

The OSCE Mission to Bosnia and Herzegovina

On 1 January 1995, the Conference on Security and Co-operation in Europe (CSCE) became the Organization for Security and Co-operation in Europe. This was considerably more than a name change. It transformed what had been a periodic forum for dialogue into an international operational body with its own Secretary General and Permanent Council.

Elysée Palace, Paris, 14 December 1995: (Seated, left to right) Serbian President Slobodan Milošević, Croatian President Franjo Tuđman and Bosnian President Alija Izetbegović sign the General Framework Agreement for Peace in BiH, ending four years of war in former Yugoslavia. Behind them are: Spanish Prime Minister Felipe Gonzales, U.S. President Bill Clinton, French President Jacques Chirac, German Chancellor Helmut Kohl, British Prime Minister John Major and Russian Premier Viktor Chernomyrdin. The Accord had been initialled earlier, on 21 November, at the Wright-Patterson Air Force Base in Dayton, Ohio.

Photo: AFP

BY ROBERT BEECROFT

n Vienna, the first Ambassador of the United States to the OSCE, John Kornblum, described the newly minted organization as "an excellent laboratory". He recognized that the OSCE, through its field missions, would be confronted with a multitude of complex challenges in the rapidly evolving post-Cold War world. The new organization's primary focus would be on early warning, conflict prevention, crisis management and post-conflict rehabilitation.

The field missions would not have identical mandates; each mandate would necessarily evolve along with the host-country situation. The missions, if they were to have the desired impact, would have to be focused, flexible, creative and results-oriented.

Less than a year later, the Dayton Peace Accords, officially signed in Paris on 14 December 1995, assigned to the OSCE important responsibilities in the challenging and uncertain post-conflict environment of Bosnia and Herzegovina (BiH):

- to elaborate and implement agreements on confidence- and security-building measures and regional and sub-regional arms control;
- to adopt and put in place an elections programme, supervise the preparation and conduct of elections, and establish a Provisional Election Commission; and
- to appoint, through the good offices of the OSCE Chairman-in-Office, a Human Rights Ombudsman.

This made it clear at the very outset what the key priorities of the OSCE Mission to Bosnia and Herzegovina would be: Security, democratization and human rights were — and still *are* — at the core of its work.

MISSION PERSONALITY

For a full decade, in regular consultation with the OSCE Permanent Council in Vienna and its 55 participating States, the Mission has placed its emphasis on issues and programmes that are essential to Bosnia and Herzegovina's development as a democratic, multi-ethnic State in which citizens and elected officials put a premium on the rule of law and actively protect and reinforce the fundamental rights of every individual.

Two components of the OSCE Mission's

"personality" have been crucial to its success: its staff, and its country-wide presence.

First and foremost are its staff members. The Mission team is drawn from more than 30 of the OSCE's 55 participating States, with a majority coming from Bosnia and Herzegovina itself. They have brought exceptional experience, expertise and commitment to a broad range of programmes and activities.

Some of these tasks, such as election support and media development, have been concluded. Others, such as education reform, public administration reform and security co-operation, are more recent additions. Still others, such as human rights and democratization, have endured in one form or another since the Mission's early days. But all are essential to a Bosnia and Herzegovina that is to take its place in the family of democratic States.

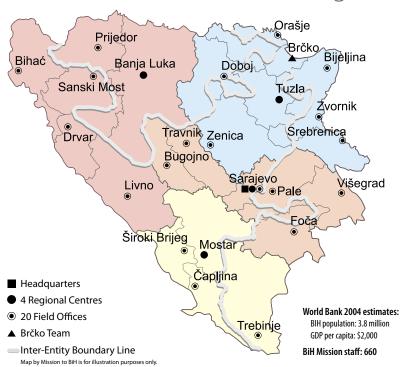
Then there is the OSCE's widespread presence. The OSCE Mission has never been Sarajevo-centric. Practically from day one, the team has been systematically deployed throughout the country. With its four regional centres and 20 field offices, the OSCE team — attuned to the realities of democratic development and human security at the local and regional level — has long served as an essential resource for the larger international community.

PORT OF CALL

Even more importantly, the Mission's local offices have repeatedly been the first port of call for citizens who have been treated unfairly. If the OSCE Mission to BiH had not existed, it would have had to be invented.

But the tenth anniversary of Dayton is an appropriate moment not only to look back

OSCE Mission to Bosnia and Herzegovina



but also to look ahead. In looking to the future, two questions immediately come to mind.

What should be the future size and role of the international community presence in Bosnia and Herzegovina?

At what point, and in what ways, will the country "graduate" — in the view of its people, its authorities and the outside world — from being an essentially passive "importer" of outside aid and authority to being an "exporter" of experience, creativity and know-how into a world desperately in need of all three?

On the first question, the debate is already well under way, which is in itself a

War and recovery

- It is believed that some 100,000 people lost their lives in the 43-month-long war in Bosnia and Herzegovina.
- Out of an estimated BiH population of 4.4 million (1991 census), more than 2 million people abandoned their homes during the 1991-1995 conflict, making it the worst refugee crisis since the Second World War.
- In mid-2004, a milestone was reached when a total of one million displaced persons had been able to return to their rightful homes. The process was difficult as homes had either been destroyed or were being occupied by new tenants. A significant factor that accelerated minority returns after 2000 was the country-wide enforcement of property laws.
- ▶ Latest available figures reveal that some 55 per cent of returnees were internally displaced persons (IDPs), with the remaining 45 per cent returning after having sought refuge outside BiH.
- An estimated 2.5 million uprooted persons have returned home in all areas of the Balkans since the mid-1990s. However, some 620,000 civilians — or possibly more — are still waiting their turn to go back, the major problem being the return of ethnic Serbs and other minorities to Kosovo. Thousands of others have permanently settled overseas.
- In January 2005, the Governments of Bosnia and Herzegovina, Croatia, and Serbia and Montenegro, together with the European Union, the OSCE and the UNHCR signed an agreement in Sarajevo, the "3 x 3 Initative", in which they agreed to resolve all outstanding refugee and international displacement cases throughout the Balkans by the end of 2006.

Sources: UNHCR and OSCE





Robert Beecroft's teaching background proved invaluable when the OSCE Mission was asked to spearhead education reform in BiH.

Sarajevo, 28 October 2002:
Ambassador Beecroft,
High Representative Paddy
Ashdown and schoolchildren
launch the education reform
campaign in BiH. Photos:
Mission to BiH/Nermin Podžić

timely and welcome development. Its outcome will affect not only the OSCE Mission, but *all* the organizations that have emerged from the international response to the war.

As Head of Mission, I used to ask my staff not to get "hung up" on matters of process, but instead to imagine an acceptable outcome, work backwards to the present, and draw a line connecting the two. Once this is done, the process tends to define itself and the way forward becomes clear

Such an approach can be useful in imagining the country's future in Europe, in the Euro-Atlantic community, and in the world. Ten years after the war, one now sees the outlines of a viable democratic State — increasingly impatient with corruption, concerned about achieving a fair balance between individual rights and community rights, and preoccupied with developing its economy.

The sooner the outlines are filled in, the sooner the international community presence will be reduced to what it is in most places around the world: bilateral embassies and development agencies. The primary foreign presence in the country should consist of investors and tourists, not international civil servants.

The answer to the second question flows from the first. All too often, the image of Bosnia and Herzegovina overseas is that its people are passive and that they have, over the centuries, developed a "recipient" mentality into a fine art. I know from personal experience in hundreds of communities all over the country how unfair and inaccurate that image is. To counter it, however, will require visionary domestic leadership of a high order.

Examples of Bosnian readiness to "give back" — to engage positively beyond the

country's borders — already exist:

The world-class expertise of Bosnian DNA experts made a significant impact in my country in the aftermath of the terrorist attacks of 11 September 2001. The dedicated police officers from BiH in East Timor demonstrated both professionalism and interethnic teamwork — an important message in an island-State with its own ethnic problems. The brave and dangerous mission of soldiers of the Armed Forces of Bosnia and Herzegovina in Iraq is the latest example, and one which every citizen in the country can be proud of.

As Bosnia and Herzegovina gains in self-assurance, I look forward to additional confirmation that it sees itself as a committed traveller on a two-way street and as a constructive partner in a world full of challenges.

In a democracy, it is not enough to sit back and leave one's political leaders to define the future. Rather, it is up to every one of us to play a part by being actively involved and by making our personal expectations clear — in the voting booth, through local initiatives, by volunteering, even by sending off a letter to a newspaper. Such positive activism can be contagious, and it can even energize politicians.

Ten years ago, few people would have bet that by 2006 Bosnia and Herzegovina would have reached its current hopeful state of recovery and development. Let us now think ten years ahead. Where would we like the country to be in 2015? And how, working together, can its citizens get there?

Ambassador Robert Beecroft was the Head of the OSCE Mission to Bosnia and Herzegovina from July 2001 to July 2004. He currently teaches at the National Defense University in Washington, D.C.



In November 1995, the negotiators of the "General Framework Agreement for Peace in Bosnia and Herzegovina" in Dayton requested the OSCE to assume responsibility for three key tasks in the post-war peace process. Of these, the highest and most immediate priority was assisting the authorities in a democratization programme to include the supervision of free and fair elections.

BY ROBERT FROWICK

o draw up an effective approach to meeting this set of challenges, the OSCE's Chairman-in-Office for 1995, Hungarian Foreign Minister László Kovács, established a Task Force in Vienna. The OSCE had no previous experience in supervising elections and had to start from scratch in developing a vision on how to proceed.

Fortunately, we were assisted by experts. First came a group of international specialists who gave us invaluable advice and recommendations. Next, Sweden hosted an informal meeting of experts who provided additional counsel. Once the OSCE Mission to Bosnia and Herzegovina was under way in Sarajevo, we closely followed all this initial advice.

At Dayton, it was decreed that elections should take place within six to nine months under conditions of freedom of association, expression and movement in a neutral political environment. As the OSCE's first Head of Mission in the country, I regarded this combination as completely unrealistic. There were still too many strains from the war. However, I thought we had to do our best to achieve a new democratically elected structure of governance.

I sought to develop an effective balance between honoring the integrity of the Dayton compromises and achieving mandated deadlines. We worked seven days a week to build up a Mission presence throughout the country while pursuing intensive civilian and military consultations internally and externally.

SUFFICIENT STRENGTH

From four of us in December 1995, we grew within five months to an international staff of 400 and an additional 400 to 500 locally hired personnel. We established a main office in Sarajevo, six Regional Centres and 25 field offices.

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Sarajevo, September 1997: An OSCE aircraft transports ballot papers of BiH refugees who voted in the first post-war municipal election. Photo: Reuters



Banja Luka, June 1996: Bosnian Serb women demand information about their missing family members.

In rapid succession, we simultaneously created a Provisional Election Commission, Political Parties Consultative Commission, Media Experts Commission, and Elections Appeals Sub-Commission, while our Directorate General for Elections was taking shape. By June 1996, I thought we had sufficient strength to proceed with elections.

And so it was that I recommended at a Peace Implementation Council conference in Florence that general elections be held on 14 September 1996 — exactly nine months after the signing of the Peace Agreement in Paris. I then met with Swiss Foreign Minister Flavio Cotti, OSCE Chairman-in-Office for 1996, to discuss what to do about Radovan Karadžić, indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY) but who was

14 September 1996: Despite the daunting obstacles, the first postwar elections in BiH

proceed under OSCE

auspices.



ignoring the indictment and continuing to serve as President of Republika Srpska (RS) and the Serbian Democratic Party (SDS).

Carl Bildt, former Prime Minister of Sweden and the first High Representative in Sarajevo, began steps to strip away Mr. Karadžić's powers as RS President, and I resolved to effect his removal from the SDS Presidency before the start of the electoral campaign. I discussed my position with the SDS leadership, the OSCE's Permanent Council and Parliamentary Assembly, President Slobodan Milošević in Belgrade, and Russian Foreign Minister Yevgeny Primakov in Moscow.

On the eve of the campaign, former U.S. Assistant Secretary of State Richard Holbrooke, head of the U.S. negotiating team in Dayton, came to the region and hammered out an agreement in Belgrade finalizing Mr. Karadžić's departure from all aspects of public life. This gave a boost to the launch of the campaign.

The September poll, in which displaced persons and widely scattered refugees participated, took place without violence — but with noteworthy irregularities. War-time arrangements gave way to a new inter-ethnic BiH Presidency, BiH House of Representatives, Federation House of Representatives, RS Presidency, RS National Assembly and Federation Cantons.

POLITICAL STRUGGLES

We postponed highly contentious municipal elections in order to ease pressures on the rest of the electoral process. By early 1997, a definitive agreement was reached with Danish Foreign Minister Niels Helveg Peterson, then OSCE Chairman-in-Office, to schedule municipal voting the following September. Carl Bildt decided that the OSCE should not only supervise but also implement results of the local voting. Implementation was bound to be most difficult, since major political struggles over control of key cities were continuing.

Ambassador Richard Ellerkman of Germany, who succeeded Sir Kenneth Scott as the OSCE's Deputy Head of Mission in late 1996, developed a thorough implementation plan that was approved by Foreign Ministers at Sintra, Portugal, in May 1997. Officials of the SDS and the Croatian Democratic Union (HDZ) consistently threatened to boycott but ultimately partici-

pated in generally effective local elections, again without violence.

Meantime, a crisis erupted in Republika Srpska when President Biljana Plavšić began opposing the SDS old guard, dissolved the RS Assembly, and called for OSCE supervision of elections of a new Assembly. Complex legal hurdles and hesitancy by much of the international community were gradually overcome.

I consistently argued to the Contact Group and OSCE Permanent Council that Ms. Plavšić should be supported. Our Mission's Political Director, Ambassador Vladimir Kuznetsov of the Russian Federation, helped us navigate through the situation. Finally, a new RS Assembly was elected in November 1997.

Having achieved a stunning victory, Biljana Plavšić began to put together an inter-ethnic governing coalition, and strengthened ties with the international community. In turn, her people began receiving greatly increased international aid. At the time, this represented a significant breakthrough in the peace process.

In my farewell statement to the Peace Implementation Council in Bonn in December 1997, I recalled all the electoral results of 1996 and 1997, our Mission's advances in building up democratization and human rights programmes, and our



regional stabilization initiatives that included overseeing the dismantling of 6,580 armaments. I concluded that the OSCE Mission had in most respects exceeded the

tasks requested of it at Dayton.

On completing this extraordinary diplomatic experience, I considered it a great privilege to have participated in the early post-war efforts to consolidate a peace with justice. October 1996: Children play in the ruins of Sarajevo.





Ambassador Robert Frowick was the first Head of the OSCE Mission to Bosnia and Herzegovina, serving from December 1995 to December 1997.

13 July 1997, Zvornik: An explosion destroys an OSCE vehicle, a grim reminder of the tense post-war environment.

April 2000, Sarajevo:
Ambassador Barry
announces results of
municipal elections to
the press.
Photo: Reuters



Boarding the train for Brussels

Can Bosnian leaders part with war-baggage?

After nearly a decade, the OSCE Mission to Bosnia and Herzegovina has ended its involvement in elections. It is time to consider what we tried to do and how well we succeeded.



BY ROBERT L. BARRY

y own role in elections began with my appointment as Head of Mission and chair of the Provisional Election Commission in January of 1998. The previous month, the Peace Implementation Council meeting in Bonn had signalled strong dissatisfaction at the slow pace of implementation of the Dayton Accords, the return of refugees and democratization.

The Bonn communiqué gave new powers to the High Representative and encouraged the OSCE to implement the results of the 1997 municipal elections and to prepare for national elections in 1998 which would contribute towards the return of refugees and displaced persons.

The first task of the OSCE Mission and its then 27 field offices was to press hard for the formation of multi-ethnic municipal governments, combining incentives and sanctions. At the same time, we began the process of modifying the provisional election rules and regulations with the aim of promoting co-operation among ethnic groups.

An important first step was to bring new members into the Provisional Election Commission to lessen the impact of the nationalist parties. Adding representatives of civil society and "others" — those who did not feel they belonged to the Bosniac, Croat, or Serb ethnic groups — improved the atmosphere in the Commission and led to a number of reforms, most of which had been recommended by Commission members themselves.

ELECTORAL REFORMS

Before the national elections in September 1998, steps were taken to increase the representation of women, ban paid political advertising on electronic media, require candidates

and elected officials to file financial disclosure statements, prevent the candidacy of individuals illegally occupying others' homes, and prevent incendiary media broadcasts.

Other reforms were introduced during the drafting of the election law, again designed to favour moderate candidates. Requiring candidates for office to give up positions on management boards of State companies helped avoid conflicts of interest and the diversion of State funds to political parties.

The introduction of open-list voting and the preferential voting system improved the chances of candidates with an appeal across ethnic lines. The removal of provisions enabling one constituent people to use the House of Peoples to block action on any legislation caused great controversy but cleared the way for a more workable system of government. Legal steps allowing the OSCE to audit political party financial records provided an important tool for fighting corruption.

RIGHT TO RETURN

In addition to the reform of electoral rules and the removal of candidates and elected officials blocking implementation of the Dayton Agreement, the OSCE Mission devoted a great deal of attention to promoting the return of those displaced by the conflict.

We felt that the right to return was a key human rights issue and could serve as a means to create a constituency for interethnic co-operation. Because the OSCE Mission had the largest number of field offices among all the international organizations, it was able to play a key role in helping people apply for the return of their property and, later, in supporting returnees' political and economic rights. While both the OSCE and the High Representative took the position that refugees and displaced persons had the right to choose whether or not to vote at their pre-war constituencies, the OSCE made every effort to support their right to do so.

Besides administering the elections, the OSCE Mission's Democratization Department sought to improve the functioning of institutions of governance. We trained thousands of female candidates and continued to offer training to those who were elected. The press conference we organized during the Stability Pact Summit of July 1999 featuring women from all over south-eastern Europe was a high point in the effort to promote gender equality in the region.

The OSCE programme of work with municipal governments on financing issues made a genuine difference in terms of transparency and inter-ethnic co-operation. Training and support for entity and national parliamentary assemblies resulted in progress, for example, in establishing the principle of civilian control of the military.

A key innovation during my time in Sarajevo was the founding of the Association of Election Officials of Bosnia and Herzegovina, which sets professional standards for election administrators and provides training to those on the frontlines of elections — members of polling station committees, election registrars, and the like. Today, this non-governmental organization plays a vital role in grassroots democracy.

SIGNIFICANT PROGRESS

Looking back from the perspective of 2005, it is clear that the country has made significant progress. The local elections on 2 October 2004 were the first to be organized *and* funded by Bosnia and Herzegovina and its citizens. The report of the OSCE/ODIHR Election Observation Mission indicated that the election met international standards, and that the first direct elections of mayors worked well.

Nevertheless, the process of political and economic reform has been disappointing. Many leaders of nationalist parties continue to work behind the scenes for a future outside the framework of Bosnia and Herzegovina. Despite many calls to board the train for Brussels, these same leaders refuse to part with the baggage they cannot bring on the train. Most political party leaders resist steps to promote intra-party democracy. The lack of political reform continues to stand in the way of foreign investment and job creation.

In Washington, D.C., in November [2005], the three members of the Presidency of Bosnia and Herzegovina agreed to a U.S. proposal that they negotiate amendments to the Dayton Constitution by March 2006. The goal is a simplified, affordable system of government that would promote accession to the EU. To achieve this goal, all three ethnic groups will have to put aside some of the baggage they have been encumbered with for the past decade, making it possible to get on the train to Brussels.

Ambassador Robert L. Barry was Head of the OSCE Mission to Bosnia and Herzegovina from January 1998 to June 2001. He considers the past three decades a "personal voyage with the CSCE/OSCE". Since leaving Sarajevo, he has either headed or taken part in a number of OSCE/ODIHR election observation or support missions



Ališići village, December 2005: Returnee Almir Merdžić beaming in front of his reconstructed house.

BY MASSIMO MORATTI

utside Bosnia and Herzegovina, I doubt if the name Prijedor rings a bell. So, eight years ago, when my family and friends would ask me where exactly in Bosnia and Herzegovina I had been assigned to, I would draw attention to images that were beamed around the world in the early 1990s — of masses of emaciated prisoners huddled together, staring blankly behind barbed wires. And inevitably, they would remember.

The discovery of several mass graves in the area has since confirmed that Prijedor

Old Prijedor



ranks next to Srebrenica at the top of the list of sites where the most heinous crimes against humanity were committed during the war. So far, indictments issued by the International Criminal Tribunal for the former Yugoslavia have included 19 individuals from Prijedor.

My arrival in Prijedor in November 1997 coincided with Dayton's two-year anniversary. The first arrests of war-crime suspects by SFOR troops had occurred a few months earlier, when SFOR units arrested Milan "Mićo" Kovačević and killed Simo Drljača when he allegedly tried to resist. Apart from that, however, the situation had changed little, with Prijedor still labelled as a "black hole".

On one side, there were the Serbs — grappling with a complex past and dismissive of every allegation of war crime. To make matters worse, thousands of Serb refugees and displaced persons from other parts of Bosnia and Herzegovina had been relocated to houses that had been abandoned in haste.

On the opposite side, there were the tens of thousands of Bosniacs who, despite the trauma associated with their previous homes, were determined not to waver in their resolution to return where they belonged.

In the middle, there was the international community, whose mantra, starting in 1998,

was: "This is the year of returns."

As a newly arrived OSCE human rights officer, I was not quite sure what this meant. Return where? To which houses? A more accurate description was *remains* of blown-up houses — eloquent reminders that they were not meant to be returned to. Just a year earlier, some 100 partially destroyed houses had been turned into rubble by antireturn thugs after the United Nations High Commissioner for Refugees announced that their former occupants were planning a much-anticipated first visit since they fled.

But the tide was about to turn. The Peace Implementation Council had decided that the time had now come for displaced persons and refugees to come home at last — or at least that it was time to embark on the long road ahead. The message trickled down quickly to the people on the ground, to field officers like myself and other national and international personnel who would be responsible for implementing the process.

In Prijedor, this meant enforcing domestic officials' compliance with the commitments signed up to by the country's leaders at Dayton, and ensuring that they approved a municipal returns plan. The Peace Implementation Council, in 1997, had required every municipality in Bosnia and Herzegovina to designate specific areas to which the first groups of people could return. Resettlement was discouraged. I still remember the fear and mutual suspicion prevailing among the communities and within the municipal council at that time.

From among the countless number of war-ravaged hamlets in the municipality, Ališići was deemed a good a place to start carrying out the plan. It was close to the town centre and to a major road junction, was almost half-way between the municipalities of Prijedor and Sanski, and was not far from the Inter-Entity Boundary Line.

As soon as it was decided that Ališići was *it*, no time was wasted. The first beneficiaries — no doubt the bravest and most hopeful among the expelled — were identified by the Lutheran World Federation, an international non-governmental organization that was also to carry out reconstruction work throughout the spring and summer.

By the beginning of October 1998, the first returning families were ready to spend the first night in their homes. The celebratory mood of the villagers (most of them with the last name "Ališić" of course), the Bosniac Deputy Mayor of Prijedor and the international development workers portended even better things to come.



Ališići, Prijedor, December 2005: The road to recovery

It was a privilege for us to be part of their homecoming. In one of the newly rebuilt houses, we toasted our *rakija* to the families who, six years after being forced to flee from their own homes, dared to return to one of the most notoriously dangerous spots in the country.

Beneath this giddiness, however, we found it hard to disguise our anxiety and concern about the very real threat of attacks on the returnees. An OSCE colleague suggested that we spend the night with the families. Perhaps our OSCE-marked vehicles could serve as a deterrent? Reason prevailed, however, and we decided that the presence of SFOR troops patrolling the area would be precaution enough.

That was the beginning of one of the major return movements in Bosnia and Herzegovina after the war. Fortunately, the widespread fear that violence would erupt proved wrong. It became clear that Serbs in Prijedor would tacitly accept the returns as something that simply had to happen; slowly, they too started to come to terms with their war-time past.

Today, more than 25,000 Bosniacs are believed to have moved back into their rebuilt homes in Prijedor. And it all started that memorable night in an otherwise obscure hamlet called Ališići.

Massimo Moratti served as an OSCE Human Rights Officer in Prijedor from November 1997 to June 2000, after which he moved to the Sarajevo headquarters of the OSCE Mission where he served as Senior Human Rights Officer and Legal Advisor for Property until April 2004. He is now Executive Director of the International Committee for Human Rights, an independent human rights NGO based in Sarajevo.





Crni Lug, near Bosansko Grahovo in northwest BiH: This Serb returnee has been able to move back into his newly restored home.

Against all odds, OSCE field staff succeed in boosting respect for property rights

By Elmira Bayraslï

The Dayton Agreement was unequivocal: "All refugees and displaced persons have the right freely to return to their homes of origin," reads Article 1 of the Agreement's Annex 7. "They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them."

During the first three years after Dayton, however, the right to return was conspicuously absent from local legislation. Authorities continued to apply a complex array of laws that served to hinder returns and to reinforce segregation and "ethnic cleansing" — to use a term that seeped into the world's consciousness during the Balkan wars.

With the largest field presence in the country, the OSCE found itself at the forefront of enforcing property laws. Field staff responded to citizens' complaints promptly and pursued cases relentlessly. The safe and secure environment of OSCE centres and offices boosted citizens' confidence in the claims process.

Most property in the former Yugoslavia belonged either to the State or to State-owned companies. Up to 60 per cent of housing in the major cities of BiH fell within this category. Employers allocated apartments among employees and their families, granting them permanent "occupancy rights", which meant less than full ownership. Occupancy rights could neither be bought nor sold but could be inherited by household members.

If occupants were absent from their apartment for more than six months, their right to live in it could be revoked.

This was the fate of thousands of families that had to leave their homes during the conflict. Their apartments were often reallocated among the inflow of refugees and displaced persons. Sometimes the new occupants were granted "temporary permits" and sometimes they simply moved in illegally. Often considered "spoils of war", abandoned dwellings were also doled out to soldiers, police officers and other high-ranking officials in the community.

The campaign to reform the country's property rights legislation turned out to be the longest and most contentious ever conducted by the international community. In 1998, laws concerning abandoned properties were repealed through the efforts of the Office of the High Representative (OHR) with the support of the OSCE Mission to BiH and the United Nations High Commissioner for Refugees (UNHCR). New laws were drawn up, setting into motion an administrative procedure to process claims filed by returning refugees and displaced persons.

The new laws encountered a huge wave of resistance. Authorities in both BiH entities circumvented implementation by rigging property legislation with anomalies and loopholes. The new occupancy rights held by members of the majority group were protected against claims for repossession. Authorities made the process as difficult as possible by refusing to recognize the validity of documents, or by demanding evidence that claimants simply had no access to, or by using sheer intimidation.

The role of the OSCE Mission to Bosnia and Herzegovina in helping returnees to surmount these hurdles was to prove crucial. Strong international pressure and vigilance also ensured the proper implementation of Annex 7.

Monitoring by OSCE staff ensured that administrative authorities adhered to proper and transparent procedures. Whenever an obstruction took place, the OSCE notified its other international partners, especially the OHR, whose "Bonn powers" led to the dismissal of more than 30 unco-operative municipal officials, including some mayors.

As 2005 drew to a close, some 93 per cent of cases filed had resulted in the restoration of pre-war property — a remarkable achievement by the standards of any post-conflict society. Had it not been for the concerted efforts of the international community, it is unlikely that the injustices of war would have been redressed. A new legal order would have been built on the post-war status quo, and property disputes would have remained a source of conflict indefinitely.

Today, the right to recover "lost" property is widely recognized throughout the country. Nowhere else in the world has this right been applied so effectively.

Elmira Bayraslï was the Spokesperson of the OSCE Mission to BiH from November 2003 to December 2005. This article is partly based on a document issued by the OHR, the UNHCR and the OSCE on the Property Law Implementation Plan (PLIP), designed to ensure that property rights are recognized and enforceable regardless of political considerations. The Plan represents the most complex legal component of the implementation of Annex 7.





Roma in Bosnia and Herzegovina

Learning how to lobby results in returns

Along with other ethnic groups, the Roma community in Bosnia and Herzegovina suffered from massive displacement as a result of the 1991-1995 war. However, reclaiming their former dwellings has proved far more complex than for any other community. This hardly comes as a surprise, as many Roma families have traditionally lived in "informal settlements" — in homes that have been built without any construction permits, and on land that has been occupied without any legal titles.

BY HÉLÈNE HARROFF-TAVEL

he war virtually wiped out Roma settlements, giving non-Roma free rein to take them over," says Dervo Sejdić, the OSCE Mission's Roma Monitor who also serves as Co-ordinator of the Council of Roma, an advocacy tool that he set up at the State level. "Companies built warehouses in their place. Sometimes the sites were designated as specially protected water-supply areas, as municipal lands or as buffer zones."

The OSCE Mission has been working with Roma activists to help clarify and improve the community's arrangements concerning residential and land use.

"Our role is to serve as political counsellors, assisting Roma in their efforts to advocate and articulate their own interests *visà-vis* other parties so that families are able to obtain the rights to full ownership of the homes and property they are occupying."

Today, more than 70 per cent of Bosnian

Roma are homeless — a severe setback for an already greatly marginalized community. In a study in late 2003 focusing on legal issues, the OSCE Mission found that in a sampling of 35 informal Roma settlements (out of an estimated total of 100), 23 stood on public land and 12 on private land. Most of the families did not have any security of tenure, making their residents — some 22,000 in total — vulnerable to eviction.

The success story behind Gorica, a hilly urban settlement in the heart of Sarajevo, aptly illustrates the unique challenges confronting Roma as they strive to bring a semblance of stability into their precarious socio-economic standing.

As Roma started the slow trek back home, they found themselves hard-pressed to prove where they had once lived — despite the fact that their dwellings had obviously been destroyed during the siege of the city.

"Establishing a permanent settlement in Gorica became a matter of survival," says Ramiz Sejdić, President of "Roma Prosperity", the non-governmental organization that is leading the project. "Donors were offering to help us rebuild, but disputes over ownership arose. The land was partly owned by a State enterprise and partly by the municipality. Sorting out our dilemma was taking enormous time and effort as we had no paper trail to speak of."

Gorica residents knew they had to act

The Roma settlement in Gorica (left) stands in sharp contrast to others in the country such as one near Banja Luka (right). Photos: OSCE Mission to BiH/Hélène Harroff-Tavel



NGO leader Ramiz Sejdić has been leading efforts to rebuild Gorica.

drastically. They had been petitioning local authorities for this land for more than 50 years, and now the destruction of their homes had raised the stakes considerably.

They mobilized several international organizations, including the OSCE, to help settle their housing status once and for all. The OSCE Mission focused on teaching community leaders how to present their case to the authorities in Sarajevo. A series of workshops was organized to teach Roma how to write letters petitioning for the recognition of their property rights.

Learning the art and skill of advocacy as part of an intense lobbying campaign has paid off. With financial backing from the Netherlands Government, Roma have since been able to build a permanent settlement to replace their pre-war homes. A neat row of pristine white houses are now home to 48 families with some 400 members.

Ramiz Sejdić has just moved into one of the new units with his wife and six children. "We used to live in makeshift quarters here in Gorica," he says, looking back at the tumultuous past. "Then, just before the war broke out, I had to go to Germany with my daughter to seek medical treatment for her. Little did I know that my whole family would soon join me there as refugees." Five years after the war, the Sejdić family decided to return. "I knew that our home was in ruins but somehow I felt I just had to take part in rebuilding the country," Mr. Sejdić says. "We found refuge in an abandoned and partially destroyed house before we finally moved into this new place."

Although the rebuilding of the Gorica settlement has dramatically improved the lives of Roma in the capital, the quest for durable solutions to the problem of securing legal tenure for those who live in informal settlements is by no means over. In Mostar, for example, it is not uncommon for Roma to sleep in the streets or in abandoned and war-torn buildings pending a decision on their right to return to their pre-war homes.

Useful lessons can be drawn from Gorica, says Roma Monitor Dervo Sejdić:

"Firstly, although the expertise of the OSCE and the international community is crucial in navigating political and legal processes, Roma themselves are the only people who can provide the major impetus to clarifying the legal ambiguities surrounding their living conditions.

"Secondly, Roma should be made aware that the road to legitimate housing calls not only for long term-commitment but also for courage, persistence and vision.

"Thirdly, and no less importantly, making the transition from uncertain to secure housing is possible only if local authorities, Roma communities and civil society work together in a spirit of mutual confidence and co-operation."

Hélène Harroff-Tavel is an Intern with the Press and Public Information Department of the OSCE Mission to BiH.





Roma demographics

- A BiH-wide survey by the OSCE in 2002, financially supported by the Council of Europe, identified about 100 informal Roma settlements in more than 30 municipalities. The community in Sarajevo is estimated at about 8,000.
- The OSCE High Commissioner on National Minorities and the Council of Europe estimate the country's total Roma population to be between 30,000 and 60,000, but some NGOs put it between 80,000 and 100,000.











Democracy from the ground up in BiH

NGO centres keep OSCE legacy alive

BY JOSH LAPORTE

ack in 1997, the OSCE Mission to Bosnia and Herzegovina hit upon an untried and untested idea: creating special spaces in neglected and politically sensitive areas around the country designed to offer citizens a wide range of hard-to-obtain publications at their fingertips.

From these humble beginnings, the "Reading Rooms" project of the Mission's nascent Democratization Department eventually blossomed into *Nove Nade* ("New Hope"), a nationwide network of up to nine non-profit Democracy Centres that aim to foster the development of civil society through local initiatives.

Nearly nine years later, after being weaned off OSCE funding in 1999, many of the Democracy Centres are surviving — and indeed thriving — and continue to be a pivotal part of grassroots efforts to inject transparency and openness into the political process. Most significantly, the Centres remain true to the OSCE Mission's original intent: to integrate the citizenry into the democratization process.

In Višegrad, which shares its eastern border with Serbia and Montenegro, Mila Gračanin has reason to be proud of the self-sufficient Democracy Centre that she heads. "And to think I was clueless about NGOs when I first applied to work in the town's

newly opened Reading Room," she says.

It did not take long for Ms. Gračanin, one of thousands of displaced Sarajevo residents, to fully grasp the vital role civil society can play in her country's transition to democracy. She threw all her energy into the project, weathering some early storms.

"During the post-war years, most people did not place much trust in the 'not-for-profit' sector, associating it with corruption," she says, referring to the unfortunate cases of bogus NGOs that ran away with grant money. "We had to endure a lot of name-calling."

Boro Ninković, Secretary of the Višegrad Municipal Assembly, says that it was *Nove Nade* that turned this negative image around.

Meanwhile, at the opposite end of the country, as the Višegrad Reading Room was taking off, Samir Halilović was also busy getting another Reading Room up and running in the northwestern town of Bihać. Now Director of the Bihać Democracy Centre, Mr. Halilović looks back on the heady era of "information de-blockade", when newspapers first started appearing all across the country.

Mersiha Čaušević, the OSCE Mission's Deputy Spokesperson, was a Press Officer in Bihać in those early years. "The Democracy Centre was immediately embraced by the people. They considered it

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Bosanska Krupa, summer 2002: Student volunteers from Democracy Centres all across BiH repair a small bridge near Bihać. Photo: Bihać Democracy Centre/ Samir Halilović







Mila Gračanin (right) is proud that Višegrad's Democracy Centre, which she runs, is self-sufficient.

an extension of the OSCE field office itself, which made it highly credible in their eyes."

By spring 1999, the Mission decided it was time to withdraw its support from the Centres, nudging them towards independence — but only after it had presented them with furniture and computers and had gathered the Centres' directors in Sarajevo for training on fund-raising, marketing and other sustainability issues.

Ms. Gračanin recalls this time poignantly, and the panic that came with it. "I didn't think I could come up with any solutions that would make the Višegrad Centre run itself," she says. "I didn't think I had the necessary survival skills, but the meetings in Sarajevo gave all of us the confidence at least to try."

What happened next is a classic tale of survival of the fittest. The Centres in Livno, Mrkonjić Grad and Bijeljina simply closed down, while their more assertive counterparts such as those in Višegrad and Bihać vigorously launched joint fund-raising activities, sought out partners and consortiums, reached out to potential donors and took on active membership in the *Nove Nade* network.

Through connections, Ms. Gračanin quickly forged a partnership with the Swedish Olaf Palme Foundation, securing funding for four years that enabled her to expand the Centre's services.

In Bihać, Mr. Halilović teamed up with the Open Society Institute and CARE International on programmes for young people and reproductive health issues, leading to the creation of the Bihać Democracy Centre's own in-house facilities for the youth and for the media.

Both directors have continued to attract a succession of grants and projects. The Centre in Višegrad has recently received USAID funding to be part of "Teledom" — a network of 24 Internet clubs across the country where users can access online information free of charge.

Following the same developmental path taken earlier by NGOs in Central and Eastern Europe, the Centres are increasingly tapping into private and commercial sponsorships and into their own potential to generate income.

In Višegrad, computer classes are held for employees of the Drina River hydroelectric plant, while in Bihać, English lessons are proving very popular among the general public.

Further funding, albeit modest and largely symbolic, comes from the municipalities themselves. "Our civil society support programme adds credibility to the NGO sector, serving as a sort of municipal seal of approval," says Zdravko Žuža, spokesperson of the Mayor of Višegrad. "This is important in a country where civil society organizations are still generally viewed with suspicion."

Both Centres maintain links with their respective OSCE field office, working jointly with them on the Mission's democratization projects — from nurturing entrepreneurship among young people to promoting freedom of information at the level of municipalities.

Mila Gračanin and Samir Halilović look forward to many more years of dynamic partnership with local citizens and the international community. They know that the sustainability of their Democracy Centres rests squarely on their shoulders and that they are the guardians of the OSCE's rich legacy.

To anyone who will listen, they never tire of repeating: "If you don't fight for your rights, don't expect anybody else to do it for you."



Josh LaPorte is a Senior Public Information Officer in

the Mission to BiH.

2.2.



Trebinie is known for its rich architectural heritage and its picture-postcard setting.

BY JOSH LAPORTE

hat if a cow is walking towards the centre of town? Who do you call?" asks Željko Vukanović, Democratization Officer at the OSCE Mission's field office in the city of Trebinje, on the extreme southeast corner of Bosnia and Herzegovina. The question is not frivolous: It cuts to the heart of an OSCE-initiated project that has caught on rapidly among residents, the police force and municipal leaders.

The Neighbourhood Watch Programme — more descriptively known in the Bosnian language as "Police and Local Inspections in



Trebrinje's police: at the service of the neighbourhood.

Local Communities" — came about after a public opinion survey carried out by a radio station in Trebinje in early 2004 revealed that safety and security issues ranked high in the list of residents' concerns. A city of 40,000, Trebinje borders on

both Croatia and Montenegro.

The field office immediately swung into action and brought all interested parties together at regularly scheduled discussions. "It gave people their first chance to speak directly with their elected officials and with the police about issues related to crime and quality of life issues," says Dušan Kolak, who was the city's first project co-ordinator.

Not all went smoothly initially. The hangover from communism and the war had left most citizens wary of law-and-order authorities.

"The biggest obstacle we faced was people's fear of reporting anything to the police," says Mr. Kolak. Neither did they have high expectations of their municipal officials: "Around here, the general mentality was, 'Don't tell — and if you do, nothing will happen anyway'."

The OSCE's Mr. Vukanović confirms this view. "People simply didn't understand that the municipal administration is supposed to be a service, and that public servants should be held accountable for their actions and for their use of public money."

In the early days of the programme, complaints focused on speeding drivers, illegally dumped garbage, vandalized street lights, car theft, and of course those stray cows. Then, amazing things started happening after the regular community dialogue: the police began responding to complaints — and doing so quickly. This "novel" concept — that if one turns to the local police, they will in fact listen and try to come to help — gained acceptance.

Within months, a 24-hour hotline was hooked up directly to the police and to city inspectors, financed from the municipality's coffers. Requests from the public shot up 30 per cent. The project is now fully funded by the city, which plans to increase the budget in the coming years.

"Once citizens saw results, they became less fearful and less cynical," says Vedrana Lugonja, current city co-ordinator of the project. "The programme began to take on a life of its own."

Indeed, the city's Neighbourhood Watch risks becoming a victim of its own success: minor-offence cases at the municipal court now have a waiting period of up to three years. The city is attempting to settle some cases out of court and to assist judges in organizing their case-loads.

Plans are afoot to expand the programme around the Trebinje area, moving northwards to the smaller towns of Bileća and Gacko. With the OSCE taking the lead, city officials will provide training to their less experienced counterparts to help them implement "best practices" in their own Neighbourhood Watch projects.

For Mr. Kolak, the project's most useful lesson is that safety and security issues are a two-way street. "Citizens have to be the eyes and ears of the police," he says. "Without this help, there is no way police officers can do their job."

"In Trebinje we knew that the project had become self-sustaining when we saw how the concept had become ingrained into the local culture," says Željko Vukanović. "People have learned to communicate with the police and with municipal officials — and with one another."

As for the local cattle population, their days of strolling into town are numbered.

OSCE's role in BiH remains crucial

The OSCE will increasingly provide the "eyes and ears on the ground for the rest of a slimmed-down international community", Lord Paddy Ashdown told the Permanent Council in Vienna on 15 December. It was his last appearance before the OSCE body as High Representative and European Union Special Representative for Bosnia and Herzegovina, a double function he had held for three and a half years. Former German minister Christian Schwarz-Schilling succeeded him on 31 January. Here are excerpts from Lord Ashdown's address:

decade after the bloodletting of the early nineties, a new Bosnia and Herzegovina has emerged. Remarkably, despite the bitter fighting during the war, the people of Bosnia are together building the structures of a modern European State.

The armies that fought each other are in the process of being unified under the command of the State, due in large measure to the leadership of NATO and the OSCE. ... In providing a home, staff and expertise for the Defence Reform Commission, the OSCE Mission's Department for Security Cooperation has made a signal contribution to one of the greatest successes BiH has registered over the past three years.

The 13 police forces that were established under the Peace Agreement have started a reform process that will reach its conclusion with the creation of one BiH-wide police force.

One million refugees have returned to their homes. The Mostar bridge has been re-built and the city has been unified.

There is a single tax system, a single customs service, one judiciary and one intelligence service — in short, the outline structure of a modern, European and highly decentralized State.

All these have been achieved through the fortitude and talent of the people of BiH.

On 25 November [2005], BiH Statehood Day, Commissioner Olli Rehn opened negotiations on Bosnia's Stabilization and Association Agreement (SAA). This honoured the EU's commitment to the people of the Balkans, made publicly at Thessaloniki in June 2003, that full EU integration is their natural and ultimate destiny.

At a time when EU member States are starting a genuine debate about the desirability of further enlargement, it is crucial that no one should be in any doubt that Europe is the only glue that binds the Balkans to a single, peaceful future.

Amid intense public discussion of the SAA process and, at the same time, heightened debate about the need for constitutional reform, this is an appropriate time to consider the inter-



Mostar: High Representative Paddy Ashdown, the leading civilian authority in BiH under Dayton, on one of his regular visits with common folk.

national community's continued role in BiH. It is fair to say that without the international community's commitment and engagement, BiH would not have come this far so quickly.

It is also right to argue that the phase of intensive and intrusive State-building in BiH must now come to an end. The Office of the High Representative (OHR), in particular, has had extraordinary powers to deliver progress by removing recalcitrant officials and imposing legislation. These were necessary policy instruments in the immediate post-conflict period, when an obstructive housing official could prevent refugees returning to Srebrenica, or key government functionaries were regularly shown to be protecting war criminals.

But today, the situation has fundamentally changed. BiH is now on the highway to Europe. It is time to leave the days of coercion and imposition behind.

The biggest responsibility must now fall to the people of BiH and their elected representatives. The citizens of BiH must re-engage in public life.

With the progressive withdrawal of the temporary organizations, following the opening of SAA negotiations, greater responsibility will fall upon the permanent international organizations that will outlive the OHR: the EC, the international finance institutions, and of course, the OSCE.

The OSCE's agenda contains some of the most important keys to ensuring that BiH reaches its full potential. Many of the priorities that will be uppermost in 2006 are currently in OSCE's mandate. These include:

- Functional and public administrative reform, reducing the cost of government, and allowing SAA negotiations to proceed effectively. No State can build citizens' loyalty when 70 per cent of their taxes are spent on bureaucrats, not services;
- Strengthening civil society and voter education in the run-up to October 2006, the first that will be premised on the SAA reform agenda; and above all,
- Mobilizing the young people of BiH and tackling the scandal

of a woefully — and in many cases needlessly — under-funded school and university system.

Despite all the OSCE's efforts, progress in education reform has been too slow, and differences in the quality of educational provision across the country remain far too great.

The education system as a whole must be a bulwark against ethnic, religious, cultural and any other kind of prejudice or segregation. We cannot be said to have succeeded as long as children from different ethnic backgrounds go to school at different times in different classrooms, to be taught different history by different teachers.

This, I think, is where the OSCE Mission to BiH still has a crucial part to play.

Fortunately, the issues on the OSCE's agenda are mutually reinforcing. The reform of education, the affirmation of the rule of law, the protection of human rights and the maturation of civil society *can* and *should* constitute a virtuous circle — and serve to underpin all the innovations in administration and governance that the EU accession process will necessarily entail. Successful implementation of all these is essential for BiH to reach its potential.

But as we shift from "hard" to "soft" peace implementation in the transition period that follows the opening of the SAA, we will rely increasingly on the "soft power" of multilateral bodies such as the EU, the Council of Europe and the OSCE.

As the OHR progressively withdraws from the field to concentrate on monitoring at higher government levels, the OSCE Mission to BiH will have much to do. It will increasingly provide the eyes and ears on the ground for the rest of a slimmed-down international community.

The opening of the SAA marks a new phase in which the international community needs to hand over the lead responsibility for reform to the BiH authorities. The OSCE Mission will need to be in the thick of this discussion over the next year or so. We need to get the formula right.

Despite the progress evinced by the opening of SAA negotiations, it is foolish to think that scars that run so deep will heal themselves quickly. It takes decades to change the chip in people's brains. Anyone who thinks that the Bosnia's EU accession process will be the same as, say, Lithuania's should visit Sarajevo and Srebrenica.

We need to offer tailor-made solutions for the very complex challenges that this country continues to pose. And we need to pull all those elements together as a determined team. We should not expect the solutions to come overnight; peace-building is measured in decades.

But in the end, how these challenges are resolved is not up to the international community. It is up to the people of BiH.

BIH FOREIGN MINISTER MLADEN IVANIĆ

"Results of OSCE's work speak for themselves"

Mladen Ivanić was one of nearly
40 Foreign Ministers and some 860
representatives from 60 countries who
took part in the 13th OSCE Ministerial
Council Meeting in Ljubljana on 5 and
6 December 2005. An economist by
training, he served as Prime Minister
of Republika Srpska from 2001 until his
appointment as Foreign Minister in 2003.
Here are excerpts from his speech on 5
December 2005:

ust two weeks ago, and 10 years after the signing of the Dayton Peace Accords, Bosnia and Herzegovina found itself at a significant juncture in its history: It opened negotiations on a Stabilization and Association Agreement with the European Union.



BOSNIA AND HERZEGOVINA

This brought us much closer to full membership of the European Union than we have ever been. Although we still have a long road to travel, our citizens now have a much clearer view of the horizon.

Alongside their efforts in transforming the political landscape, BiH authorities have also been tackling reforms in the defence sector. Starting on 1 January 2006, instead of three ministries of defence, we will have only one — at the State level.

Concerning the remaining requirement — full co-operation with the International Criminal Tribunal for the former Yugoslavia — the performance of our leaders in 2005, especially those of Republika Srpska, is testimony to our determination to fulfil our obligations.

To prepare the way ahead, the leaders of eight major political parties recently held talks in Brussels and Washington, D.C., to explore constitutional changes. Despite the many challenges and the varying views, I personally am convinced that gradually we will come to agreements on specific issues, demonstrating our readiness to make major decisions.

We consider the OSCE name synonymous with professionalism and skill in carrying out reforms that are relevant to each and every BiH citizen: raising democratic standards, assisting refugees to return, implementing property laws, monitoring war-crimes trials, and helping bring about the many changes in our defence, education and judiciary systems. The excellent results speak for themselves

Despite these achievements, we need the continued engagement of the international community.

The OSCE's expertise, experience and three-dimensional approach have proved especially relevant to BiH, which is why we welcome the Organization's new instruments and initiatives aimed at combating terrorism and organized crime, and preventing trafficking in human beings. In combining our efforts to tackle these threats, we realize how essential it is to intensify cross-border cooperation in the region.

You can count on the support of Bosnia and Herzegovina for projects and activities to be undertaken by the OSCE and its institutions in the coming years.