



Organization for Security and Co-operation in Europe Mission to Croatia

Background Report

Implementation of the Sarajevo Declaration Meetings of the Inter-governmental Task Force (Overview of the debates and summary of the conclusions)

Introduction: role of the Task Force in the process

The Sarajevo Declaration signed by Croatia, Bosnia-Herzegovina and Serbia & Montenegro on 31 January 2005 established an Inter-governmental Task Force of the Sarajevo Declaration to prepare the national action plans (Road Maps) and to integrate them in a joint implementation matrix (Matrix). This Task Force is composed of Refugee Commissioners, State Secretaries and Assistant Ministers in charge of refugee issues in the three States. Experts of the three participating international organizations (OSCE, UNHCR and EC Delegation) have joined the committee as active observers with the right to intervene in the discussions.

After 18 months of work, it appears that the setting up of national Road Maps (RMs) are not yet finalized.

The present review of the minutes of the 5 meetings held so far is an attempt to provide an insight

- on the positions and the initiatives of each State since January 2005
- on the agreements reached by them at this juncture
- on the contribution of the international community during the process

First meeting: 7 April 2005 – Belgrade

After a long presentation by the representatives of the three countries on the activities undertaken by their respective Governments in order to implement the Sarajevo Declaration, the following main conclusions were reached:

- Each country committed itself to preparing its own Road Map (RM), based on a tabular model proposed by Serbia;
- Draft RMs were to be distributed to others by the next working group meeting scheduled 15 days later in Zagreb;
- Bosnia and Herzegovina (BiH) was selected as collector of the contributions from the respective States in order to compile the Operational Matrix;
- The Operational Matrix would consist of an introduction and two substantial chapters: current statistics and access to rights.

Between the first and second meeting of the TF, a meeting of the 3x3 Principals was held in Zagreb on 26 April 2005: it was agreed that each International Community Team should submit to the respective Governments a list of tasks considered of utmost importance for the implementation of the whole process.

Second meeting: 14 September 2005 – Zagreb

The meeting revolved around the advancement in the preparation of the Road Maps and the regional Matrix by the respective Governments, as well as the modifications made following the suggestions by the IC country teams.

- Croatia announced that a draft of the Croatian RM¹ had been approved by the Government on 22 July, with deadlines and financial commitments;
- Serbia announced that its RM contained a new element i.e. the inclusion of measures for the local integration of those who do not choose to return to the countries of origin;
- The RMs presented by BiH and SaM lacked financial commitments while the Croatian one included partial financial aspects related to some specific programmes;
- Comments from any of the participants on RMs or statistical data of all parties were to be given within 10 days.

Matrix

- BiH prepared the Introduction in the agreed shape, and started working on two Chapters;
- BiH appealed to the participants to provide unified data, especially SaM, before 30 September 2005.
- Regional Matrix was to be ready by 3 October 2005 and sent to all parties for review;
- A Task force meeting was to be held soon after, followed by a Ministerial meeting at the end of October 2005.

Third meeting: 28 October 2005 – Zagreb

During this meeting, for the first time, a substantial debate started over the comments/suggestions proposed by the IC to the respected RMs.

In this respect, Croatia announced that the following benchmarks, as proposed by the other participants and the IC, would be included in its RM:

- Upon insistence of IC, a precise implementation plan of the housing care programme for ex-OTR holders will be included, with the number of beneficiaries, financial means and timeframe, to address the estimated 7,000 applications;
- Repair of damaged repossessed property, which already started;
- Electrification of villages in return areas.

On the other hand, Croatia announced that the following proposed benchmarks would not be included in its RM:

- Extension of the deadline for housing care applications outside the war-affected areas, the so-called Areas of Special State Concern (i.e. no extension of the deadline for the urban areas);
- Restitution and/or compensation of lost/terminated OTRs;
- Repossession of occupied agricultural land and business premises - as cases are not numerous, they will be resolved but not referenced in the RM;
- Extension of deadline for the regularization of permanently residing foreigner status - due to the low number of cases to be decided on a case-by-case basis;
- Convalidation for working years_spent in formerly occupied areas - the number of pending claims (900) being too low;

¹ The Croatian RM include four sections of activity:

1. Return
2. Local integration for refugees who fled to Croatia
3. Returnee and refugee rights (social care until final status reached)
4. Regional information exchange.

- Claims for unsolicited investments made on properties under State administration – due to the low number of cases (25).

BiH announced it had included in its RM all the comments/recommendations received by the IC and Serbia. Among the conclusions of the meeting, it was agreed that every RM should also contain a list of “open issues” i.e. benchmarks proposed by the IC which have not been so far included in the RM by the respective Governments.

Fourth meeting: 17 November 2005 – Budva

This meeting concentrated exclusively on the discussion of some remaining open issues which were identified by the IC and Governments in the different RMs. BiH and SaM declared to have incorporated all IC suggestions into their RMs, which was confirmed by the IC, but not by Croatia, who objected on the lack of financial earmarked commitments in the two RMs.

During the discussion it emerged that eight problems to be included in the Croatian RM, suggested by the IC and Serbia, still remained unaddressed:

1. Repossession of agricultural land and business premises;
2. Exchange of information on suspected war criminals;
3. Convalidation of working years spent in formerly occupied territories;
4. Re-opening the possibility of application for the permanently residing foreigner status;
5. Counter-claims for unsolicited investments into private properties under State administration;
6. Amendments to the Law on Reconstruction;
7. Restitution and/or compensation for the lost OTRs;
8. Employment of minorities in local and state administration bodies.

The Government representatives came to the conclusion that these “open issues” should be discussed in a Ministerial meeting since they had the feeling that the TF could not make any further progress at the administrative level.

Fifth meeting: 11 April 2006 – Belgrade

The first intermediate Ministerial Meeting of the process took place in Sarajevo on 31 March 2006. The Ministers met partly behind closed doors and seem to have concentrated their attention on the OTR issue. They could not conclude on any item and simply mandated the TF to continue the work in particular on the open issues which had been submitted to them. This lack of progress may be considered as the result of an inadequate preparation by the national administrations and the TF. It seems that some of the Croatian concessions could not be taken into consideration.

The TF meeting took place shortly after this unsuccessful Ministerial meeting.

Croatia announced to have incorporated in its RM three out of the eight open issues previously identified:

- Employment of minorities in public administration;
- Exchange of information on alleged war criminals;
- Counter-claims for unsolicited investments;

In addition, Croatia announced that two other open issues would soon be addressed by the Government:

- Repossession of agricultural land and business premises;
- Extension of the application deadline for the renewal of the permanently residing foreigner status.

In light of this, and taking also into consideration the fact that the IC never supported the issue of the amendments to the Law on Reconstruction, it was decided that two outstanding issues remained in regard with the Croatian RM:

- Compensation for lost OTRs;
- Convalidation of working years spent in former occupied areas;

At the end of the meeting, the representatives of the Governments agreed to exchange the updated versions of the respective Road Maps before the end of April and to consolidate the Regional Matrix only after the resolution of all outstanding issues.

Remark on the status of the official minutes of each meeting:

It should be noted that none of the official minutes drafted after every meeting of the Task Force has been officially signed and adopted by the representative of the States involved in the process. Nevertheless, some government representatives state that once changes to the draft minutes are incorporated, these become final without any formal adoption. In light of this agreement, the minutes of the 5 Task Force meetings are to be considered final with the exception of the last meeting held in Belgrade on 11 April 2006².

Conclusion

The fact that the RMs and the Matrix have not been formally approved at the ministerial level more than 18 months after the signature of the Sarajevo Declaration is certainly not a sign of success. However, the present survey of the minutes of the different TF meetings reveals that binding agreement has been reached in most of the outstanding issues.

It should be recalled that Croatia and Serbia had never engaged in any bilateral discussion on these issues before the Sarajevo process.

Looking ahead, the Sarajevo process will certainly remain deprived of its added value if the two outstanding issues remain unaddressed. In this respect, it is of paramount importance that the IC continues to insist in its catalyzing and stimulating role, trying to suggest solutions in line with the spirit and principles of the Sarajevo Declaration.

² After the 5th TF meeting, the Serbian government circulated a draft version of the minutes to the participants for their approval. The Croatian Government asked in written for a substantive change of certain controversial passages (in particular in regard to the Croatian offer to discuss the OTR issue in the framework of the SFRY Succession Agreement) which have not been so far incorporated in the minutes. Therefore the minutes of the 5th meeting cannot be considered final since they are not approved by Croatia.