section I.e.) or to obtain the release of Tomislav Matanovic and his parents (see Section I.d.).

Cooperation with the ICTY in the Hague is a key factor in the implementation of the Dayton Accords, and the establishment of respect for human rights. The RS continued its policy of defiance of the Tribunal and the Dayton Accords by refusing to arrest and surrender persons suspected of war crimes, and by allowing former President Radovan Karadzic to retain important behind-the-scenes political influence. Following massive international pressure, ten Bosnian Croat indictees turned themselves in for surrender to the International War Crime Tribunal.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

In the Dayton Accords the parties agreed to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority. There were nevertheless many cases of discrimination.

Women

There is little legal or social discrimination against women, and women hold a few of the most responsible positions in society, including judges, doctors, and professors. A woman heads Bosnia radio and television. In general, however, male-dominated societies remain in all of the entities, with few women in positions of real economic power. Women are entitled to 12 months' maternity leave and are required to work no more than 4 hours per day until a child is 3 years old. A woman with underage children may not be forced to do shift work.

Accurate Statistics on violence against women, spouse abuse, rape etc. are not available. Anecdotal evidence is of limited use, since reporting patterns vary widely.

Compared to the war years, when violence against women was frequent and occasionally used as a weapon of war, the situation has improved dramatically. Throughout the country, rape or violent abuse are again considered criminal offenses. However, domestic violence is not usually reported to the authorities.

Children

The U.N. Convention on the Rights of the Child is incorporated by

reference in the Dayton Accords and has the effect of law in both

entities. The end of the fighting has brought a major improvement in the human rights of children. During the war nearly 17,000 children were killed, 35,000 wounded, and over 1,800 permanently disabled.

The domination by ethnic majorities adversely affects the children of minorities, who must attend schools in which the educational content is skewed toward the values, history, and religious traditions of the local majority. Children also suffer from the extreme paucity of social services, especially the lack of adequate care for mentally retarded children.

There is no discrimination or societal pattern of abuse against children. Nonetheless, they continue to suffer disproportionately from the societal stress being experienced in postwar Bosnia.

People With Disabilities

By law the Federation Government is required to assist people with disabilities in finding employment and protecting them against discrimination. In the current situation there are few jobs available, and thousands of newly disabled victims entered the job market after the war. The Government has limited resources to

GEARING UP TO MEET THE CHALLENGE OF LANDMINES:

By John Dingley

The 1998 demining season will prove vital to the establishment of the national demining institutions and a national sustainable demining capacity in Bosnia and Herzegovina. The first steps toward the establishment of new demining institutions was the creation of the Bosnia and Herzegovina Commission for Demining (Demining Commission) and the Bosnia and Herzegovina Mine Action Centre (BHMAC) by a decision of the Council of Ministers in October 1997. This was later confirmed by the signing of the "Agreement on Co-operation in the Field of Mine Action" between the Governments of the Federation of Bosnia and Herzegovina and the Republika Srpska in December 1997. These actions paved the way for the establishment of the Entity Mine Action Centres (EMACs) which are to take over the operational role presently carried out by the United Nations Mine Action Centre (UNMAC) by 31 March 1998.

The Demining Commission is the central authority for approving technical and safety standards and, as such, is the technical service for demining reporting to the Council of Ministers. In co-operation with the Board of Donors, the Commission also approves work plans and budgets proposed by the BHMAC and EMACs. The Commission is intended to facilitate co-operation between the Entities, particularly in cross-IEBL clearance operations. The Commission reports directly to the Council of Ministers on the progress of demining by the EMACs.

The BHMAC is the secretariat of the Demining Commission, in that it will operate and maintain the central minefield data base; propose technical, safety and quality assurance standards; prepare proposals for

mine clearance work straddling the IEBL; and prepare work plans and budgets for its own activities for approval by the Demining Commission and the Board of Donors.

The EMACs are the operational arms of the Demining Commission. The EMACs will conduct mine awareness, minefield marking, mine survey and clearance operations, using funds supplied by a United Nations Development Fund (UNDP) Trust Fund approved by the Board of Donors and the Demining Commission. The EMACs will also provide mine information for input to the mine data base at the BHMAC; propose a priority list on the basis of priorities indicated by

UNHCR and the Government; and prepare work plans and budgets for the execution of the planned works to the Demining Commission and the Board of Donors. The EMACs will be established as legally accountable entities, and their legal bases will be published

OPERATION HARVEST

"Operation Harvest", SFOR's "Mines, Ordnance and Warlike Material Amnesty", was launched on 19 February. Proposed by the Entity armed forces, Operation Harvest is an effort to encourage those holding mines and other ordnance to come forward with such material without risk of prosecution during the period 2 March to 15 April. The amnesty also covers weapons and ammunition. A media campaign will announce the location of collection centres around the country, and also warn people of the dangers of keeping mines and weapons at home. Local police will be in charge of collecting the mines and other weapons, under SFOR monitoring.

in each Entity Government Official Gazette.

The UNMAC is now in a transitional phase of handing over to BHMAC/EMACs. In this transitional phase, UNMAC will continue to operate as it has in 1997 through an agreement with the United Nations Office for Project Services (UNOPS). It will continue to operate three demining teams based in Banja Luka, Mostar and Tuzla. These teams should operate towards UNHCR's priority list of localities, thereby providing services to UNHCR Sub/Field Offices not covered by a dedicated UNHCR Team (see below). UNMAC will also continue to operate its Regional Offices in Banja Luka, Bihac, Mostar, Pale and Tuzla. These offices will become Regional Offices of the EMACs in due course. The UN-employed international staff shall revert to the role of Technical Advisors, once national staff are appointed to the various posts in the BHMAC and EMACs.

LANDMINES IN BOSNIA AND HERZEGOVINA

The UNHCR-funded Demining Teams will be operated through the EMACs, since the deminers will be employed by the EMAC with funds released by UNDP from the Trust Fund. The equipment supplied to the EMACs through UNDP for the UNHCR Demining Teams will remain the property of UNHCR and will be on loan to UNDP for the use of the EMACs for the duration of the programme. All the priorities for the UNHCR Demining Teams will be supplied to the EMACs by the UNHCR Mine Action Chief Technical Advisor, who will be directed by the requirements of the different UNHCR offices throughout Bosnia and Herzegovina.

Initially the UNHCR Demining Teams will operate in their recruitment areas. Once the priorities in these "home" areas have been addressed, the teams will be deployed nationally to address priorities in other regions of the country. The deminers have already been identified and will begin a four-week training programme on 1 March 1998. All six teams are expected to be operational by the first week of April 1998. The UNHCR Demining Teams will initially focus on return areas in "Open Cities" and areas of minority return identified to have a mine problem. The first target areas are the "Open Cities" of Gorazde (Federation), Busovaca (Federation) and Mrkonjic Grad (Republika Srpska). Other teams will be recruited to cover Central Bosnia Canton (Federation), Jajce and Zepce (Federation) and Pale (Republika Srpska). These teams will also support the "Open City" teams on the IEBL (ZoS) and minority returns in these areas.

ICRC AND UNHCR PUBLISH A STUDY ON LAND MINES IN BOSNIA AND HERZEGOVINA

In an effort to draw attention to the scourge of landmines in Bosnia and Herzegovina, the International Committee of the Red Cross (ICRC) and UNHCR commissioned a study on their impact. "The Silent Menace: Landmines in Bosnia and Herzegovina" will be available in March 1998.

The study shows that landmine contamination in Bosnia and Herzegovina is occasioning severe human, medical, social and economic consequences. On average, landmines are killing or injuring 30-35 people every month, 80 per cent of which are civilians. Their continued presence is hindering reconstruction, making dangerous the return of refugees and displaced persons and diverting much-needed resources from other important activities. Since December 1995, only one per cent of mine-contaminated land has been cleared to humanitarian standards. It is expected that the number of mine accidents among refugees and displaced persons will increase during 1998, as people return to their homes along the IEBL -- the most heavily mined area in the country.

The study recommends that:

- Priority be given to securing long-term funding for mine-clearance activities
- Greater efforts be focused on identifying and marking mined areas
- Mine-awareness programmes be established in host countries, targeting prospective returnees
- Donors commit themselves to improving physical rehabilitation clinics
- Greater efforts be made to address the psycho-social needs of mine victims

Copies of the study can be obtained from:

ICRC's Public Information Division (citing publication number 2160)

19 avenue de la Paix, CH 1202 Geneva, Switzerland

E-mail: webmaster.gva@icrc.org; Telefax +41 22 733-2057

UNHCR HQ - Former Yugoslavia Liaison Unit

Attention: J. Riera; Case Postale 2500; CH 1211 Geneva, Switzerland 2 Depot

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1998 SHELTER PROGRAMME IN BOSNIA AND HERZEGOVINA

MC/SEA: Mercy Corps/ Scottish European Aid
 NRC: Norwegian Refugee Council
 UMCOR: United Methodist Committee on Relief
 WVB: WorldVision-Bosnia
 PIU: Project Implementation Unit- Housing
 THW: Technisches Hilfswerk
 IRC: International Rescue Committee
 CRS: Catholic Relief Services



1998 UNHCR Shelter Programme in Bosnia and Herzegovina
Planned Allocations per Region (in housing units) as at 12 February 1998*

	WESTERN BH		EASTERN BH		NORTHERN BH		SOUTHERN BH		TOTAL
	Federation Una-Sana West Bosnia	RS Western RS Arvil	Federation Sarajevo Gorazde	RS Eastern RS	Federation Tuzla Doboj Posavina	RS North-East RS	Federation Neretva Cent. Bosnia Zenica W. Herzeg.	RS E. Herzeg.	
THW	150	50					300		50
IRC	200	100							30
NRC	75	175							25
UMCOR	400						250		65
MC/SEA					500	480			98
PIU							720		72
WVB			520	130					65
CRS			250						25
Sub-total	825	325	770	130	500	480	1,270	0	4,3
TOTAL	1,150		900		980		1,270		4,3

*) Subject to change as a function of actual minority return movements.

Note: Total planned housing units in 1998: 5,000.



In the two years since the signature of the Dayton Peace Agreement, UNHCR's shelter-related programmes have contributed to the repair of 24,000 houses and apartments, benefiting some 100,000 returnees.

Recognising that housing will remain key to the process of reintegration of returnees, and particularly minority returnees, UNHCR plans to maintain a sizeable housing repair programme in 1998 -- although smaller when compared to programmes in 1996 and 1997. It is expected that UNHCR support to the repair 5,000 houses/apartments in 1998 will provide accommodation for some 20,000 returnees.

In line with UNHCR's overarching priority for 1998, emphasis will be laid on supporting minority returns, with support to UNHCR-recognised "Open Cities" and cantons having prepared canton-wide return plans, as well as to other minority return areas, such as in the Zone of Separation (ZoS). Housing and infrastructure in the ZoS, which corresponds to the former front lines, has been devastated. There is, nevertheless, a high demand among pre-war ZoS populations to return to their homes. It is expected that the return of minorities and the establishment of mixed communities in this area could mark the first step towards more sizeable cross-Entity return movements.

The primary beneficiaries of the UNHCR shelter programme in 1998 will be minority refugees repatriating from host countries, and minority displaced persons returning to their homes of origin. Vulnerable displaced persons (e.g. the elderly, handicapped persons, large households without income) in receiving communities will also be assisted, as part of a community-based approach intended to defuse potential tensions.

Implementing arrangements are being concluded with the Bundesanstalt Technisches Hilfswerk (THW), the United Methodist Committee for Relief (UMCOR), the Mercy Corps/Scottish European Aid (MC/SEA), the Project Implementation Unit of the Federation Ministry for Physical Planning and Environment (PIU), the Catholic Relief Services (CRS), the International Rescue Committee (IRC), the Norwegian Refugee Council (NRC) and World Vision Bosnia (WVB). Emphasis will be given to the local procurement of shelter material wherever possible. Simultaneous implementation of housing projects on both sides of the Inter-Entity Boundary Line (IEBL) will continue to promote trade between the Entities and generate employment for the local population. While basic construction materials for self-help home repairs will be provided wherever possible, in most cases local labour costs will be covered owing to the high degree of damage and in the interest of ensuring timely implementation. As part of an integrated approach to minority returns, public health and school facilities will also be repaired, in parallel with housing.

Since landmines constitute one of the main obstacles to return movements, as well as to the sustainability of returns, UNHCR will support demining activities at shelter sites, working in close cooperation with the Bosnia and Herzegovina Mine Action Centre (BHMIC) and UNDP. Such support will include mine surveys and marking and, where necessary, deployment of mine clearance teams.

UNHCR will continue to support the maintenance of collective centres in the Federation and in Republika Srpska, and will support efforts of government authorities to find medium to long-term solutions for the residents. At 31 January 1998, 13,214 displaced persons were housed in 124 collective centres throughout the country.

Finally, UNHCR shelter programme will also cover the maintenance of nine existing transit centres (in Bosanski Petrovac, Gorazde, Kljuc, Mostar, Sarajevo (2), Travnik, Tuzla and Zenica) will be supported to meet the short-term accommodation needs of refugees repatriating from asylum countries.

UNHCR OFFICES



-  UNHCR Branch/Head Office
-  UNHCR Sub-Office
-  UNHCR Field Office
-  Croatian Danube Region (former UNTAES area)



FUNDING TO THE 1998 UN CONSOLIDATED/INTER-AGENCY APPEAL FOR THE REGION

UPDATED FINANCIAL SUMMARY - BY APPEALING AGENCY AS OF 27 FEBRUARY 1998

Appealing Agency (Jan-Dec 1998)	Requirements (US\$)	Contributions / Pledges (US\$)	Carryover Funds (US\$)	Total Funds Available (US\$)	Shortfall (US\$)	% Needs Covered (%)
UNHCR	187,000,000	32,073,125		32,073,125	154,926,875	17.2 %
WFP	32,129,390		1,557,390	1,557,390	30,572,000	4.8 %
UNICEF	16,506,000				16,506,000	0.0 %
WHO	13,670,000				13,670,000	0.0 %
FAO	10,000,000				10,000,000	0.0 %
UNDP	98,890,000				98,890,000	0.0 %
UNESCO	8,450,000	367,700		367,700	8,082,300	4.4 %
ILO	9,500,000				9,500,000	0.0 %
DPKO	11,800,000				11,800,000	0.0 %
UNHCHR	2,500,000				2,500,000	0.0 %
UNFPA	600,000				600,000	0.0 %
IOM	16,350,000				16,350,000	0.0 %
OCHA	304,000	139,370		139,370	164,630	45.8 %
Total	407,699,390	32,580,195	1,557,390	34,137,585	373,561,805	8.4 %

CONTRIBUTIONS TO UNHCR PROGRAMME (Former Yugoslavia)

1997 DONOR CONTRIBUTIONS TO UNHCR's PROGRAMME IN THE REGION

Donor	Income USD
Australia	763,359
Canada	2,167,883
Cyprus	3,000
Denmark	3,091,190
Finland	731,355
France	512,245
Germany	2,891,382
Holy See	80,000
Italy	1,311,475
Japan	43,570,000
Netherlands	7,731,959
Norway	2,297,090
Sweden	4,016,375
Switzerland	2,083,535
United Kingdom	5,705,912
United States of America	44,000,000
SUB-TOTAL	120,956,760
INTER-GOVERNMENTAL ORGANIZATIONS	
European Commission	35,833,363
SUB-TOTAL	35,833,363
NGOs AND OTHER DONORS	
Shin-Nyo-En Foundation (JPN)	20,052
Espana con ACNUR (SPA)	266,187
UK for UNHCR (GBR)	17,989
Private donors Greece	2,560
Private donors Italy	79,503
Private donors Japan	1,777
Private donors USA	150
SUB-TOTAL	388,218
TOTAL	US\$ 157,178,341

1998 DONOR CONTRIBUTIONS TO UNHCR's PROGRAMME IN THE REGION

(as of 24 February 1998)

Donor	Income USD
Germany	837,989
United Kingdom	27,630
United States of America	29,000,000
European Commission	2,207,506
TOTAL	US\$ 32,073,125



