

V. THE RETURNS PROGRAMME

According to the returns programme, a commission has been set up, made up of representatives of several government ministries, as well as of the ODP, to monitor the implementation of the plan in co-operation with the UNHCR. In addition, a Co-ordination Committee drawn from ministries, government bodies, international organisations and NGOs will monitor progress. The process of return is in accordance with the earlier "Procedures" and "Mandatory Instructions". In accordance with the programme, two laws, the *Law on the Temporary Take-over and Administration of Specified Property* and the *Law on the Lease of Apartments in the Liberated Areas*, which enabled the take-over of properties vacated by their Serb owners, have been repealed. Housing commissions have been set up at the local level to implement the returns process, which is supposed to be co-ordinated and monitored by the central commission. The ODP, in co-operation with the UNHCR, has been carrying out the registration of potential returnees outside of Croatia, although registration is not to be a pre-requisite for return.

Essentially, the programme has been welcomed internationally as good in principle. However, from the beginning there have been many reasons to doubt the existence of the necessary political will to see it implemented. These include the following:

A. Presentation of the Programme to the Sabor

As already noted, the OSCE and the UNHCR had said that they would only consult on the specific details of the returns programme, and not on the other sections of the wider report that appeared in mid-June 1998. They insisted that the plan which they agreed with the authorities was a separate, stand-alone document, and should be presented as such to the Sabor. They received assurances from the government that it would be so.

However, the document initially presented to the Sabor was a much longer paper, which contained within it, as Section IV, Chapter 6, the internationally-agreed programme. The longer document was essentially similar to the earlier document of mid-June 1998. The OSCE and the UNHCR objected to the inclusion of the agreed programme in the wider document, insisting that their approval of the programme referred only to that portion of it which they had agreed, and stating that the government had failed to live up to its commitment to present the agreed text as a separate document. They stressed that statements in the wider document that were at variance with the principles of the agreed programme would in no way qualify the approved plan.²⁷ Following these objections, Granic made it clear to the Sabor that the approved programme was a separate document, and it was voted on as such. Nevertheless, the episode gave the unfortunate impression that the authorities had tried to qualify the agreed text, the inclusion of which in the longer document represented a clear breach of the agreement reached with the OSCE and the UNHCR. Moreover, the authorities offered explanations which were not in the least credible. This example of bad faith served to reinforce the impression, based on the past record of obstruction and delay, that it is only through close monitoring, forthright speaking and pressure that Croatia can be induced to fulfil its commitments on minority returns.

²⁷ Joint press statement by the OSCE and the UNHCR, Zagreb, 25 June 1998.