

Tuesday, February 03, 1998

Sarajevo Declaration and Implementation Reports (1998)

Sarajevo Declaration, 3 February 1998

1. At the invitation and under the chairmanship of the High Representative, Ambassador Carlos Westendorp, the United States Presidential Envoy Ambassador Robert Gelbard, and European Commission External Relations Principal Adviser Mr. Herman de Lange, members of the Presidency of Bosnia and Herzegovina and other senior government officials, members of the Peace Implementation Council Steering Board, diplomatic and consular representative offices in Sarajevo, the Special Envoy of the United Nations High Commissioner for Refugees, other representatives of the Reconstruction and Return Task Force and other key international and local organisations and institutions, met in Sarajevo on 3 February 1998.

GENERAL PRINCIPLES

The participants agreed that the following general principles must underpin Sarajevo's status both as the capital of the Federation and of Bosnia and Herzegovina, and as a model of co-existence and tolerance for the rest of the country:

2. Sarajevo must be a truly multiethnic canton, open in itself and to the outside, as envisaged in the Annex 7 of the General Framework Agreement on Peace, and subsequent communiques.
3. Sarajevo will guarantee equal treatment for all groups in every aspect of civic and economic life. There must be full freedom of movement of persons, goods and services within and between the Federation and the Republika Srpska. The protection of the human rights of every individual in Sarajevo must be guaranteed, and the provisions of the Sarajevo Protocol fully implemented in accordance with the guidelines developed in co-operation with the Office of the High Representative.
4. Sarajevo should lead the country by example by taking the concrete steps set forth in this Declaration to enable the return of at least 20,000 minority pre-war residents in 1998, as proof of its determination to act as a model for reconciliation, multiethnicity, freedom of movement and the unconditional right to return throughout Bosnia and Herzegovina.
5. Just as displaced persons and refugees from Sarajevo must be able to return, so people who have taken refuge in Sarajevo must be able to return to their homes. The international community will redouble its efforts to promote return to all other parts of Bosnia and Herzegovina - including Banja Luka, Mostar, Central Bosnia and eastern Republika Srpska - and to neighboring countries. Economic assistance will be linked throughout the region to progress in the return of pre-war inhabitants to their homes of origin.
6. The international community will lend its full support to the people of Sarajevo in their efforts to promote returns and achieve a truly multiethnic society. The international community will condition

continuation of assistance for Sarajevo on fulfillment of the benchmarks set out in this Declaration and on adequate progress toward meeting the 1998 goal of at least 20,000 minority returns.

The following concrete steps were agreed:

LEGISLATIVE ISSUES

7. Housing and property legislation in the Federation continues to block returns, including returns to Sarajevo. Despite the November 1997 commitment of the Federation Forum to adopt laws in accordance with Annex 7, none of the three laws have been adopted in accordance with the High Representative's proposals. Most significantly, the Law on the Cessation of the Application of the Law on Abandoned Apartments has not been considered by the government or submitted to Parliament.
8. This is unacceptable. International assistance programmes will be directly affected if the following steps are not taken:
 - The Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens must be finally adopted by 17 February 1998; and must include provisions for an oversight mechanism and compliance with the European Convention on Human Rights in cases where claims to reoccupy property are not fulfilled within 90 days.
 - The Law on Taking Over the Law on Housing Relations must be finally adopted no later than 17 February 1998; and
 - The Law on the Cessation of the Application of the Law on Abandoned Apartments must be presented to Parliament no later than 17 February 1998, and must be adopted by 1 March 1998, in a form acceptable to the High Representative.

If the Federation should fail to meet these deadlines, non-compliance measures will be imposed.

9. Federation authorities reiterated their undertaking not to apply the Law on the Sale of Apartments with the Occupancy Right until the Federation's property and housing laws are brought into compliance with Annex 7 of the Peace Agreement.
10. Recognising the significance of amnesty for the return process, participants called on relevant authorities to take immediate steps through mass media and other channels to ensure that returnees, and all citizens, are made aware of the existence of the Federation Law on Amnesty and that this Law is fully implemented and applied without discrimination. Participants also noted that military conscription holds important implications for the peaceful, phased, and orderly return of individuals to their pre-war homes, and called upon the competent authorities to ensure that returnees shall be exempted from military service for a minimum period of 5 years. In addition, both Entities should adopt legislation on alternative service which is consistent with international standards and, until such legislation is implemented, should respond favourably to requests for exemption from military service for persons who are in the minority where they live and for conscientious objectors.
11. The Sarajevo authorities will ensure free and fair access for all residents to official public records, such as birth and death certificates, citizenship, matriculation, employment, pension, and housing records. All returnees shall be provided with necessary documentation for their full re-integration into civil society and the labour market within one week of registration. Returnees who do not receive their documents within this time frame should notify UNHCR and UNHCR will take appropriate measures, including requesting intervention by the Sarajevo Return Commission. All municipalities in Sarajevo Canton will adopt standardised and simplified registration procedures for returnees by 1 March 1998.

HOUSING ISSUES

12. The Conference welcomed the establishment of the Sarajevo Housing Committee (SHC). Participants pledged their full support for its efforts to bring housing allocation decisions for all socially-owned apartments in Sarajevo into compliance with Chapter 1 of Annex 7 of the Peace Agreement.
13. The Conference welcomed initial efforts by the Sarajevo authorities to catalogue and verify cases of multiple occupancy, through regular public appeals and examination of existing official records, as well as their pledge to intensify these efforts. The Cantonal Ministry for Spatial Planning will provide the Sarajevo Housing Committee with the addresses and names of pre-war residents of 2,000 such illegally occupied dwellings by 30 June 1998, with the first 500 of these by 1 April 1998.
14. All socially-owned apartments which are undergoing or planned for reconstruction, vacant or illegally occupied must be allocated henceforth through the SHC mechanism.
15. The international community will intensify its efforts to raise funds for reconstruction of vacant apartments in Sarajevo Canton, parallel with and tied to progress in the implementation of the SHC mechanism.
16. The Sarajevo authorities will take appropriate further measures to facilitate the return of pre-war owners and lawful possessors of privately owned housing in Sarajevo. To this end, the Sarajevo authorities will strengthen their support to the implementation of binding decisions of the Commission for Real Property Claims of Displaced Person and Refugees.
17. The Reconstruction and Return Task Force will work with the competent authorities to identify alternatives for those people potentially displaced as a result of returns, as recommended by the November 1997 Federation Forum.

EDUCATION ISSUES

18. Education is one of the basic elements in support of the sustainable return of refugees and displaced persons to Sarajevo, the Federation and the state of Bosnia and Herzegovina. The education system in Bosnia and Herzegovina, the Federation, and in Sarajevo specifically, must ensure that all children are educated in a manner that promotes tolerance and stability between people of different ethnic groups and fosters understanding and reconciliation. It should be in accordance with the European Convention on Human Rights and other international and European standards. Education in Sarajevo will serve as a model for education throughout Bosnia and Herzegovina. The Sarajevo cantonal and city educational authorities will work with the Federation Ministry of Education and with relevant international organisations to develop the principles of an education programme that addresses the needs of children of different ethnic and religious groups in a non-discriminatory manner. These basic principles should be agreed upon by 30 June 1998 and the development of a programme incorporating these principles should be initiated during the 1998/1999 school year.
19. Sarajevo educational authorities will nominate for consideration appropriate officials to participate in working groups at the Federation level which will deal with the issues of curricular content (proposed UNESCO study) and text book evaluation (proposed CIVITAS study), and will continue to cooperate with the Council of Europe initiative to introduce democracy and human rights teaching in schools. By 1 March 1998, Sarajevo educational authorities will also establish a multi-ethnic Education Working Group (to include representatives of the Sarajevo educational authorities, university professors, members of the Sarajevo pedagogical academy and teachers faculty, the teacher training institute,

- selected school directors, teachers, representatives of relevant local and international organisations, and parents) to develop projects which foster democracy and ethnic tolerance among children.
20. Sarajevo educational authorities, under the supervision of the Education Working Group, shall list and review all textbooks currently in use or anticipated for introduction for review by 30 June 1998. The Sarajevo educational authorities will ensure that those texts judged to contribute to ethnic hatred and intolerance are withdrawn from all schools as soon as possible, and in any event no later than 1 September 1998.
 21. Sarajevo educational authorities, under the supervision of the Education Working Group, shall review charges of discrimination against or harassment of children in the school system. Any measures taken in the field of education that have resulted in discrimination against children should be reversed and remedied. The right of parents to choose the nature of the education their children receive must be respected, and compelling children to attend particular classes or schools in contravention of that right shall not be allowed. Sarajevo educational authorities undertake to make all necessary legislative changes and devote all necessary administrative and technical resources to achieving these goals in advance of the new school year 1998/99. This will include provisions to ensure non-discrimination in the recruitment and training of teachers, and to promote the hiring of minority teachers in at least equal proportion to the number of minority students.
 22. Sarajevo educational authorities shall use their best efforts to provide basic furniture, equipment and educational materials for all students and to ensure that all schools have sufficient trained and qualified teachers. This process should be completed by the beginning of the 1998/99 school year. The international community will do its utmost to support the authorities in this endeavor. The development of youth and cultural centres should be also encouraged, resources permitting. The Sarajevo educational authorities will provide a transparent budget to the Education Working Group and work with it to ensure that educational resources are distributed equitably throughout the canton and city, regardless of the predominant ethnicity of municipalities and school populations.
 23. Information for returnees about educational opportunities and reintegration assistance shall be provided by the Sarajevo educational authorities in cooperation with competent local and international non-governmental organisations. Remedial assistance for returnee children and validation of foreign and other educational qualifications will also be addressed by these authorities.
 24. Sarajevo Canton education authorities should co-operate with entity authorities in the sphere of higher education, particularly encouraging enrollment of students from throughout Bosnia and Herzegovina and cooperating with the entity authorities on the issue of financing and other issues. In this field, they should ensure academic freedom and self-government of institutions, promote the adequate graduation of trained professionals, and encourage the role of universities as a locus of peaceful inter-group dialogue.

EMPLOYMENT ISSUES

25. A critical aspect of facilitating returns to Sarajevo is expanding employment opportunities. Municipal, Cantonal and Federation officials must work together to accelerate economic reform and to create an attractive climate for foreign and domestic investment to allow for the creation of jobs. To this end, the competent authorities will develop a comprehensive initiative by March 1 to remove barriers to trade and investment in the Sarajevo area and also;
 - o work to liberalise the business legal environment and reform the business and employment tax structure to facilitate the development of a market-based economy;

- work with donor agencies that offer programmes for business development and retraining and employment services to promote employment creation for all the residents of the Canton;
- work to facilitate the development of affirmative action programmes which promote the concept of an open community, facilitate the return of minorities, and the integration of the community;
- initiate small public infrastructure projects, such as beautification of parks, refurbishment of neighborhoods and derelict sites, and general municipal maintenance programmes to provide temporary employment for Canton residents.

Bosnian leaders also commit to move quickly to meet the remaining requirements of an IMF agreement so Bosnia and Herzegovina can continue to access and, if possible, expand investment by the international financial community.

26. Recognising the importance of fair labour standards, the Federation Ministry of Social Affairs, Displaced Persons and Refugees will work with other relevant authorities and the International Community to expeditiously put in place anti-discrimination laws and employment regulations, along with the institutional capacity to enforce them. These will include a legal-administrative infrastructure to deal with employment related rights, such as discrimination on any basis (including national or ethnic origin, religion, age, gender, political opinion, disability) and unfair termination.
27. In addition, a Cantonal Employment and Return Commission will be established by March 1, 1998, chaired by the Cantonal Minister of Labour, Social Policy and Refugees, with suitable international representatives as well as from the Federation Ombudsmens' Office and the Sarajevo City Government, to accelerate progress towards integrating returnees into the Sarajevo workforce and economy. The Commission will work in close cooperation with relevant Federation authorities, with the objective of serving as a model for a Federation-wide Commission.
28. The Commission will:
 - set up rules, policies and procedures to address discrimination in the workplace and disseminate this information widely to the public;
 - develop an anti-discrimination code of employment practice and promote its adoption by local public and private enterprises;
 - review the status of employment cases resulting from the 1996 transfer of authority in the Sarajevo suburbs;
 - monitor progress in meeting the employment goals set out in the Sarajevo Protocol and other Federation agreements on minority employment with equal opportunity for all nationalities in cantonal and city governments, as well as in the cantonal police;
 - work with relevant international organisations to enhance job creation, promote business development, provide retraining and employment services programmes in pursuit of sustainable reform.

PUBLIC ORDER AND SECURITY ISSUES

29. Local police must guarantee the security of all citizens and give special attention to returnees. They must work immediately to incorporate more ethnic minorities into the police force and appoint officers responsible for maintaining contact with the returnee population. Sarajevo police are responsible for responding to threats to public order, ensuring the safety of returnees, and enforcing duly authorised housing-related orders.
30. The Sarajevo cantonal police, with advice from the IPTF, will develop a detailed strategy by 1 March

1998, setting out how they will meet these responsibilities and prepare cantonal police forces for enhanced return-related security roles. The police will initiate public relations and information campaigns to keep the public informed.

31. The IPTF will monitor the implementation of the strategy and seek donor support for the cantonal police with training and equipment, specifically for dealing with return-related public disorder. IPTF will maintain close and constant contact with the cantonal police and be informed of all problems and proposed actions to solve housing and return-related issues.
32. The Federation Mine Action Centre, with UN support, will develop by 15 March 1998, a detailed plan for accelerated de-mining in Sarajevo Canton, in support of returns and in consultation with the Sarajevo Housing Committee. The UN and the Sarajevo authorities will vigorously seek funds to implement this plan.
33. Free and responsible media is essential in the creation of the necessary conditions for returns. The Federation, cantonal, city and municipal authorities will accelerate their efforts to implement the confidence-building spelled out in Annex 7 of the Peace Agreement, and inform the Office of the High Representative of their plans to develop an appropriate media plan to this effect.

RETURN IN SPECIFIC CASES

34. Sarajevo Canton will resolve by 1 April 1998, outstanding return requests which have been presented to the UNHCR, cantonal and municipal authorities. Specifically, the remaining 4 cases of identified pre-war tenants prevented from return to their UNHCR-reconstructed apartments, and the 96 pending return requests lodged with the cantonal authorities since the summer of 1997, shall be resolved by the Cantonal Ministry for Spatial Planning in co-operation with the Cantonal Ministry for Labour, Social Policy, and Refugees by 1 April 1998. Any expenses associated with the resolution of these cases will be borne by the Canton, unless otherwise established by court proceeding.
35. The Republika Srpska authorities will ensure full freedom of choice and movement for displaced persons who wish to return from Brcko to Sarajevo and vice versa, and publicise this commitment widely in the media. The Federation authorities will give particular attention to the speedy reinstatement into pre-war homes of returnees from the Brcko area.
36. Responsible authorities will accelerate the process of returning to their homes Jewish families whose cases are the subject of the November 1992 agreement between the Jewish community and Sarajevo authorities. The Cantonal Ministry of Spatial Planning and the Cantonal Ministry for Labour, Social Policy and Refugees, working with their city and municipal counterparts, shall ensure that the 29 priority cases in which members of the Jewish community are already waiting to reoccupy their pre-war homes are resolved by 1 April 1998. The remaining 147 cases already agreed between the Jewish Community and the Sarajevo authorities must be given urgent consideration; they should all be resolved within 90 days of the date upon which the pre-war occupant/owner gives notice to the Sarajevo Housing Committee of an intent to return.

IMPLEMENTATION

37. The High Representative will establish, by 17 February 1998, a Sarajevo Return Commission (SRC), responsible for implementing the provisions of this Declaration. The SRC shall include relevant officials responsible for displaced persons and refugees, housing, education, employment, and public

security as well as representatives of displaced Bosnian Serbs, Bosnian Croats, and Bosniacs, Sarajevo civic leaders and key members of the international community, including the UNHCR . The High Representative will designate the Commission chair. The SRC shall supervise the work of the Employment and Return Committee, the Education Working Group, and the Sarajevo Housing Committee.

38. The co-chairs of the Sarajevo Return Conference will periodically review progress in achieving the specific benchmarks set out in this Declaration as well as progress toward the goal of at least 20,000 minority returns in 1998.
39. The Reconstruction and Return Task Force will assume responsibility for supporting the Sarajevo Return Commission, for resource allocation guidance in support of return and for co-ordinating implementation of the principle of conditionality.
40. International agencies involved in the implementation of this Declaration are invited as well to refer documented cases of abuse and obstruction of Annex 7 implementation by specific local officials to the SRC. The Commission will, collectively or drawing upon the resources and competencies of individual members, take appropriate corrective action.

ANNEX 1

The Sarajevo Conference was attended, among others, by the Co-Chairmen of the Presidency of Bosnia and Herzegovina, Presidents Alija Izetbegovic and Kresimir Zubak, Bosnia and Herzegovina Minister for Civil Affairs and Communications, Spasoje Albijanic, Bosnia and Herzegovina Deputy Minister for Civil Affairs and Communications Nudzeim Recica, Bosnia and Herzegovina Deputy Minister for Civil Affairs and Communications Milan Krizanovic, Federation President Ejup Ganic, Federation Vice-President Vladimir Soljic, Republika Srpska Prime Minister Milorad Dodik, Federation Prime Minister Edhem Bicakcic, Republika Srpska Minister of Refugees Miladin Dragicevic, Federation Minister of Social Affairs, Refugees, and Displaced Persons Rasim Kadic, Federation Deputy Minister of Social Affairs, Refugees, and Displaced Persons, Damir Ljubic, Sarajevo Canton Governor Midhat Haracic, Sarajevo Canton Deputy Governor Mladen Bevanda, Sarajevo Canton Assembly President Mirsad Kebo, Sarajevo City Mayor Gacanovic, Principal Deputy High Representative Ambassador Jacques Paul Klein, Deputy High Representative Ambassador Andy Bearpark, United States Ambassador to Bosnia and Herzegovina Richard Kauzlarich, United States Deputy Assistant Secretary of State for Population, Refugees and Migration Marguerite Rivera-Houze, USAID Director Bryan Atwood, European Commission Representative to Bosnia and Herzegovina Ambassador Donato Chiarini, United Kingdom Secretary of State for International Development Claire Short, Special Representative of the United Nations Secretary General Elizabeth Rehn, United Nations High Commissioner for Refugees Special Envoy Carrol Faubert, COMSFOR General Erik Shinseki, and Ambassador Robert Barry of the Organisation for Security and Co-Operation in Europe

Office of the High Representative

Sarajevo, 3 February 1998