

Also, at the end of April 1998, the Office of the High Representative (OHR) in Bosnia and the UNHCR held a Regional Refugee Return Conference in Banja Luka, at which Croatia's poor record on minority returns was examined. The conference pointed to the restrictive application of Croatia's citizenship law as it affected Serb refugees; to the need for non-discriminatory property legislation, which would facilitate returns; and to the need for the non-discriminatory disbursement of reconstruction assistance.<sup>23</sup>

Following international criticism of the proposed return procedures, the Croatian authorities issued a set of "Mandatory Instructions" dealing with the acquisition of Croatian documents.<sup>24</sup> These addressed some of the concerns, simplifying the procedure to some extent. The international response to this was a little ambiguous. The OSCE and the European Union reacted positively; the UNHCR was more circumspect. In mid-June 1998 the government issued what it said was the entire returns plan.<sup>25</sup> This elicited further international criticism, for the following main reasons:

- The first part of the document discussed the historical background of the returns programme, in which the "Serb aggression" against Croatia was described. The international community was unhappy about the inclusion of this section in the programme, arguing that it appeared to give the impression that acceptance of the return of Serb refugees, not long ago aggressors against Croatia, was only grudging and that they were not really welcome. Thus many potential returnees might be discouraged from returning.
- There was also dissatisfaction over the terminology used to describe different categories of potential returnees. In addition to the recognised categories of DP (*prognanik*) and refugee (*izbjeglica*), the document referred to a third category of resettled person (*raseljena osoba*). This three-way categorisation is normal in both Croatia and Bosnia. However, in the Croatian returns programme the category of resettled person was used specifically to refer to Serbs, who were regarded as people who had voluntarily left the country and could therefore be treated differently from Croat victims of aggression. This categorisation ran contrary to the international requirement that all refugees and IDPs, as defined according to internationally accepted criteria, be treated equally whatever their ethnic origin.
- Another source of contention lay in the inclusion in the proposed plan of a survey of the associated reconstruction needs, which stressed the difficulty that Croatia would have in implementing the returns plan, with its own budgetary resources. The international community was unhappy with the inference that the successful implementation of the programme for minority returns was in some way conditional on the receipt of international aid.

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<sup>23</sup> Regional Return Conference, Banja Luka, 28 April 1998: Conference Background Note, *General Legal and Administrative Framework in the Republic of Croatia Regarding the Return of Refugees to Croatia*.

<sup>24</sup> *Mandatory Instruction For Acquiring Documents Required For Implementation of the "Individual Return Procedure For Persons Who Left The Republic Of Croatia"*, adopted by the government on 14 May 1998.

<sup>25</sup> *Programme On Return And Providing Care for Displaced Persons And Refugees*, 14 June 1998.