
Department for Conference Services

At the request of the OSCE High Commissioner on National Minorities, the attached letter of 4 April 1997 to the Minister for Foreign Affairs of the Republic of Croatia, Mr. Mate Granic, as well as the letter of reply, dated 24 May 1997, are being distributed to all OSCE delegations.

OSCE

High Commissioner
on National Minorities

His Excellency
Mr Mate GRANIC
Deputy Prime Minister and
Minister for Foreign Affairs
of Croatia
ZAGREB
Croatia

The Hague
4 April 1997

Reference :
250/97/L

Dear Mr Minister,

Please permit me to write to you regarding some developments which could have significant consequences for those ethnic Serbs who are Croatian citizens (hereafter referred to as Serb Croats), who, after having moved to the former Sector East from various other parts of Croatia in 1995, now want to return home.

Information has reached me which seems to indicate that category of Croatian citizens is presently classified as internal migrants and not as displaced persons. I am wondering what the consequences of this will be for their chances of returning to their places of origin. In your letter of 13 June 1996 to the Chairman of the Committee of ministers of the Council of Europe you described it to be the aim of the Government of Croatia to create conditions for the voluntary, safe, dignified and speedy return of all displaced persons and refugees, regardless of their nationality and ethnic origin. In the same vein, the Republic of Croatia and the Federal Republic of Yugoslavia, in Article 7 of the 23 August 1996 Agreement on Normalization of Relations between the two states, have i.a. undertaken the obligation to facilitate the free and safe return of internally displaced persons to their places of origin. The general assumption was that the assurances in your letter to the Council of Europe and the obligations undertaken in the Agreement I just quoted would also cover the Serb Croats who came to former Sector East in 1995. I express the hope that, notwithstanding their classification as internal migrants, this assumption is still correct. It seems to me that this also follows logically from Article 15 of the Constitution of the Republic of Croatia which states i.a. that Members of all nations and minorities have equal rights in the Republic of Croatia.

In earlier correspondence I referred to the Law on the Temporary Taking Over and Administration of Specified Property. I should now like to return to this subject having received information about the way the Law is being applied by local authorities.

In the first place, there are indications that local authorities are of the opinion that refugees presently living outside Croatia and presently not having Croatian citizenship can be authorized by them to occupy empty houses in the region, even in situation where the owners of these properties, after having overcome the administrative difficulties standing in the way of their return, are intending to come back to their places of origin in the near future. As those being allowed to occupy these houses cannot be removed from them before they have been offered alternative housing, and since housing in the region is scarce, it seems that such an interpretation of the law is not in conformity with official policy, I would hope that clear instructions will be sent to the local authorities who are clearly taking the view, in my view incompatible with the Law, that they can offer these houses to any member of the Croatian nation (irrespective of the question whether they have Croatian citizenship) who shows an interest in occupying them. In this connection I also note that, according to Article 5 of the Law, property can be put at the disposal of certain categories of Croat citizens, but that there is no obligation to do so.

As quite a number of the houses are in remote areas, the risk of them being illegally occupied is fairly great. In this respect I would recommend that the local authorities will end their present practice of refusing to give information to returning Serb Croats regarding the question whether the present occupants of their houses have been given official authorisation to take possession of them.

Finally, I feel obligated to return to the question of the safety of the mainly elderly Serb Croats still living in Krajina. Much to my regret, there are any indications that cases of harassment and ill-treatment of them are not decreasing; the contrary seems to be the case. There have also been some efforts to intimidate the few Serb Croats who managed to return to their places of origin, i.a. by throwing hand grenades in the houses they are living in. I hope that drastic steps will finally be undertaken to bring these practices, which have been taking place continuously since August 1995, to an end. I also recommend that the necessary steps will be taken to ensure that such practices will not be allowed in the former Sector East once Croatia has taken over the administration of the area.

Yours sincerely,

[signature]
Max van der Stoep
OSCE High Commissioner
on National Minorities

REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
MINISTER

Zagreb, May 14, 1997

Dear Mr. High Commissioner,

First of all, allow me to thank you for the suggestions and recommendations contained in your letter of April 4, 1997, which I have read with great attention. You may be interested to note that the issues which you addressed in your letter have been dealt with several times by the Croatian Government in the recent period and I wish to inform you of the latest developments.

As you are aware of, the elections that were held nation-wide on April 13, 1997, for the first time since the start of the aggression on the Republic of Croatia six years ago, represented a very important step towards successfully achieving peaceful reintegration of the Croatian Danube Area. To this end the Croatian Government has prepared the Letter of Intent with specific commitments of which you are fully aware. On April 22, 1997, the UN Transitional Administrator for Eastern Slavonia, Baranja and Western Sirmium, General Jacques Paul Klein, formally declared the certification of the elections. This decision was based on the reports of UNTAES monitors and

other numerous international observers, as well as on the comments of Croatian authorities and of the local political leaders.

On April 29, 1997, the Secretary General of the United Nations addressed a letter to the President of the UN Security Council, in which it was again stressed that the successful holding of the elections in the UNTAES administered region had been an essential step for further progress in the peaceful reintegration of the region, as well as that the elections marked an important milestone for the legitimate representation of the local population in the Croatian constitutional and legal system. In the UN Security Council Presidential Statement of May 8, 1997, the Council shared the abovementioned assessments and urged, in turn, an early formation of the newly elected bodies of local government.

With regard to the return of the Croatian citizens of Serb nationality to areas liberated during spring and summer 1995, it is important to emphasize that, since the end of operation "Storm", this return has been a continuous one. According to updated information provided by the Office for Displaced Persons and Refugees (their latest

H.E. Max van der Stoep
OSCE High Commissioner on National Minorities
The Hague

report is dated April 7, 1997) on returns organized through the ODP, 15,276 persons have already returned. In order to further initiate and facilitate the two-way return of all displaced persons in the Republic of Croatia, and fully organizing the right of all Croatian citizens to choose freely where they wish to live, the Government of the Republic of Croatia approved, on April 24, 1997, the "Agreement on the Operational Procedures of Return".

This Agreement was reached between the representatives of the Croatian Government, UNTAES and the UNHCR within the Joint Working Group on Returns and it includes the Guiding Principles and specific mechanisms for a program of return of Croatian citizens to their homes everywhere in the Republic of Croatia (please see the enclosed Agreement). According to the provisions of this Agreement, the Working Group will establish mechanisms to register and process all requests for return into and out of the Croatian Danube region; disseminate information on the return process; ensure proper operations; develop further mechanisms to address returnee issues, as necessary; and respond to issues arising from the return process which cannot be solved at lower levels. The UN Security Council welcomed this Agreement in its Presidential Statement dated May 8, 1997. Furthermore, on April 24, 1997, following the suggestion of the Joint Working Group, the Government of the Republic of Croatia, decided to, with the cooperation of the international community, establish an Agency for Mediation in the Traffic of

Real Estate and a "Land Bank" database of property and owners under the auspices of the Ministry for Reconstruction and Development. The Agreement on the Operational Procedures of Return and the decision to establish the abovementioned Agency represent a programme for return adopted by the Government of the Republic of Croatia, the aim of which is to enable all of the citizens of the Republic of Croatia, regardless of their nationality, to return to their homes.

In short, the programme is based on the following points, family reunion, i.e. immediate reunion with family members who stayed in the Croatian Danube area, as well as immediate return of those persons who are currently residing in the Croatian Danube area and whose family members are in other parts of Croatia. Other points of the programme envisage, i.a., return of the displaced persons to the Croatian Danube area, as well as the return of all Croatian citizens to their homes in other parts of the Republic of Croatia, if their homes are inhabitable, for those Croatian citizens who cannot, due to destruction or occupation by others, return to their homes, the Ministry of Reconstruction and Development shall procure temporary accommodation until their homes are reconstructed or vacated. It is estimated that 25,000 homes would need to be reconstructed in order for all Croatian citizens to be able to return to their places of origin. The estimated cost of the programme, including the funds needed for the infrastructure reconstruction, amounts to app. 1.1 billion USD, half of which is foreseen to be financed by the international community and the other half by the Government of the Republic of Croatia. Needless to say that this programme cannot be implemented without substantial international financial assistance and your help in raising the awareness of the international community would be most welcome.

Mr. High Commissioner,

In the letter you mentioned the Law on the Temporary Taking Over and Administration of Specified Property. The Ombudsman of the Republic of Croatia, Mr. Ante Klari?, raised some concerns relating to this issue in his Report on the Human Rights Situation in the Area of Knin and Donji Lapac, which was recently submitted to the Government of the Republic of Croatia. Following this Report, the Government has undertaken the following measures; the Ministry of Interior has increased the number of policemen in the area in order to further enhance the security situation in the area; the Ministry of Reconstruction and Development, as is mentioned above, has proposed a programme for the return of refugees and displaced citizens of the Republic of Croatia, the implementation of which will surely solve the problems mentioned in the Ombudsman's Report; the Ministry of Justice has initiated investigation procedures aimed at inquiring into the cases and practices mentioned in the Report; on Friday, May 9, 1997, a meeting was organized in the Government of Croatia, on which occasion the current situation in the area was discussed with the Ombudsman and the Government's Commissioners for the Municipalities of Knin and Donji Lapac. The Croatian Government will discuss this matter further in the next days and will consider all implications of the objective problem.

In the last part of your letter you raised the question of safety and security in the Knin area. I would like to share with you the latest information received by the Ministry of Interior, relating to this issue. Owing to the increased number of police officers and gradual normalization of the situation in the area, the statistical data show that the number of criminal offences in the area is indeed continuously declining, while, at the same time, a number of police investigations have been successfully ended and criminal proceedings both initiated and completed (Please refer to the annexed Table). I wish to ensure you that the Croatian Government and its Ministry of the Interior are taking this security situation with a sense of utmost importance and urgency and that additional important measures with a view to improve the overall situation will be taken shortly.

Mr. High Commissioner,

Having mentioned the most important of recent positive developments in the field of protections of human and minority rights in the Republic of Croatia, it is my sincere hope that I have been able to offer clarifications and some new information on the issues you raised and that this letter shall further contribute to your valuable activities.

Finally, allow me to reiterate the commitment of my Government to the overall development of the respect for human and minority rights and freedoms in the whole territory of the Republic of Croatia.

Sincerely yours,

[signature]
dr. Mate Granic

ANNEX I TO THE LETTER OF H.E. MATE GRANI?, MINISTER OF
FOREIGN AFFAIRS OF THE REPUBLIC OF CROATIA

Agreement of the Joint Working Group
on the Operational procedures of Return
OPERATIONAL AGREEMENT OF THE WORKING GROUP ON RETURNS

BASIS OF THE WORKING GROUP

The Joint Working Group on Returns, composed of representatives of the Government of Croatia, UNTAES, and UNHCR was established pursuant to a decision of the Government of Croatia on 27 March following an agreement reached during the 21 March meeting of H.E. President Franjo Tudjman, UN Transitional Administrator Jacques Paul Klein, and UN High Commissioner

Sedako Ogata and working level meetings on 13 and 14 March, 27 March, and 3 April.

THE WORKING GROUP MEMBERS ARE:

Croatian Government: Mr. Stjepan Sterc, Deputy Minister for Development and Reconstruction, Head of Delegation; Mr. Lovre Pejkovic, Head of the Office for Displaced Persons and Refugees; Mr. Neven Henigsberg, Office of the Deputy Prime Minister; Ms. Danica Damjanovic, Assistant to the Minister of Justice.

UNTAES: Mr. Gerard Fischer, Head of Civil Affairs, Head of Delegation; Mr. Goran Stigmer, Head of Civil Affairs Displaced Persons Task Force; Ms. Piper Campbell, Personal Assistant to the Head of Civil Affairs; Mr. Richard Holtzapple, Political Affairs.

UNHCR: Mr. Pierre Jambor, Chief of Mission, Croatia, Head of Delegation; Mr. Serge Ducasse, Deputy Chief of Mission, Croatia; Mr. Eduardo Arboleda, Chief of Operation, Slavonia; Mr. James Lynch, Head of Office Osijek; Mr. Indrika Ratwatte, Protection Officer, Zagreb.

GUIDING PRINCIPLES

The Working Group will establish the mechanisms to register and process all requests for return into and out of the Croatian Danube region; disseminate information on the return process; ensure proper operations; develop further mechanisms to address returnee issues, as necessary; and respond to issues arising from the return process which cannot be solved at lower levels.

The Government of Croatia shall provide equal access and equal treatment for safe return, reconstruction, and the other mechanisms specified below for all Croatian citizens who in 1991 resided in the Croatian Danube Region (herein after, the Region) or who are currently living there.

Until conditions are created, through the mechanisms described in this agreement, for Croatian citizens to move from the houses they are currently occupying, they may remain in such houses.

Additionally, the Government of Croatia will, with the cooperation of the international community, organize and agency for mediation in selling or exchanging property for legal owners who do not want to inhabit their property any more. The "Land Bank" concept will be developed more fully by the aforementioned Working Group.

The Government of Croatia, UNTAES, and UNHCR will seek international funding for the implementation of the described mechanisms, as they are established.

MECHANISMS FOR THE RETURN OF CROATIAN CITIZENS TO THEIR HOMES

All Croatian citizens, with Identification cards, displaced from their homes who want to return to their homes should register with the Office of Displaced persons and Refugees (ODPR) as a first step in the return mechanism. ODPR will collect all necessary information on the forms agreed to by the Working Group. ODPR will submit to the Working Group on a weekly basis a report containing statistics and dates for: return requests received, "CONFIRMATIONS ON ARRANGEMENTS FOR RETURN" Issued, and returns successfully completed. ODPR records of registration will be available to all members of the Working Group, upon request. For those who register with ODPR, depending on the condition of the potential returnee's property, the following procedures will apply:

FAMILY REUNION (to original family home):

1. ODPR will immediately contact the ODPR office in the area of return in order to verify the Information provided by the potential returnee, and simultaneously will confirm with the Ministries of Justice and Interior that there are no outstanding charges against the individual.
2. ODPR will then issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee, with copies to: the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.
3. ODPR will agree with the returnee on the modalities/logistics of return.
4. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

TRANSITIONAL MEASURES: Until the Joint Working Group agrees that ODPR and other relevant Croatian authorities are in a position to undertake all of the mechanisms described above for returns into the Region, the following procedures will apply:

1. ODPR will verify that the request for return is to an original family home in the Region.
2. ODPR will contact UNTAES (DP Task Force) which will verify the information provided by the potential returnee.
3. UNTAES will inform ODPR of the housing status, and notify the Transitional Police Force (TPF) and municipal authorities.
4. ODPR will issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee.
5. ODPR will agree with the returnee on the modalities/logistics of return.
6. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

In principle, the CONFIRMATION ON ARRANGEMENTS FOR RETURN will be issued within 15 calendar days of registration with ODPR, or ODPR notification of UNTAES (for returns into the Region). The return should take place as soon as possible thereafter. Where the CONFIRMATION cannot be issued within this timeframe, the Working Group will be informed so that alternative measures can be considered. When a home is vacated under these mechanisms, the responsible party (Government of Croatia or

UNTAES) will ensure that the house is not then occupied by an individual other than the legal owner.

VACANT INHABITABLE HOMES

1. ODPR will forward the requests for return daily to the Ministry of Development and Reconstruction (MDR).
2. MDR will coordinate with the municipal or city Commission for Temporary Takeover and Use of Property. MDR and the municipal or city Commission will Takeover and Use of Property. MDR and the municipal or city Commission be authorized to assign a vacant home to another individual after notification from MDR is received. If the housing has been assigned but is not yet occupied, the housing assignment will be annulled.
3. MDR will inform ODPR of the housing status.
4. ODPR will then issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee, with copies to: the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.
5. ODPR will agree with the potential returnee on the modalities/logistics of return.
6. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

TRANSITIONAL MEASURES: Until the Joint Working Group agrees that ODPR and other relevant Croatian authorities are in a position to undertake all of the mechanisms described above for returns into the Region, the following procedures will apply:

1. ODPR will verify ownership of the home in the Region, and will forward the requests for return daily to UNTAES
2. UNTAES (DP Task Force) will confirm that the house is vacant and inhabitable, and the condition of security exists. In no case will an individual other than the legal owner be allowed to occupy the house after UNTAES has confirmed that the house is vacant.
3. UNTAES will inform ODPR of the housing status, and notify TPF and the municipal or city authorities.
4. ODPR will issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee.
5. ODPR will agree with the potential returnee on the modalities/logistics of return.
6. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

In principle, the CONFIRMATION ON ARRANGEMENTS FOR RETURN will be issued within 15 calendar days of registration with ODPR, or ODPR notification of UNTAES (for returns into the Region). The return should take place as soon as possible thereafter. Where the CONFIRMATION cannot be issued within this timeframe, the Working Group will be informed so that alternative measures can be considered. When a home is vacated under these mechanisms, the responsible party (Government of Croatia or

UNTAES) will ensure that the house is not then occupied by an individual other than the legal owner.

HOMES DAMAGED OR DESTROYED BY WAR*

* as defined by the Law on War Damage Assessments (narodne novine # 61/91)

1. ODPR will forward the requests for return daily to the Ministry of Development and Reconstruction (MDR).
2. MDR will coordinate the work of the municipal or city Commission for Temporary Takeover and Use of Property in order to determine the status of the house.
3. MDR in cooperation with the County Commission for the Assessment of War Damages will determine the degree of damage to the house (categories 1-6)
4. On the basis of the feedback on the status of the property, the potential returnee will complete a request for reconstruction at the ODPR sub-office where they registered. ODPR will forward the request to the County Officer for Reconstruction and to MDR which will further proceed according to the Law on Reconstruction (NN # 24/96, 54/96, and 87/96). Cases whose resolution will make possible the return of a DP to a home currently occupied by a Croatian citizen displaced from his or her home shall be treated as priority 3 under article 6 of the Law on Reconstruction. For the purposes of reconstruction and return, all cases of "returnees" also shall be treated as priority 3 under Article 6 of the Law on Reconstruction.
5. After the contract on reconstruction is signed, MDR or ODPR will offer the individual temporary accommodation in the nearest location to the home of origin until full realization of the individual's right to reconstruction. Alternatively, accommodations can be arranged privately (i.e. with friends or relatives) without losing the right to reconstruction.
6. When the municipal or city Commission or ODPR secures temporary accommodations for the potential returnee, a certificate will be issued giving the potential returnee the right to reside in the temporary accommodation. A returnee in possession of such a certificate cannot be asked to leave the temporary accommodation, unless the Government of Croatia provides the returnee alternative accommodation, or his/her home is repaired. (Note: If upon receiving such a certificate the potential returnee declines the offered temporary accommodation, the potential returnee loses the right to remain in the current accommodation. However, the right to reconstruction remains.)
7. MDR or ODPR will inform the Working Group of the status of the case.
8. ODPR will then issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" which will specify that the returnee is moving to temporary accommodations, with copies to: the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.
9. ODPR will agree with the potential returnee on the modalities/logistics of the move.
10. ODPR, assisted by UNTAES and UNHCR, will organize the move. Upon

the move to temporary accommodations, the individual will have legal status as a "returnee".

(NOTE: There may be cases where an individual who has a damaged home, by virtue of having another house or apartment in the Republic of Croatia which has not been damaged by war and which is appropriate for living (i.e. vacant and inhabitable) cannot claim the right of reconstruction, as per Article 5 of the above-referenced Law on Reconstruction. In these cases, the appropriate mechanism for the return to or sale/exchange of that habitable home shall apply.)

TRANSITIONAL MEASURES: Until the Joint Working Group agrees that ODPR and other relevant Croatian authorities are in a position to undertake all of the mechanisms described above for returns into the Region, the following procedures will apply:

1. ODPR will verify ownership of the home in the Region, and will forward the requests for return daily to UNTAES.
2. UNTAES (DP Task Force) will determine the status of the house and inform the Working Group members.
3. UNTAES will facilitate Inspection by MDR and the County Commission for the Assessment of War Damages which will determine the degree of damage to the house (categories 1 - 6) and further proceed according to the Law on Reconstruction.
4. After the contract on reconstruction is signed, MDR or ODPR, assisted by UNTAES and UNHCR, will offer the individual temporary accommodation in the nearest location to the home of origin until full realization of the individual's right to reconstruction. Alternatively, accommodations can be arranged privately (i.e., with friends or relatives) without losing the right to reconstruction.
5. ODPR will issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee.
6. ODPR will agree with the potential returnee on the modalities/logistics of return.
7. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

(NOTE: There may be cases where an individual who has a damaged home, by virtue of having another house or apartment in the Republic of Croatia which has not been damaged by war and which is appropriate for living (i.e. vacant and inhabitable) cannot claim the right of reconstruction, as per Article 5 of the above-referenced Law on Reconstruction. In these cases, the appropriate mechanism for the return to or sale/exchange of that habitable home shall apply.)

These moves will take place in the shortest time possible, following registration with ODPR. When a home is vacated under these mechanisms, the responsible party (Government of Croatia or UNTAES) will ensure that the house is not then occupied by an individual other than the legal owner.

HOMES WHICH ARE BEING USED TEMPORARILY

1. ODPR will forward the requests for return daily to the Ministry of Development and Reconstruction (MDR).
2. MDR will coordinate the work of the municipal or city Commission for Temporary Takeover and Use of Property in order to establish that the home is occupied. The Commission will determine whether the house is occupied under the provisions of the law on Temporary Takeover and Administration of Specified Property (NN #73/95), or not according with the Law.
3. MDR will inform ODPR about the status of the home.
4. MDR, in cooperation with the municipal or city Commission, will offer one of the following solutions to the individual via ODPR or the regional sub-office:
 - (a) A certificate which specifies the date after which the owner will be able to take possession of his property, or
 - (b) A certificate which will put at the disposal of the potential returnee a corresponding (in size and quality) accommodation close to the place of permanent residence for the period until his property is available for use. The certificate will specify the date after which the corresponding accommodation will be available.
5. In cases where it is not possible to immediately implement the certificate described in the above point, MDR or ODPR will offer the individual temporary accommodation in the nearest location to the home of origin until the date specified on the certificate. Alternatively, accommodations for the above period also can be arranged privately (i.e., with friends or relatives) without losing the right to return.
6. When the municipal or city Commission or ODPR secures corresponding or temporary accommodations for the potential returnee, a certificate will be issued giving the potential returnee the right to reside in the accommodation. A returnee in possession of such a certificate cannot be asked to leave the corresponding or temporary accommodation, unless the Government of Croatia provides the returnee alternative accommodation [corresponding or temporary, as the case applies], or he/she returns home. (Note: If upon receiving such a certificate the potential returnee declines the offered temporary or corresponding accommodation, the potential returnee loses the right to remain in the current accommodation. However, the right to return remains.)
7. MDR or ODPR will inform the Working Group of the status of the case.
8. ODPR will then issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" which will specify that the returnee is moving to corresponding or temporary accommodations, with copies to the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.
9. ODPR will agree with the potential returnee on the modalities/logistics of the move.
10. ODPR, assisted by UNTAES and UNHCR, will organize the move. Upon the move to the temporary or corresponding accommodations, the individual will have legal status as a "returnee".

These moves will take place in the shortest time possible, following registration with ODPB. When a home is vacated under these mechanisms, the responsible party (Government of Croatia or UNTAES) will ensure that the house is not then occupied by an individual other than the legal owner.

GENERAL TRANSITIONAL MEASURES

1. For all cases of Croatian citizens, registered with ODPB, who wish to return but who are not covered by the above mechanisms, temporary accommodation will be offered by the Government of Croatia. The Working Group will resolve these on a case-by-case basis or develop other mechanisms as necessary consistent with the Guiding Principles.

2. The Working Group welcomes the suggestion to create an Agency for Mediation in the Traffic of Real Estate and a "Land Bank" database of property and owners under the auspices of the Ministry for Reconstruction and Development. The Working Group notes that this Agency and Bank can play a crucial role in resolving cases falling outside the above described mechanisms for return through the arrangements of safe, exchange, and rental of property.

3. The Working Group will establish mechanisms for using the Agency and Land Bank, and will determine when the individuals using these mechanisms will move from the homes they currently occupy, after the Agency is established by the Government of the Republic of Croatia.

4. In cases where these mechanisms for return and legal remedies under Croatian law are exhausted, after a decision is made by the competent administrative and judicial bodies of the Republic of Croatia, a relevant procedure for relocating the individual to the accommodations will be undertaken by UNTAES in the Region. This transitional measure shall apply until such a time when the relevant Croatian authorities are in a position to undertake all of the mechanisms of return described in detail above.

In Osijek, 23 April 1997,
signing on behalf of the members of the Joint Working Group:

[signature]
Mr. Stjepan Sterc,
Government of the Republic of Croatia

[signature]
Mr. Gerard Fischer,
UNTAES

[signature]
Mr. Eduardo Arboleda
UNHCR

