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BOHNIEN - HERZEGOVINA
UNHCR

FORMER YUGOSLAVIA LIAISON UNIT (FYLU)
MONTHLY REPORT ON THE FEDERAL REPUBLIC OF
YUGOSLAVIA, BOSNIA AND HERZEGOVINA AND
CROATIA

JULY/AUGUST 1998

FN-MISSIONEN GENEVE		
BILAG		
28 SEP. 1998		
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FEDERAL REPUBLIC OF YUGOSLAVIA

KOSOVO SITUATION

The conflict in Kosovo sharply escalated during July and August 1998. July saw the Kosovo Liberation Army (KLA) attempt to expand its control to urban centres, while declaring a number of rural areas in the western and central Kosovo under their control. In mid-July the KLA launched a major offensive to take the town of Orahovac, while fighting also spread to the Pec area. The Orahovac offensive by the KLA marked a change in the nature of the conflict. In response to the activities of the KLA, Serbian security forces launched a major offensive at the end of July to retake KLA-controlled areas and regain control of the main roads, most importantly the Pristina-Pec and Pristina-Prizren roads. Following the retaking of Orahovac after a five-day battle, the Government offensive intensified; massive attacks were launched on a number of fronts in Malisevo, Suva Reka and Stimlje areas, the Albanian border and in Drenica itself. On 29 July the KLA stronghold of Malisevo fell to the Government.

The month of August saw substantial Serbian advances. Security forces enlarged the security zone in the West along the border with Albania to five kilometres, displacing the area's civilian population. Government troops regained control of Likovac on 6 August while the town of Junik, a reported KLA stronghold, was retaken on 15 August. By mid-August fierce fighting was raging in the Western parts of Djakovica, Decani and Pec. At the end of August fighting continued in several areas west of Pec, the Rugovska Klizura area, along the Stimlje-Suva Reka road and in the Komorane-Kijevo stretch of the Pristina-Pec road. The pattern of heavy destruction and depopulation which had characterised the operation by Serbian security forces in the western part of the province seemingly extended to central Kosovo around Malisevo and Suva-Reka, south-west of Pristina. At the very end of August the area south of Prizren was affected by intense military activity.

All observers have criticised the clearly disproportionate use of force by Serbian security forces, which has particularly targeted the civilian population. The Secretary-

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General denounced the disproportionate use of force against the civilian population by Government troops in his report to the Security Council of 6 August. Retaliatory actions against ethnic Albanian civilians, regarded by the Government as actual or potential KLA supporters, were described by some as "scorched earth" tactics. The deliberate shelling of villages caused loss of lives and massive destruction of personal and real property. The military defeats in the course of more conventional clashes and the loss of control over sizeable portions of the province by KLA prompted it to adopt guerrilla tactics. This has led to a cycle of continued KLA strikes against the police under cover of civilians and prompt retaliation by security forces against the ethnic Albanian population. At the same time there are reports of persons being arbitrarily arrested by Serbian Forces for questioning and kept in pre-trial detention for periods well beyond the legal time limit. Torture and ill-treatment during pre-trial detention was reported, including at least four cases of death in custody. For its part, the KLA also committed abuses such as the kidnapping and detention of Serb "sympathisers" as well as summary executions of Serbs, Kosovo Albanians and Roma civilians.

By the end of August, open fighting and retaliatory actions by Serbian security forces against civilians led to the death of some 700 civilians, the destruction of entire villages, the burning of fields and crops, and the displacement of over 240,000 persons. This figure was a tenfold increase compared to the 25,000 persons estimated by UNHCR to have been displaced during the first four months of 1998. The vast majority, 170,000, were displaced within Kosovo proper, as internally displaced persons (IDPs). Others included 34,000 IDPs in Montenegro, 20,000 IDPs in other parts of Serbia, 14,000 refugees in Albania, approximately 1,000 refugees in Former Yugoslav Republic of Macedonia, over 5,000 in Bosnia and Herzegovina, 2,000 in Turkey and growing numbers of refugees in Western European countries.

It was not always possible to assess fully the level of population displacement inside Kosovo, owing to the insecurity, impediments to access and the fluidity of the movements. Thousands of civilians were on the move in an effort to escape attacks by Government forces or to seek relative safety in remote locations. UNHCR estimated that 50,000 individuals were forced from their homes into the woods and mountains and live out in the open. The forthcoming winter will place the life of these people in danger. From October onward temperatures in Kosovo will drop sharply. Without adequate housing, clothing and food, people will be unable to survive hiding in forests or in ruined houses. The only alternative is for people to be provided with adequate shelter or return home, while at the same time having access to food, water, medical care and other life-sustaining necessities prior to the onset of winter. Humanitarian organisations could play a crucial role in saving lives only if they are given full access to the displaced persons and the security of both their personnel and the assisted population is fully respected by the parties to the conflict. While humanitarian access improved following the 16 June Joint Statement by Presidents Milosevic and Yeltsin, full and unfettered access has been hampered by security concerns.

The killing by Serbian security forces of three staff members of the charitable organisation Mother Theresa Society (MTS), as the result of a deliberate attack on their relief convoy on 24 August 1998, is but one example of the risks routinely incurred by humanitarian aid workers in Kosovo. The killing was witnessed by another MTS worker who was about 500 meters away from the scene. The victims were on a

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convoy of seven tractors delivering supplies which had been provided by a UNHCR-led convoy two days earlier.

Throughout the reporting period a number of governmental and non-governmental agencies strove to gain access to displaced persons and deliver essential food and non-food relief items. UNHCR and WFP-led multi-agency convoys delivered assistance to thousands of IDPs in an average of three/four convoys per week. The frequency of convoys intensified in the last two weeks of August. During the month UNHCR/WFP-led convoys delivered assistance to some 250,000 IDPs in Kosovo. However, in spite of the strenuous efforts made by all aid workers to locate those in need, the assistance provided fell short of actual needs.

In late August, the Assistant High Commissioner visited Kosovo in order to assess the situation. His trip to the region was immediately followed by a mission of the High Commissioner's Special Envoy for Former Yugoslavia. Both concluded that an immediate cease-fire and political settlement are indispensable to prevent further displacement and avoid a humanitarian catastrophe. The Assistant High Commissioner and the Special Envoy clearly emphasised that humanitarian action can not replace the need for decisive political response to the crisis. If violence continues displacement and human suffering will affect higher and higher numbers of innocent civilians.

The visits by the Assistant High Commissioner and the Special Envoy for Former Yugoslavia was immediately followed by a mission of the US Assistant Secretary of State Julia Taft. Ms. Taft concurred with UNHCR's view that urgent assistance was needed, especially for the internally displaced in Kosovo, and committed the US Government to mobilise resources for this purpose.

In late August, UNHCR welcomed an EU initiative under the Austrian Presidency to create a framework for co-ordinating a comprehensive response to the Kosovo crisis. This initiative evolved from a Franco-German proposal to identify return priority areas within Kosovo. UNHCR believes that, short of an immediate negotiated settlement, the following elements should form part of a strategy to ease the suffering in Kosovo. First, a concerted and energetic political effort to secure a cease-fire which is credibly enforced by the international community, particularly by its political components. Second, immediate assistance and shelter to those who have been displaced, giving priority to those most at risk, particularly the some 50,000 displaced who are estimated to be out in the open in Kosovo proper. Third, increased preparedness in anticipation of further population displacement and the initiation of an urgent winterization programme. Fourth, further strengthened co-ordination amongst international actors on the ground, with the support of the relevant political actors, to improve conditions for and facilitate the return of the displaced to their homes.

All observers recognise the return home is a priority. Only the Serbian authorities, and not the international community, are in the position, and bear the principal responsibility, to provide their own citizens with security and restore their confidence as a prerequisite for large-scale return movements. The destruction of houses which took place in the months of July and August, and the ensuing need for reconstruction of houses and infrastructure, represents a second major obstacle to return. Efforts to

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encourage return home must involve a combination of the two following essential measures: guarantees of security by the Serbian authorities as well as the KLA and international monitoring and assistance. Such measures have been directed, and will continue to be directed, at consolidating return movements where they are already occurring or at initiating them where the displaced persons have expressed an intention to return. Timely international assistance to make return sustainable will have to be continued and will depend on contributions by the international community.

In the second half of August some return movements occurred within Kosovo. An estimated 80 per cent of the original population returned to Orahovac; Ade and Obilic saw also sizeable return movements; while initial returns took place to Magura and Sedlare, Srbica and Glogovac. Unfortunately, these return movements were offset by further displacement in other areas of central Kosovo, south-west of Pristina.

On 27 August 1998 the Serbian authorities announced the creation of 11 Assistance Centres in Kosovo and requested the support of humanitarian agencies in normalising the situation in the region and facilitate the return of DPs to their homes. Istinic was later added to the list, bringing the total to 12: Orahovac, Djakovica, Decan, Klina, Osojan, Kijevo, Srbica, Glogovac, Malisevo, Suva Reka, Junik and Istinic.

UNHCR is working closely with the authorities on the initiative, since it may contribute to consolidating return movements whilst reaching out to those still displaced. But it is difficult to encourage return, while police action continues to drive people from their homes. Building confidence in return is essential. UNHCR believes that concrete steps can be taken by the authorities to fully restore confidence and promote return: an end to attacks to civilians, destruction of property, crops and livestock; ending separation of males from their families and their detention as well as the interrogation of male returnees; an end to the de facto commercial blockade imposed on the province; the immediate restoration of basic services such as water and electricity in return areas; an urgent action to save harvests; a fundamental change of attitude by state-controlled media towards the Kosovo Albanian community and the humanitarian agencies, and enhanced co-ordination and consultation with the international organisations on the ground.

As of 31 August 1998 the Montenegrin Ministry of Interior and the Montenegrin Red Cross reported that 36,000 IDPs had entered the country from Kosovo, the majority of whom were ethnic Albanian and Slav Muslims. The great majority of IDPs were accommodated with relatives and friends. The Montenegrin ethnic Albanian and Muslim communities are so far bearing most of the social burden of such an influx. IDPs quickly outnumbered the 26,000 refugees from Bosnia and Herzegovina and Croatia who continue to be hosted by Montenegro. The influx arrived in a particularly sensitive moment of the political life of the Republic. President Djukanovic expressed his concern to high-ranking UNHCR officials that the influx might have a deep impact on the internal stability of the republic vulnerable to negative external interference. UNHCR consequently highlighted that programmes should be enhanced in order to support the host family system, now stretched to the limit, and lessen the social impact of the influx. Steps were initiated to identify additional public and communal buildings, since the absorption capacity of the present ones has been already saturated. All in all,

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an increase in international assistance to Montenegro is needed in order to reduce the social costs of the influx and respond positively to the authorities' open-door policy.

July and August saw a steady deterioration of bilateral relations between FRY and Albania. Albania was accused by Belgrade of offering sanctuary and active support to KLA fighters using northern Albania as a base. Albania protested on several occasions against Yugoslav shelling of its territory.

By end August 1998, UNHCR estimated that 14,000 refugees had entered Albania, out of which 7,000 remained in the northern part of the country, mainly concentrated in the Tropoje district, and 7,000 moved to urban areas in the south and other locations. The great majority of refugees are accommodated with relatives and friends while a few collective centres were recently established in Tropoje. During the month of August the security situation steadily deteriorated in the northern part of the country. The area became increasingly militarised due to the open presence of KLA. This militarization was compounded by the presence of heavily armed local gangs, which virtually controlled that portion of the Albanian territory. This situation affected the security of the refugee population as well as of aid workers. Refugees who entered the country from Kosovo endured dangerous and arduous flight across the mountains and appeared in need of immediate material assistance, medical treatment and physical protection. As a result of security and other concerns, starting from mid-August UNHCR began to encourage refugees who had entered Albania to move to the safer central and southern provinces of the country. UNHCR will continue to monitor closely the situation at the border and the entry and transit of refugees by *inter alia* maintaining an antenna office in Bajram Curri and elsewhere in the north. While work will continue in the north to upgrade the reception capacity of transit centres, UNHCR will work on the establishment of collective accommodation in other sites in the south. In view of the upcoming winter and a likely continuation of the conflict, UNHCR will focus on shelter winterisation projects and further enhancing its preparedness to cope with new population displacement. Bearing in mind the extremely difficult economic situation and the volatile political environment in Albania, it is essential that the international community continues to assist the local authorities to cope with the crisis, in order to reduce the impact of the influx on Albanian society.

On 25 August 1998, UNHCR issued a position paper containing a number of considerations relevant to the treatment of asylum-seekers in Kosovo. The note assesses the situation throughout Kosovo as unsafe and unstable and featured by ethnically based persecution. In addition to conflict and communal/ethnically motivated violence, individualised persecution on political grounds is occurring by means of arbitrary arrest and detention, deprivation of life and torture carried out by State agents and non-state agents. UNHCR consequently encouraged asylum countries to receive Kosovo asylum-seekers and to allow them to lodge asylum applications. It also encouraged States to halt the deportation of rejected asylum-seekers on humanitarian ground.

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PROGRAMME FOR REFUGEES FROM BOSNIA AND HERZEGOVINA AND CROATIA

The estimated number of refugees from Bosnia and Herzegovina and Croatia hosted in FRY remained as high as 550,000.

According to several municipalities at the border with Croatia, the influx from the Croatian Danube Region intensified in July coinciding with the end of the school year. UNHCR estimated that, as of end August, 50,000 Croatian citizens of Serb origin entered FRY from the Croatian Danube Region. Some 36,500 were registered as refugees in Vojvodina only.

In the second week of August the Repatriation Officer undertook a mission to Bosnia and Herzegovina to address the issue of 5,500 pending cases who registered for repatriation from FRY and further assess return possibilities. As of 28 August, the number of UNHCR-assisted repatriation movements to Bosnia and Herzegovina stood at 1,032 individuals. UNHCR estimated that 15,000 to 20,000 repatriated to Bosnia and Herzegovina spontaneously.

The Commission for Real Property Claims, an operational partners of UNHCR, has began hiring staff for their offices in Belgrade, Vojvodina and Southern Serbia. Their Belgrade office is expected to be fully operational to receive claims from Bosnian refugees by mid-September.

Since the tripartite meeting between the Government of Croatia, the Government of FRY and UNHCR to simplify procedures for repatriation to Croatia, information has began to flow among the three operational partners, the Croatian Office for Displaced Persons and Refugees (ODPR), the Serbian Commissioner for Refugees (SCR) and UNHCR. However, a number of omissions and inconsistencies in the data provided by ODPR to UNHCR Belgrade in August, concerning the cases which had been approved for return, prompted UNHCR to raise the issue with ODPR central office in Zagreb.

After many months of repeated enquiries, UNHCR finally received information on citizenship applications from the Federal Ministry of Interior (MOI). MOI received 76,000 citizenship applications from refugees since 1 January 1997. A total of 17,000 cases have been accepted, representing 27,500 refugees who have been granted FRY citizenship. The balance remained pending, while MOI claimed that no negative decisions were taken concerning applications from refugees.

Since the launch of the programme for durable accommodation for refugees, 238 housing units have been completed, of which 48 were funded by Swiss Disaster Relief (SDR) and 16 by the Norwegian Refugee Council (NRC). Out of the total of 394 housing units, 158 are in Montenegro and 236 in Serbia. The projects enable refugees who have expressed a wish to integrate in FRY to become self-reliant. The participating municipalities in Serbia provide 3 hectares of agricultural land or other employment to one member of the beneficiary family. The programme appears most successful in Vojvodina.

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On 22 July, a refugee from Croatia who had left Orahovac in Kosovo approached UNHCR seeking assistance in tracing his daughter, who had been allegedly kidnapped in the vicinity of the town. Another 50 civilians were reportedly kidnapped at the same time. Field visits to collective centres in Kosovo have confirmed a dramatic decrease in the number of refugees there.

UNHCR activities for the resettlement of refugees from Croatia and Bosnia and Herzegovina in Kosovo have continued. As of 31 August 1998, the resettlement Unit in Belgrade submitted a total of 1,881 individuals, out of which 1,012 have been accepted, 38 rejected, 23 departed FR Yugoslavia and 808 are pending. The number of applications fell off by the end of August.

BOSNIA AND HERZEGOVINA

GENERAL

ELECTIONS

The preparations to the September elections were regarded by nationalist parties and associations as an opportunity to slow down the pace of minority returns in Bosnia and Herzegovina, as these returns were turned into one of the "hottest" political issues. Most notably, in Republika Srpska (RS), the authorities, including the Ministry of Refugees, became more reserved on minority returns, while vocally pointing out the plight of those who wish to remain in RS. A similar trend was noticeable in Canton 10, where the effect of Zubak's New Croatian Initiative (NHI) party in favour of return of Bosnian Croats to their homes of origin were not very tangible. In Una-Sana and Central Bosnia Cantons, Bosniak DPs and refugees have begun bringing the issue of return to RS to the forefront by taking direct actions, as seen in Kotor Varos and Bosanska Gradiska. An increased level of tension was noticed, as nationalist politicians, playing on the fears and frustrations of both domestic and displaced population groups, sought to make political capital out of the subject of return. Hard-line Bosnian Serb DP Associations in RS, some of whom have adopted the name "Ostatak" ("Remain") for their movement, took advantage of the susceptibility of politicians in the pre-election period to lobby for relocation on municipal land with financial assistance from the international community.

REPATRIATION FROM GERMANY

Germany has continued to pursue its policy of encouraging the repatriation of large numbers of refugees to Bosnia and Herzegovina. In the months of July and August, 41,000 refugees repatriated from Germany. The International Organisation for Migration (IOM) estimated that 24,500 individuals returned from 3 to 21 August alone. More than a third of this total settled in the already overcrowded Tuzla-Podrinje Canton in northern Bosnia. IOM estimated the same figure for the month of September.

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The overwhelming majority of these returnees are Bosniaks, originally from RS. Being unable to return to their homes in RS, they ended up relocating with their own ethnic group in the Federation. The additional social burden represented by this increasing number of relocation movements, in combination with the still high numbers of internally displaced persons and the shortage of available accommodation, are threatening the current stability of the Federation. UNHCR has repeatedly expressed its serious concerns regarding this relocation, reiterating that refugees should only be sent back on a voluntary basis and when the right conditions exist for them to return to their actual places of origin.

A clear example of problems arising from these relocation movements is given by the situation in Sanski Most and Bosanska Krupa. Despite the relatively open attitudes towards minority return, these towns have been receiving large numbers of relocatees. The situation has been characterised as "on the verge of social misery". Bosanska Krupa has accepted so far three relocation projects from German Laneder Governments, whereby Serb-owned houses are to be repaired to shelter Bosniak relocatees.

PROPERTY LEGISLATION UPDATE

Throughout the country, the implementation of the Federation's legislation on socially owned apartments (Law on Cessation of the Validity of the Law on Apartments) was uneven and inconsistent. Refusal to order evictions of current occupants, threats to the lives of municipal housing officials and blatant political interference in the decision-making process have contributed to the poor or non-implementation of the Law. However, efforts continued by all agencies to inform holders of tenancy rights who wish to re-claim these flats to file their applications before the deadline of 4 October. On the basis of these observations, the North-West Reconstruction Return Task Force (NW - RRTF) has recommended that the deadline be extended to a date as close as possible to the corresponding deadline under the new RS law.

The RS is expected to adopt a set of new property laws similar to those in Federation. This will certainly provide much wanted impetus for return of Bosniaks and Bosnian Croats from the Federation and refugees abroad to RS. The movements to RS would certainly raise tensions; RS politicians, including the moderates, have been sending messages during the electoral period that Serb DP's and refugees would not be evicted.

KOSOVO ASYLUM-SEEKERS

As of 29 August, 1,553 Kosovar Albanian refugees had registered with UNHCR Sarajevo. The total registered by UNHCR in Bosnia and Herzegovina at the end of the reporting period was 2,172; this number includes of registrations carried out in Bihac, Mostar, Tuzla and Zenica. UNHCR believes, however, that others who came to live with friends and relatives could have easily brought the total to 5,000 individuals. The State and Federation Ministries were at first reluctant to recognize that reception and care of the refugees are a state - and not exclusively a UNHCR - concern. The authorities reluctantly agreed that the current 262 persons could stay in two unused transit centres (176 in Bosanski Petrovac, and 86 in Srednje, some 25 kms north of Sarajevo) and requested the Cantons to look for potential accommodations.

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An interim instruction to regulate the temporary admission of refugees from Kosovo was submitted to the Council of Ministers, but was later taken off the agenda. UNHCR Sarajevo has sought the assistance of SFOR, the International Federation of the Red Cross (IFRC), and other UN agencies to identify suitable sites which can be prepared or rehabilitated to accommodate over 760 refugees who are already in hotels and guest houses in Sarajevo and others who continue to arrive. The difficulty experienced so far in finding alternatives to the current, expensive commercial housing arrangements, and the continued influx of 50 to 100 a day, prompted the office in Sarajevo to consider identifying sites for tented camps.

It is apparent that many refugees from Kosovo regard Bosnia and Herzegovina as a transit country and are, in fact, interested in resettling to third asylum countries. UNHCR has made clear that there are no grounds at this time for UNHCR to seek resettlement on their behalf. With the exception of cases of family reunification and extremely vulnerable individuals, UNHCR has recommended that embassies exert caution in providing resettlement opportunities to refugees from Kosovo presently in Bosnia and Herzegovina, since this could raise expectations and create a pull factor.

In a meeting with a group of Embassies (French, German, US, Italian, British, Danish, Canadian, Swedish, Swiss, and Spanish) on 31 August, UNHCR reiterated its position on the resettlement of this group from Bosnia and Herzegovina.

REPATRIATION TO CROATIA

Following the establishment of a tripartite mechanism for the processing of applications for return, with the participation of ODP, the RS Ministry of Refugees and UNHCR, a total of 208 cases were received by UNHCR Sub-Office Banja Luka for forwarding to ODP. No clearance has been received by the end of August.

UNHCR Banja Luka has identified that there are three distinct categories of people among the Croatian Serb refugees: (1) those who wish to return immediately, (2) those who have found durable solutions already in RS and (3) those who have not been able to make up their minds but wish to obtain documents (the most numerous) to keep the return option open. Access to documentation, including passports, may further open up the opportunity and desire for return.

PROTECTION

The Council of Ministers included on their 31 August agenda the adoption of the Draft Law on the Return of Bosnia and Herzegovina Refugees and Displaced Persons in Bosnia and Herzegovina, which provides a legal framework for the return of Bosnian citizens to and within Bosnia and Herzegovina. Disagreement between the Serb and the Bosniak versions of the document were referred to the Office of the High Representative (OHR) for an expert opinion.

SECURITY INCIDENTS

The majority of security incidents which occurred during the reporting period aimed at discouraging or preventing minority returns. On 31 July in Travnik, a Bosnian Croat

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police officer was killed by an explosive device planted about 50 meters from the Travnik police station. On 6 August, 45 Bosniak DPs returned to Gacice in Vitez municipality. The next day, a Croat roadblock effectively blocked the access to the village. SFOR IPTF, OHR, ECMM and UNHCR, together with the Mayor of Vitez and other municipal authorities, went to the scene. A group of 50 Bosnian Croats, apparently organised by accompanying members of the Croat War Veterans Association (HVIDR), aggressively demanded the immediate departure of the DPs and stated that previous agreements were no longer valid. As the opposing crowd grew and the situation deteriorated, the DPs decided to leave town under escort. However, they and representatives of the international community had to be shielded by SFOR from a very hostile crowd of 150.

On 8 August, in Doljani village (a Bosnian Croat populated area of Jablanica Municipality), shots were fired on two occasions by unknown person(s) at German, French, and Ukrainian SFOR personnel. On that day, 70 Bosniaks returned to Doljani and Sovici villages. Prior to their return, the HVIDR warned that the return was provocative. Earlier, two Bosnian Croats were assaulted by Bosniaks in Jablanica. The assailants were consequently arrested and charged in court. The Mayor of Jablanica issued a press statement denouncing the action of the arrested persons.

During an assessment visit by Bosniak DPs to Bileca Municipality (RS) on 25 August, the local police informed the visitors that they could not guarantee their security and were practically prevented for visiting their homes.

On 27 August, an assessment visit to Bugojno Municipality by Bosnian Croat refugees was cancelled because of a bomb threat made against the President of the Bugojno Municipal Council, Ivo Mrso (HDZ). IPTF later confirmed that a home-made cluster bomb was found outside Mr. Mrso's house. IPTF has also reported that there were four arson incidents in Bugojno Municipality within the reporting period. After discussions with OSCE, IPTF/UNCA, and SFOR, the following municipalities were identified as potential "hot spots" where tensions may arise during the elections: Zepce, Novi Seher, Kakanj, Jajce, Vitez, Krasevo and Travnik.

ASSESSMENT VISITS AND MINORITY RETURNS

GENERAL

The months of July and August saw progress in minority returns, with UNHCR negotiating return movements on a number of axes, especially in northern Republika Srpska (RS) (Kotor Varos, Bosanska Gradiska), in Canton 10 (Bosansko Grahovo, Glamoc and Drvar -- where the return rate is back to the level preceding the June inter-ethnic violence), as well as in Western Herzegovina (Canton 7, Prozor and Mostar). More moderate attitudes regarding minority returns have also been noticed among some officials in eastern RS (e.g. Pale, Trnovo, Han Pijesak and Sokolac.) Following the successful return of some 250 ethnic Serbs to areas around Mostar in Herzegovina, a leading Bosnian Serb representative informed UNHCR that up to 5,000 Bosnian Serbs might return to the region before December 1998.

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The UNHCR Sub-Office in Mostar, however, expressed its deep concern that, if there are not sufficient funds to meet shelter demands arising from increased returns, some returnees may have to go back to their place of displacement, thus reducing confidence in the return process and in the international community. The present funding shortfall affecting UNHCR's former Yugoslavia Operation, and the Bosnia and Herzegovina programme in particular, is now resulting in the reduction or suspension of shelter-related projects, with a likely negative impact on the absorption capacity of the areas receiving both minority returns and relocation movements.

SPECIFIC EVENTS

From March to 28 August 1998, over 13,000 families (42,178 persons) applied to return to the Sarajevo Canton. For the first time, the number of Bosnian Serb families having applied (5,175) exceeded the number of Bosniak families (5,152). A total of 2,174 Bosnian Croat families, representing 6,788 persons, registered. Applications from other ethnic groups totalled 552 families (Source: Cantonal Minister for DP's, weekly report of 31 August).

August saw the first substantial movement of Bosniaks from Travnik to Kotor Varos. Some 200-300 family heads began to establish a half-way presence in Siprage and Kotor Varos. Reconstruction support is needed to make their return sustainable.

Bosniak DPs and refugees originally from Bosanska Gradiska also started to press the issue of return to RS by organising highly visible "convoy returns" to mostly occupied houses. With intervention and counselling by UNHCR, SFOR and IPTF, the scheduled "return movements" did not take place to the extent that the Bosniak organisers had initially planned. Spontaneous returns of Bosniaks to empty damaged houses or relatives continued relatively unimpeded, save minor security incidents. Over 350 minorities, mainly Bosniaks, returned to Bosanska Gradiska by end August.

In Sarajevo Canton, during the last week of August, 38 Serb families reoccupied their homes in six Municipalities of Sarajevo Canton. For the Bosnian Croats, 39 families returned to five Municipalities. For the "others", 14 families returned to three Municipalities. Most returns took place to the Novo Sarajevo Municipality.

In the largest return movement to Canton 7, some 200 Bosniaks returned on 21 August to Oplacici village in the Croat-controlled Municipality of Capljina. Additionally, in the last two weeks of August, at least 170 heads of Bosniak families have returned to Kotor Varos Municipality in Republika Srpska. UNHCR, SFOR, WFP and other agencies in the RRTF will try to provide adequate material goods and food to sustain the return until homes can be rebuilt.

As a major breakthrough, on 15 August 80 Serbs returned from Nevisinje (RS) to Bacevi, Mostar Municipality South (Bosnian Croat-controlled). A total of 65 of these returnees spent the night in two houses in Bacevi. No security incidents were reported and the returnees were very happy. The Inter-Entity Bus Line in the area will be re-routed to make regular stops in Bacevi in view of the lack of public transport in the area.

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In Una Sana, minority return continued at a sustained pace with a reasonable level of political willingness and co-operation from the authorities. Especially notable are Bosanski Petrovac (99 Serb returnees) and Martin Brod area of Una-Sana Canton (159 Serb returnees). With exhibited will to receive minority returnees by the Una-Sana authorities, lack of reconstruction funding continues to be one of the most formidable obstacles towards return.

In Canton 10, the most significant event was the return of 18 Serb families to Glamoc. Bosniaks continue to return to Glamoc. In Drvar, the return rate picked up, although the security situation remained volatile with ongoing intimidation and harassment. The number of returnees to Drvar increased to 2,075. In Bosanski Grahovo 590 Serb DPs and refugees had returned by the end of the reporting period. Further south-east of Bosanski Grahovo, Serb refugees in FRY began visiting villages on both sides of Livno-Bosanski Grahovo municipal border. The interest in returning is strong and UNHCR Banja Luka expects pressure to return to this area will increase in future.

Minority returns to Zavidovici continued. In August, UNHCR has monitored the reinstatement of 24 families (including a Roma family) in their property.

DEMINING

On 14 August a local de-miner sustained the UNHCR demining team's first serious injury - from a hand grenade. He lost his right hand and has shrapnel lodged in his skull. An investigation is underway. The RS Mine Action Centre (MAC) was officially inaugurated on 27 August in Banja Luka. UNMAC/Bihac conducted an initial mine risk assessment in Martin Brod for possible opening of an access road on the Bosnian side of the currently contested Martin Brod village area.

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OPEN CITIES

Tuzla was declared an Open City on 17 July. The total number of minority returns to the 14 Open Cities has now surpassed the 10,000.

UNHCR Mostar reports that Kiseljak and Fojnica Municipalities declared themselves "open" during the last meeting of the Municipal Assembly. The Mayor of Busovaca declared that the joint administration will soon begin to function. No new projects will be implemented in the municipality until the beneficiaries of completed housing projects return to their homes. Its Open City status will be reviewed with particular regard to the progress made by the Mayor on resolution of double occupancy cases.

BUS LINES

Two of UNHCR Banja Luka's inter-Entity bus lines - Tuzla-Bijeljina and Tuzla-Zvornik - were taken over by private companies. This required the active involvement of UNHCR in facilitating meetings between private bus companies and public authorities of both Entities, developing schedules and disseminating information to the public.

The UNHCR Brcko/Sarajevo bus line, running once a week since 22 June 1998, is proving very successful, with all run in August fully booked. This success has awakened the interest of a local state-owned bus company to take it over.

SHELTER AND RECONSTRUCTION

Reconstruction activities have run full speed in numerous (minority) return areas, such as Bosanski Grahovo, the "Anvil", the Una-Sana Canton, Tuzla and Zavidovici, Doboje (RS) and Brcko (RS), Mostar, Kakanj and Travnik, as well as in Ilidza in the Sarajevo Canton. In total, some 2,000 houses have been rehabilitated or are under reconstruction under the 1998 UNHCR Reconstruction Program. Damage assessment and tripartite agreements are being prepared for additional housing units. The current plan (under existing UNHCR sub-agreements with implementing partners) targets a total of 4,000 housing units to be implemented, subject to the availability of funds. Two thirds of UNHCR beneficiaries are minorities returning to their property.

CROATIA

GENERAL

The months of July and August 1998 saw a number of developments related to the implementation of the Programme for the Return and Accommodation of Displaced Persons, Refugees and Resettled Persons (hereinafter referred to as the Return Programme), which was adopted by the Government of Croatia in June.

At the beginning of July, the Article 11 Commission informed Minister of Foreign Affairs Granic and Deputy Minister for Reconstruction and Development Stare of the

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conditions for international participation in the long-awaited Conference on Reconstruction and Development. The Article 11 Commission welcomed the Government's suggestion that the conference take place in October, pointing out that the adoption of the Return Programme had positively influenced the international community's stand on the holding of the conference itself. It stressed, however, that international donor participation would hinge on rapid implementation of the Return Programme, as well as on the expedited processing of applications for Croatian citizenship documents and the effective functioning of mechanisms for the return of occupied property to the legitimate owners which are envisaged in the Return Programme. The Government was also requested to present a comprehensive reconstruction plan by early September.

On 2 July the UN Security Council through a presidential Statement called for the expedited and full implementation of both the Government's Return Program and the Program on Re-establishment of Trust. Having in mind the situation in the Danube Region upon the expiration of UNTAES mandate, the Council also called for measures which would lead to the decrease in the number of ethnically motivated incidents in the Region. Although the Council noted with satisfaction that the Croatian Government has fulfilled most of its obligations concerning the provision of public services and employment in the public sector, which are envisaged by the Erdut Agreement, many obligations still remained to be fulfilled with regard to the implementation of the Laws on Validation and Amnesty, as well as the functioning of local municipalities and the funding of the Joint Council of Municipalities concerning the areas inhabited by ethnic Serbs.

In the aforementioned Presidential statement of 2 July, the Security Council approved a gradual draw-down of international police officers under certain conditions. Two conditions, among others, were specified in the UN Secretary General's report as: (1) a substantive progress in the return of Croatian DPs to and from the Danube Region under conditions of inter-ethnic tolerance; (2) an improved performance by Croatian police in the Danube Region. In mid-August the Representative of the Secretary General in Croatia, Mr. Souren Seraydarian, judged, under certain qualifications, that these conditions have been broadly met and authorised the draw-down of police officers. The United Nations Police Support Group (UNPSG) mission will be terminated on 15 October 1998. However, the international monitoring of the local police will continue under the auspices of the OSCE Mission to Croatia.

Soon afterwards, the Croatian Foreign Minister Granic arrived in Washington for a three-day visit, again at the invitation of Mrs. Albright. Granic went to Washington to discuss the Return Program, the implementation of the Dayton Accord, the situation in the Danube Region, democratic standards, economic co-operation and Croatia's ambition of western integration.

The visit of the US Secretary of State, Mrs. Madeleine Albright to Zagreb at the end of August was in a way the continuation of the talks with Foreign Minister Granic in Washington. Mrs. Albright was received by the Croatian President Franjo Tudjman. However, the meeting clearly indicated outspoken disagreement over Bosnia and the democratisation process in Croatia. While the US believes that Croatia belongs to

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Europe, Mrs Albright noted that membership to western institutions entails not only benefits but responsibilities as well, which must be met by Croatia

PROGRAMME ON RETURN - REPATRIATION FROM FRY AND RS

On 30 July, the first repatriation movement under the newly adopted Government Programme on Return took place from FRY to Croatia. Since then, progress towards repatriation of refugees from FRY has continued, albeit at a slow pace.

From the launch of the Return Programme until 30 August, 10,639 applications for repatriation were submitted to ODPH. Of this total, ODPH cleared 2,923 applications. In the same period 385 persons repatriated in UNHCR/ODPH convoys, 655 were identified as spontaneous returnees and 484 persons repatriated with a travel document (so-called "putri list") issued by Croatian diplomatic missions abroad -- totalling 1,524. The total number of minority returns to and within Croatia is presently over 45,000. This number includes 23,000 persons who have repatriated since the end of 1995, mostly from the Federal Republic of Yugoslavia, as well as some 22,300 Croatian Serb displaced persons who have returned from the Danube Region to their homes in other parts of Croatia since the signing of the Two-Way Return Agreement in April 1997. Based on observations in the field, UNHCR estimated that a realistic cumulative figure of minority returns could be around 20,000 in the Former UN Sectors

As noted in relation to implementation of the Joint Working Group Agreement on return to and from the Danube Region, the returnee population is essentially composed of cases of family reunion or individuals returning to their own inhabitable and empty houses. Serb refugees whose houses are temporarily occupied by Croat displaced persons and Bosnian Croat refugees on the basis of Croatian legislation adopted in the aftermath of Operations Flash and Storm in 1995 continue to be prevented from repossessing their properties. According to our office in Belgrade, they represent 40 to 50 per cent of the refugee population in FRY.

At the end of July, ODPH resumed the registration of and the grant of returnee status to both organised and spontaneous returnees, owing to pressure from the international community. UNHCR welcomed this decision.

On 20 July, the UNHCR Chief of Mission for Croatia accompanied the Head of the Croatian Government's Office for Displaced Persons and Refugees (ODPH) to Belgrade to meet with high-ranking officials from the Yugoslav Ministry of Foreign Affairs and the Office of the Serbian Commissioner for Refugee and identify bottlenecks in the repatriation process, particularly relating to clearances for return. The mission, which was described as constructive by both sides, focused on the simplification of voluntary repatriation procedures. As a result of that meeting, refugees in the Federal Republic of Yugoslavia can now submit applications for voluntary repatriation through the offices of the Serbian Commissioner for Refugees, UNHCR's offices and the Croatian Embassy in Belgrade.

Although this meeting resulted in the simplification of registration procedures, slow implementation by the Croatian Embassy in Belgrade continues to be a serious bottleneck for the return process as a whole.

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The Government organised a first information meeting on the Return Programme in Topusko on 7 July, which was attended by Government officials, representatives of the international community in Croatia and representatives of eleven counties, towns and municipalities affected by the return process. The meeting highlighted the concern of many of the participants regarding the economic situation in the so-called Former UN Sectors. It was stressed that Croatia would require financial support from the international community to intensify reconstruction and development, especially in heavily damaged areas.

A follow-up information meeting held on 18 August in Baska Ostarije did not meet international expectations. By that time, the Government Commission on Return had failed to produce substantive directives and information required by those charged with implementation of the Return Programme – especially the newly formed Housing Commissions tasked with seeking a solution to property-related issues. UNHCR stressed that the Government Commission on Return was ultimately responsible for providing accurate information relating to implementation of the Programme and urged that clear written instructions explaining the legal basis for implementation of the Programme be issued for use by State bodies charged with the operational aspects of the Programme at the local level.

A number of Bosnian Croats originating from Bosanska Posavina and Banja Luka region (both areas are in the Bosnian Serb entity) were allocated houses or apartments belonging to Croatian Serbs under the Law on Temporary Take-Over and Administration of Specified Property. This Law was rescinded in August 1998 without removing the consequences of its application. According to the Programme for Return, the accommodation of "temporary users" (a large majority of them are Bosnian Croats) is the task of the Housing Commissions (formed under the Programme), which should provide the temporary user with alternative accommodation in a state-owned house or flat in order to enable legitimate owners to repossess their property. For UNHCR the work of Housing Commissions is of crucial importance and will be the real test for the structures of the Return Programme and key factor in the UNHCR's assessment of the return process.

CROSS BORDER RETURN MOVEMENTS BETWEEN CROATIA AND REPUBLIKA SRPSKA

The UNHCR Chief of Mission for Croatia, Rob Robinson, travelled with the Head of ODPR to Banja Luka on 20 August in order to meet with Republika Srpska (RS) Minister for Refugees Dragicevic, with the Office of the High Representative (OHR) Banja Luka and with the Croatian Ambassador to Bosnia-Herzegovina. The delegation discussed procedures and cross-border co-operation for facilitating the return of refugees to and from Croatia with specific focus on the establishment of a fully operational Croatian Consulate in Banja Luka. The setting of consular days in Banja Luka by Croatian Embassy personnel of Sarajevo was an improvement, but did not accelerate repatriation in a meaningful manner.

With regard to repatriation movements from Croatia to neighboring Bosnia and Herzegovina, by end August, according to the UNHCR database, 2,014 persons

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applied for return to the Federation and 11,955 for return Republika Srpska. Almost 90 per cent of applicants are Bosnian Croats. UNHCR has advocated the de-registration of Bosnian Croats who have acquired Croatian citizenship and ODPB has conducted a number of de-registration exercises in full agreement with UNHCR. The legal position of Bosnian Croats who have acquired Croatian citizenship is clear. They are individuals of State concern as citizens, not as refugees. The problem that they are not receiving social benefits is one of the legal impediments and must be resolved by the authorities. In this respect UNHCR considers that all citizens should be treated equally.

UNHCR continues to receive reports in the field that the local branches of the ruling party HDZ in the Former UN Sectors, apart from nominal declarations in favour of return of Bosnian Croats to their homes in RS, were resorting to different type of pressures (political propaganda, threats of revocation of social benefits by HDZ-controlled welfare and municipal authorities) to discourage Bosnian Croats from repatriating to RS.

PROPERTY ISSUES AND RETURN

Property-related issues continue to represent a major obstacle for return. During the month of July the Croatian Parliament rescinded two pieces of legislation adopted in 1995. The Law on Rescission of the Law on Temporary Take-Over and Administration of Specified Property (LTTSP) and the Law on Rescission of the Law on Renting of Apartments in the Liberated Areas (LRALA) were adopted by the Parliament on 10 July and entered into force on 5 August 1998. The bills of abolition of the LTTSP and the LRALA, which had both been regarded by the international community as discriminatory, unconstitutional and obstructive to the return of ethnic Serb minorities, were not accompanied by the adoption of adequate transitional legislation dealing with the legacy of the rescinded laws. This deficiency appeared to be contrary to the recommendations of the international community to the Croatian Government during repeated consultations on the matter. It was the assessment of the international community that the rescission of the two above-mentioned laws, if not accompanied by specific and adequate transitional provisions, deprived persons of any effective legal and administrative mechanism to reinstate the owner's property rights, most importantly the owner's right to repossess his own property. Similarly, ex-holders of tenancy rights were denied any possibility to repossess state-owned property or to be offered an equivalent accommodation.

The Programme on Return, while neglecting to effectively deal with the discriminatory effects of the LRALA, establishes procedures and bodies to handle property-related matters. The *Housing Commissions* have therefore been tasked, among other functions, with taking stock of occupied privately-owned property and facilitate repossession of property by legitimate owners. In spite of these positive premises, the Housing Commissions have been working in a legal vacuum, given the conditions under which the two above-mentioned laws were rescinded. In addition, the Government has so far failed to provide the Housing Commissions with clear directives to enable them to operate in such a legislative and administrative framework. In the absence of adequate transitional legislation and clear operational instructions, the Housing Commissions have not functioned in making return happen. Therefore,

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implementation of both the Joint Working Group Agreement on Return to and from the Danube Region, and the Programme on Return, have failed to trigger the return of high numbers of refugees and Dps affected by property occupancy and loss of tenancy rights.

TWO-WAY RETURN MOVEMENT OF DISPLACED PERSONS TO AND FROM THE DANUBE REGION

Harassment and intimidation of the ethnic Serb community in the Region have continued. The decreasing number of security incidents reported was due to the simple fact that the Serb DP community has dramatically shrunk in the last four months to few thousand individuals, mainly elderly and destitute. A pattern of inter-ethnic segregation is emerging, whereby a gradual shift of population within the Region from ethnically mixed communities to homogeneous ones was noted.

The two-way return process within the country is stalled. At the same time, the protection needs of the remaining displaced persons continue to be great. Croatian DPs waiting to return to the Danube Region have discovered that domestic property legislation is a more efficient system than the Housing Commissions to evict ethnic Serb DPs. For example, the court in Osijek issued over 30 eviction notices in August based on claims filed within the previous 60 days (it is not known how many of these eviction notices were actually executed). The court system gives differential treatment to similar court filings by Croatian Serb DPs. Consequently, they face possible eviction with no possibility to return their own home, either due to reconstruction needs, re-instatement of tenancy rights or occupied housing.

As a result of these factors, displaced Croatian Serbs, as well as the resident Serb population, have continued to slowly depart Croatia or migrate internally to Serb communities within the Danube Region. Some have returned spontaneously to other parts of Croatia, although their houses are destroyed or occupied, and have been accommodated with relatives and friends. A further aggravating factor is the dire economic situation affecting all communities. While the two-way return process may be in the final phase, UNHCR continues to highlight that part of the caseload has merely been transferred to FRY.

To date 1,800 Serb Displaced Persons (Dps) have returned from the Danube Region to other parts of Croatia under the Joint Working Group (JWG) Agreement on Return of April 1997. Some 15,000 Croat Dps have returned to the Danube Region while UNHCR estimates that 10,000 Serbs have spontaneously returned to Former UN Sectors. Out of an estimated original population of 60,000 Serb Dps (source UNHCR, UNMO surveyed 47,000 in October 1996) 5,800 DPs are left in the Danube Region (source ODPR), mainly elderly and destitute persons, who do not have means to go to FRY or who can not go back to their homes in the Former UN Sectors due to property occupancy or loss of tenancy rights.

Before and following the expiration of UNTAES mandate, 50,000 ethnic Serbs (source Office of Serbian Commissioner for Refugees), both persons displaced to the

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Danube Region as well as the resident population, left for the Federal Republic of Yugoslavia (FRY).

CO-OPERATION WITH OSCE AND ECMM

Throughout July and August, UNHCR and the OSCE consulted members of the international community with a view to establishing an effective co-operation mechanism to support and monitor the Government of Croatia's efforts to implement the Return Programme. A Return Facilitation Group was formed under joint UNHCR/OSCE chairmanship, to address operational/humanitarian and political issues linked to the return process. The Government also established a Co-ordination Committee comprising representatives of both the Government and the international community, to review the return process. As systematic and effective monitoring of the Return Programme on a wide range of issues in a priority -- UNHCR, OSCE and ECMM established a joint monitoring system. A matrix of activities related to implementation of the Return Programme was developed, which set objectives and activities for each organisation participating in the monitoring mechanism, to ensure the consistent and accurate monitoring of returns, processing of data and analysis of trends and progress achieved.

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