

Stealing Mostar
The Role of Criminal Networks in the
Ethnic Cleansing of Property

by

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A Thesis Presented in Partial Fulfillment
of the Requirements for the Degree
Master of Arts

Approved March 2013 by the
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ARIZONA STATE UNIVERSITY

May 2013

ABSTRACT

Ethno-nationalist politicians and criminals in Mostar espoused a discourse of ethno-exclusionist sociocultural relations as a superstructure for the public in order to establish ethnocratic kleptocracies where they concealed their criminal colonization of residential and commercial property through manipulating the pre-Bosnian War discourse on property relations. This is not to argue that some or most of these politicians and criminals did not believe in their virulent nationalist rhetoric, but instead that the effects of the discourse created well-used pathways to personal, not community, wealth.

Elites used the Yugoslav economic crisis and perceived past grievance to enflame growing tensions between ethnicities and social classes. I use Mostar as an object of analysis to examine the creation of Bosnian Croat and Bosniak ethnocratic regimes in this divided city. However, I focus more on the Bosnian Croat regime in the city because it envisioned Mostar as its capital, making the city the site of its political competition among factions.

Even though ethno-nationalist politicians and criminals still hold a level of power in Mostar, the IC did succeed in instituting a high level of property restitution, which does not necessarily imply return, because the IC was able to impose rule of law when it acted in an organized manner. Also, the ethnocratic regimes were weakened due to regional economic and political factors that undercut the regimes' hold over the population.

DEDICATION

This thesis is in loving memory of my grandfather
and first mentor in history, James Andresen
(1932-2011).

ACKNOWLEDGEMENTS

In finishing this thesis, I received significant support and guidance from numerous scholars, friends, and institutions, for which I am extremely grateful. I was fortunate to receive financial assistance for my research from the National Security Education Program / Boren Fellowship and the Melikian Center to fund my nine-month stay. This stay was integral to developing my ideas not just because I was able to conduct research, but it allowed me the opportunity to talk and work with many people in Bosnia and Herzegovina (BiH) who all gave me unique insights.

Many of my colleagues in BiH furthered my understanding of BiH and the former Yugoslavia. I would like to thank Catholic Relief Services BiH and its staff, particularly Jake Hershman and Sretan Čemalović, for the opportunity to learn and make a contribution to the country. Jake was a wonderful mentor abroad and afforded me the chance to use my internship at CRS to help develop my understanding of IDP return. I also appreciated Sretan's tremendous patience as I quizzed him about his native city on our countless car rides between Sarajevo and Mostar. Mirela Hrnjić, Sandra Zlotrg, and Mirzana Pašić were my wonderful guides in BiH, helping me understand the culture and the society. Also, I would like to thank Mufti Seid Smajkić for his support in Mostar and allowing me to abuse the time of his PR officer, Muhamed Velagić. Muhamed not only helped with translation and establishing contacts, but our discussions about Mostar and BiH were invaluable to developing my ideas and interpretations.

A number of professors and colleagues helped me through their direct comments on my work, discussions on related themes, and advice on navigating BiH. In this regard, I would particularly like to thank Dirk Hoerder, Rachel Fuchs, James Rush, and Gerard

Toal. My committee played an important role in the development of my thinking, ideas, and approaches that underlie my thesis. Mark von Hagen and Anna Holian always provided me useful and unique advice that helped me develop different themes. My committee chair, Stephen Batalden, guided me formally and informally since he inquired of me if I had considered continuing my studies at a Master's level. While subtly steering me towards particular topics in the region, he gave significant latitude to develop my own interests and ideas on these topics. He has served as the quintessential adviser, recommending authors to explore and opportunities to develop in a professional capacity.

On a more personal note, I would like to thank Sana and Zlatko Šanšović. They were wonderful hosts in Mostar who helped in a great time of need when I was stuck in Mostar during a great snow storm without electricity or heat. I would like to thank my family and especially my wife who continued to listen and ask questions to help me tease out ideas. Their patience and support helped me persevere through the long hours.

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LIST OF ABBREVIATIONS

- BiH – Bosnia and Herzegovina
- CRPC – Commission for Real Property Claims of Refugees and Displaced Persons
- EUAM – European Union Administration of Mostar
- FBiH – Federation of Bosnia and Herzegovina
- HDZ – Croatian Democratic Union (*Hrvatska demokratska zajednica*)
- HOS – Croatian Defense Forces (*Hrvatske obrambene snage*)
- HSP – Croatian Party of Rights (*Hrvatska stranka prava*)
- HVIDR-a – Association of Croat War Invalids of the Home War (*Udruga hrvatskih vojnih invalida iz domovinskog rata*)
- HVO – Croatian Defense Council (*Hrvatsko vijeće obrane*)
- Herceg-Bosna – Croatian Community of Herceg-Bosna (*Hrvatska zajednica Herceg-Bosna*) / Croatian Republic of Herceg-Bosna (*Hrvatska Republika Herceg-Bosna*)
- IC – International Community
- ICTY – International Criminal Tribunal for the Former Yugoslavia
- IDP – Internally Displaced Person
- JNA – Yugoslav People’s Army (*Jugoslovenska narodna armija*)
- KM – Convertible Mark (*Konvertibilna Marka*)
- NDH – Independent State of Croatia (*Nezavisna Država Hrvatska*)
- NHI – New Croatian Initiative (*Nova hrvatska inicijativa*)
- OHR – Office of the High Representative for Bosnia and Herzegovina
- OSCE – Organization for Security and Co-operation in Europe
- OSEM – Office of the Special Envoy of Mostar
- PHE – Public Housing Enterprise

PLIP – Property Law Implementation Plan

OHR – Office of the High Representative in Bosnia and Herzegovina

RRTF – Reconstruction and Return Task Force

SDA – Party of Democratic Action (*Stranka demokratska akcije*)

SFOR – Stabilization Force

SFRY – Socialist Federal Republic of Yugoslavia

UDBa – State Security Administration (*Uprava državne bezbednosti*)

UDIVDR-a – Association of Volunteers and Veterans of the Homeland War (*Udruga dragovaoljaca i veteran Domovinskog rata*)

UNHCR – United Nations High Commissioner for Refugees

USAID – US Agency for International Development

VRS – Army of Republika Srpska (*Vojska Republike Srpske*)

MAP OF BOSNIA AND HERZEGOVINA



Figure 1: A Map of Bosnia and Herzegovina since the Dayton Peace Agreement (source: Ezilion Maps, "Political Map of Bosnia Herzegovina" www.ezilion.com/maps/europe/bosnia-maps.html)

CHAPTER 1

INTRODUCTION

On 9 May 1993, Bosnian Croat nationalist forces began the second siege of Mostar when they expelled Bosniaks (Bosnian Muslims) from the west side of the city and attempted to conquer the rest of the city through military force. This event irrevocably changed future sociocultural relations in the city by dividing it in half. The effects of this event are still felt in Mostar and the Federation of Bosnia and Herzegovina (FBiH) today. The war in Bosnia and Herzegovina (BiH) began a year earlier. Mostar was the subject of an earlier siege by the Yugoslav National Army (JNA) and Bosnian Serb military forces, but it had a less dramatic lasting effect on the city.¹ After these forces failed to conquer the city, their withdrawal from the city led to the voluntary and involuntary exile of Bosnian Serbs. Most of them never returned. The city is the historic capital and economic center of the Herzegovina region (the southern part of BiH), making it a strategically valuable wartime prize. Even though tensions within the Bosnian Croat and Bosniak military alliance resulted in violent outbursts in central Bosnia and western Herzegovina before this event, 9 May 1993 was a distinct historical turning point

¹ While the territory that is modern-day Bosnia and Herzegovina has had a number of different administrative appellations, for the time frame analyzed in this thesis the territory mostly retained its geographic form throughout the period, except for a few brief historical moments. I generally will call the territory BiH for simplicity's sake and to avoid increasing the alphabet soup that already pervades this study. However, here is a short history of the territory's name changes. Under the Ottoman Empire, the territory was called the Bosnia Eyalet until the Ottoman administrative reform of 1864 when the territory gained its modern-day form and became the Vilayet of Bosnia. Under Austro-Hungarian administration, the territory was called the Condominium of Bosnia and Herzegovina. Under the Kingdom of Croatia, Serbs and Slovenes, the kingdom was divided into 33 oblasts, but the form of the territory of Bosnia and Herzegovina was maintained through six oblasts. When the kingdom was renamed the Kingdom of Yugoslavia, BiH was divided amongst a number of the nine banovinas that formed the kingdom. During World War II, BiH became part of the Independent State of Croatia. After the war, BiH became the Socialist Republic of Bosnia and Herzegovina. During the Bosnian War, numerous ethnocratic para-states developed on the territory, but after the signing of the Dayton Peace Agreement, Bosnia and Herzegovina became an independent country with two entities: the Federation of Bosnia and Herzegovina and Republika Srpska.

for Bosnian Croat and Bosniak relations as the city, which was the Yugoslav symbol of *bratstvo i jedinstvo* (brotherhood and unity), was transformed into the Bosnian symbol of ethnic division through ethnic cleansing.²

Ethnic cleansing is an attempt to homogenize a territory by expelling other ethno-national communities. The Bosnian War during the 1990s displaced over two million people abroad and domestically.³ It was the worst case of ethnic cleansing in Europe since World War II and the subsequent “population transfers.” The nationalist fervor that developed in BiH due to political and economic instability before the Bosnian War gave power to politicians to redefine society according to ethnic criteria and the opportunity to forge ethnocratic regimes. The manipulation of land administration and control over the legal structures governing it were methods to legalize the effects of ethnic cleansing.

Before the war, Yugoslav land administration emphasized social ownership and usage rights over private or state ownership in property relations.⁴ Yugoslavia pioneered the concept of social ownership, which meant neither private nor state ownership, but an in-between category where the communities had the theoretical right to allocate residential property for the common good. However, the concept was still an ill-defined legal category when the Bosnian War began. Even though Yugoslavia began privatizing

² While at many times I refer to different nationalist groups, using terms such as Bosniak, Bosnian Croat, and Bosnian Serb, this should by no means be interpreted that these groups are homogeneous in thought or action, nor should it be interpreted that these groups are clearly defined historically or contemporarily. Identity in Bosnia-Herzegovina, like in all areas, is fluid and changes over time as political, social, and cultural conditions change, affecting the multidimensional hierarchy by which people define their identity. The use of this nationalist categorization is at the moment the most common way in which to speak about the heterogeneous groups in Bosnia-Herzegovina and are used in this thesis to simplify the narrative of a city and country where identity is a controversial issue.

³ The postwar internally displaced persons and refugees represented half of BiH’s prewar population.

⁴ In this thesis, the term “property” will only refer to residential property, such as apartments and houses, unless noted otherwise.

some socially-owned apartments (mostly those possessed by members and former members of the Yugoslav military), the privatization process made insignificant progress before the war began. Wartime regimes and criminal networks, using the flexible, vague prewar definition of social ownership, passed laws over “abandoned” apartments to give a legal basis to the redistribution of property to the majority ethnic group and favored elites in political and criminal circles. It is the thesis of this study that the control over socially-owned residential and commercial property and their subsequent privatization by politicians and criminals allowed for these forces to steal BiH’s economic resources and exclude minority returnees and non-favored social groups from economic opportunities for survival.

The Dayton Peace Agreement brought the military conflict to a close, which was commendable because it stopped the brutal war, but the settlement created two autonomous political entities – FBiH and Republika Srpska. The two entity political structure in some sense legitimized the violent aims of the wartime ethnocratic regimes and institutionalized ethnocratic structures that obstructed the implementation of the agreement’s comprehensive human rights provisions. Among these provisions was Annex 7 – the requirement that refugees and IDPs would be returned to their prewar residences in order to undo the demographics effects of the Bosnian War. This requirement represents the culmination of a historical shift in the IC’s handling of refugees. While responses to refugee situations during the Cold War characteristically favored the relocation of refugees to their host countries, particularly because of the demographic effects of World War II, the rise of ethnic conflicts in the third world and asylum cases caused a shift in response to favor return over relocation. BiH became the

international community's first experiment to return refugees and IDPs not only to their prewar country of residence, but to their actual prewar address. After the conflict, the international community (IC) exerted significant financial and political efforts to reverse the demographic effects of the war by dismantling the property regimes forged through war and replacing a dysfunctional socialist system with a capitalist one.

Like many attempts by the IC to "fix" problems in troubled countries through aid or military intervention, the implementation of the Dayton Peace Agreement through international intervention had mixed results. The United Nations High Commissioner for Refugees (UNHCR) touted that the return of refugees and internally displaced persons (IDPs) in post-Dayton BiH as a successful example of reversing ethnic cleansing, claiming that over one million people returned to their prewar homes by 2004.⁵ However, many contemporary scholars argue that the process through which return was "achieved" resulted actually in consolidating ethnic territorial division instead of reversing it.⁶ The UNHCR claim failed to acknowledge that returnees were not provided an adequate economic and social infrastructure to ensure sustainable return and ethnocratic regimes forged by nationalist politicians and criminals colonized BiH's economic resources, which obstructed return. The analysis of this case study draws conclusions that can be applied to other post-conflict and international aid situations.

⁵ This amount of "return" represents a little less than half of Bosnia's postwar refugees and IDPs.

⁶ Anders H. Stefansson, "Homes in the Making: Property Restitution, Refugee Return, and Senses of Belonging in a Post-war Bosnian Town," *International Migration* 44, no. 3 (2006); Barbara Franz, "Returnees, Remittances and Reconstruction: International Politics and Local Consequences in Bosnia," *The Whitehead Journal of Diplomacy and International Relations* 11, no. 1 (January 2010); Catherine Phoung, "Freely to Return: Reversing Ethnic Cleansing in Bosnia-Herzegovina," *Journal of Refugee Studies* 13, no. 2 (2000); Richard Black, "Return and Reconstruction in Bosnia-Herzegovina: Missing Link, or Mistaken Priority?," *SAIS Review* 21, no. 2 (Summer-Fall 2001), 189.

POST-WAR SCHOLARSHIP ON MOSTAR

Mostar was the only city that had its urban center ripped in two during the Bosnian War. Since Dayton, Mostar has been used as a microcosmic example of the problems that have plagued postwar BiH. The city was a major focus of the IC's reconciliation efforts because feared that if Mostar failed, BiH would fail, discrediting the Dayton Agreement. In some respects this fear is well-founded because Mostar remains the center of Bosniak-Bosnian Croat relations in FBiH. If FBiH were to dissolve through the creation of a third entity, which Bosnian Croat parties still advocate, BiH as a state could easily dissolve with it.⁷ Since Mostar was one of the few divided cities in postwar BiH, it presents an opportunity to examine how both Bosniak and Bosnian Croat wartime and postwar property regimes sought to legitimize their territorial gains. However, this thesis focuses more on the Bosnian Croat regime because Mostar was central to their territorial ambitions, making it the site of their internal competition. Because Mostar is an important city to the reconstruction of BiH, it has been the center of considerable scholarship.

Even though scholars have studied Mostar through various academic lenses, the main scholarly discussions about the city can be broken down into two main foci.⁸ The

⁷ Office of the High Representative of Bosnia and Herzegovina, "42nd Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations," November 8, 2012, http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=47611 (accessed January 10, 2013).

⁸ Nebojsa Bjelaković and Francesco Strazzari, "The Sack of Mostar, 1992-1994: The Politico-military Connection," *European Security* 8 (1999): 73-102; Martin Coward, "Community as Heterogeneous Ensemble: Mostar and Multiculturalism," *Alternatives* 27, no. 1 (2002): 29-66; Larissa Veters, "The Power of Administrative Categories: Emerging Notions of Citizenship in the Divided City of Mostar," *Ethnopolitics* 6, no. 2 (2007): 187-209; Azra Hromadžić, "Bathroom Mixing: Youth Negotiate Democratization in Postconflict Bosnia and Herzegovina," *Political and Legal Anthropology Review* 34, no. 2 (2011): 268-289.

first group consists of political scientists, historians, and anthropologists who focus on the institutionalization of political and social division in Mostar, demonstrating how this has caused fractures in social and political structures along ethnic lines. In *Bosnia after Dayton*, Sumantra Bose includes a significant examination of the ethnic fracturing of the economic and political infrastructure of Mostar.⁹ Bose uses Mostar as a microcosmic example of BiH to demonstrate the problems of the country after the Bosnian War and to argue that the schizophrenic nature of the Dayton Agreement, which aimed for social reintegration, institutionalized geographic segregation. Azra Hromadžić's anthropological study examines the efforts of the Office of the High Representative (OHR) and the IC to reunify the ethnically segregated Mostar Gymnasium.¹⁰ She argues "that the IC's 'failure' to fully integrate the Mostar Gymnasium has to be understood in terms of the contested space of the IC's quest for integration and the national minorities' (especially Croats') search for segmental autonomy."¹¹ In Florian Bieber's comparative analysis of the political developments of Mostar and Brčko, he argues against the complex form of consociationalism (ethnic power-sharing) used in Mostar. He argues that political parties' manipulation of the system only increased the city's territorial fragmentation, explaining that these political structures established the deep roots of institutional parallelism that socially fractures the city along ethnic lines.¹²

⁹ Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (New York: Oxford University Press, 2002).

¹⁰ The Mostar Gymnasium is an example of "two schools under one roof."

¹¹ Azra Hromadžić, "Discourses of Integration and Practices of Reunification at the Mostar Gymnasium, Bosnia and Herzegovina," *Comparative Education Review* 52, no. 4 (November 2008): 542.

¹² Florian Bieber, "Local institutional Engineering: A Tale of Two Cities, Mostar and Brčko," *International Peacekeeping* 12, no. 3 (Autumn 2005): 426.

The second group of scholars mainly consists of architects and urban planners who focus on the role that (re)construction played in two conflicting spatial processes – ethnic territorialization and reintegration. Scott A. Bollens focuses on the use of urban planning in Mostar as a method to combat division in a comparative context. He argues that the administrative division of Mostar into six ethnically-based municipalities helped nationalists solidify division. This division also helped render the shared space of the Central Zone – the seventh and supposedly neutral municipality of Mostar – to be ineffective and neglected.¹³ Because of the deliberate destruction of specific parts of the city, Martin Coward explores the concept of urbicide, using Mostar to argue that urbicide is the destruction of heterogeneous, shared space with the aim of creating a homogeneous community.¹⁴ Amir Pašić, a native of Mostar, initiated the “Mostar 2004,” which brought together students and academics from around the world “with the goal of reconstructing the city’s historic center within ten years of its destruction.”¹⁵ This project produced a number of articles about the IC’s attempts to recreate multiculturalism in the city. One of the most important discussions on spatial interventions is about the symbolic meaning of Stari Most, Mostar’s famous Turkish bridge, because it was at the center of the IC’s campaign to reconcile the two sides in Mostar. Pašić asserts that the bridge symbolizes a link between cultures and Mostar’s multicultural past. Carl Grobach disputes this interpretation, explaining that historically the bridge did not have this meaning before the

¹³ Scott A. Bollens, *Cities, Nationalism and Democratization* (New York: Routledge, 2007), 211.

¹⁴ Coward, 36.

¹⁵ Judith Bing, “Ideas and Realities: Rebuilding in Postwar Mostar,” *Journal of Architectural Education* 54, no. 4 (2001): 238.

war and that Pašić and the IC have reinterpreted it by shifting the discourse to fit within their aims of reconciliation.¹⁶

This debate over the meaning of Stari Most could be an indication that the meaning of prewar objects shifted for residents as a result of wartime and postwar migrations into the city from the countryside or because the traumatic war created a new framing strategy that shifted people's interpretations.¹⁷ Emily Gunzburger Makaš, a participant of the "Mostar 2004" project, wrote a dissertation analyzing residents' varying interpretations of reconstructed monuments and buildings.¹⁸ Her work represents the best attempt at a thick description of Mostar's postwar cityscape and explaining the symbolic complexities of reconstruction. Kathryn Heffernan, building on Makaš's work, outlines the different physical structures of division and unification and how they have affected Mostar and its residents.¹⁹ These works demonstrate how competing nationalists used the war and the reconstruction process to attach a homogeneous identity to a territory.

The main gap in the analysis of Mostar is the lack of attention paid to the return of IDPs, to refugees, and to the property restitution process. The only significant work in this area in relation to Mostar is by Larissa Vettters. By focusing on postwar categories, such as refugee, IDP and returnee, she argues that administrative categorization practices "constitute a source of shared experience for citizens, thus shaping their perception of

¹⁶ Carl Grodach, "Reconstituting Identity and History in Post-War Mostar, Bosnia-Herzegovina," *City* 6, no. 1 (2002): 61-82.

¹⁷ Rudy Koshar, *From Monuments to Traces: Artifacts of German Memory, 1870-1990* (Los Angeles: University of California Press, 2000).

¹⁸ Emily Gunzburger Makaš, "Representing Competing Identities: Building and Rebuilding in Postwar Mostar, Bosnia-Herzegovina," (PhD diss., Department of Architecture, Cornell University, 2007).

¹⁹ Kathryn L. Heffernan, "Reinventing Mostar: The Role of Local and International Organizations in Instituting Multicultural Identity," (Master's Thesis, Nationalism Studies Program, Central European University, 2009).

what it means to be a citizen of BiH” and “fuel new divisive forces that diminish the internal solidarity of ethnic groups.”²⁰ Other works on Mostar mention how the city remains demographically divided after property restitution, but little work has been done in Mostar to substantiate this claim. While the goal of this thesis is not necessarily to confirm or disprove this observation, a further understanding of how property restitution worked and how specific power dynamics operated in Mostar are important steps to understanding and interpreting the results of the upcoming census.²¹

ETHNIC CLEANSING: CONFLUENCE OF IDEOLOGY AND CRIME

Before the Bosnian War, nationalist politicians in Croatia and Serbia largely interpreted BiH as a borderland between cultures. With this belief, BiH became a battlefield for nationalist forces to satisfy Greater Croatian and Greater Serbian territorial ambitions. Political forces similarly interpreted Mostar as a borderland society between Bosniak and Croatian cultures. Prewar Mostar was known as a multicultural city where an inclusive Yugoslav identity was taking root, diminishing perceived cultural differences. During the Bosnian War, the Croatian Republic of Herceg-Bosna attempted to create an internationally recognized geo-body with Mostar as its capital. A geo-body is a perceived or actual territoriality where nationhood and identity are spatially applied to it.²² The Bosnian Croat leaders imagined their geo-body to be a “purely” Bosnian Croat space, devoid of “others,” so they attempted to “cleanse” the territories that they

²⁰ Vettors, 187

²¹ Since a census is theoretically on the horizon for BiH, it would have been unnecessarily time consuming and difficult for this thesis to confirm observations about the success or failure of IDP and refugee return in Mostar.

²² Thongchai Winichakul, *Siam Mapped: A History of the Geo-Body of a Nation* (Honolulu, HI: University of Hawai'i Press, 1994), 16.

conquered by destroying demographic and spatial heterogeneity to legitimize their claim to the territories as Bosnian Croat space.

Gerard Toal and Carl Dahlman examine the geopolitical forces and processes that acted upon BiH since the outbreak of the Bosnian War. They define ethnic cleansing as a geopolitical process, explaining that “‘geo’ and ‘politics’ can be parsed to signify two interrelated practices: first the attempt to produce a new *ethnoterritorial order of space*, and second the attempt to build an *ethnocratic political order* upon that space.”²³ They analyze what they describe as two geopolitical processes: the efforts of military and political forces to ethnically cleanse parts of BiH during the war and the IC’s attempt to reverse ethnic cleansing through the return of refugees and IDPs in postwar BiH.²⁴ They focus on the effects of the two processes in the municipalities of Dobroj, Jajce, and Zvornik, demonstrating how ethnic cleansing occurred through the removal of people, homes, and cultural objects and how the process of return only gained momentum when the IC established rule of law and built institutional capacity through assertive intervention. To create a new ethnoterritorial order of space in BiH, nationalist military forces used ethnic expulsions and uricide to clear space of the presence of other ethnicities. This clearing and “unmixing” was a significant part of identity construction in Mostar and BiH. Bosniak, Croat, and Serb nationalist military and political forces tried to create homogeneous nation-states modeled on maps. To them, the geo-bodies of the nation-states had meaning partially defined by the absence of other cultures or symbols.

²³ Gerard Toal and Carl T. Dahlman, *Bosnia Remade* (New York: Oxford University Press, 2011), 5.

²⁴ *Ibid.*, 8.

These spaces were not only areas where a certain identity should exist, but also where others should not exist.

This thesis intends to build upon the work of Toal and Dahlman, but there are three aspects of ethnic cleansing not emphasized in their account that will be areas of focus in this narrative: ethnic colonization of space to create an ethnocratic cultural order, elites' theft of BiH's resources to build personal wealth and maintain ethnocratic political regimes, and the role of property administration in legalizing that theft.²⁵ While the Bosnian Croat military forces failed to create an internationally recognized state and "cleanse" their "capital," Mostar, nationalist forces continued to reinforce the cultural, social, and political integrity of the geo-body through the ethnic colonization of space to divide the city into distinguishable Croat and Bosniak parts. To strengthen their territories' identity, they colonized space with Croatian nationalist and Catholic symbols to give the geo-body an identity defined against Bosniaks (Muslim) and Bosnian Serbs (Orthodox Christian) in order to transform the fuzzy borderland into a geographically- and ethnically-defined border town. Even after the OHR officially unified the city, nationalist politicians manipulated political, demographic, and cultural space to maintain an ethnocratic social organization that kept and continues to keep Mostar divided – a situation that is beneficial to their maintenance of power over the territory's resources.

It is especially important to distinguish between political and cultural orders. Even though in many cases, and especially in BiH, the two orders reinforce each other, their agendas are not the same. In BiH, a political order – significantly criminalized by war –

²⁵ The difference in focus is maybe the result of the difference in the local geopolitics of our case studies.

manipulated and reinforced a nationalist cultural order through constructing a false consciousness to legitimize new social relations that were beneficial to their maintenance of power. However, the interests of criminal politicians and true nationalists did not always coincide. This can particularly be seen at the local level of the Bosnian War where nationalist military and political factions within the same ethnic side fought each other for resources and supremacy. These battles were not always or even most of the time fought to champion a nationalist cause, but simply to control the spoils of war. This study analyzes these factions and builds on the considerable scholarship on the wartime and postwar political economy of BiH,²⁶ which is part of a larger growing field of academic study that examines criminality and economic factors in conflict and post-conflict situations.²⁷

There are two interrelated sets of scholarship on the political economy of BiH that generally are divided chronologically – wartime and postwar. The first set examines the war period, drawing attention to the interconnected local and regional developments of criminal and political networks and their role in profiting and perpetuating the war.²⁸ This set of scholarship takes the stance that wartime and postwar BiH “cannot be explained without taking into account the critical role of smuggling practices and quasi-private

²⁶ Bjelaković and Strazzari; Michael Pugh, Neil Cooper and Jonathan Goodhand, *War Economies in a Regional Context: Challenges of Transformation* (Boulder, Col.: Lynne Rienner Publishers, 2004); Peter Andreas, “The Clandestine Political Economy of War and Peace in Bosnia,” *International Studies Quarterly* 48 (2004); Timothy Donais, “The Politics of Privatization in Post-Dayton Bosnia,” *Southeast European Politics* 3, no. 1 (June 2002); Donais, *The Political Economy of Peacebuilding in Post-Dayton Bosnia* (Routledge: New York, 2005); Michael Pugh, “Postwar Political Economy in Bosnia and Herzegovina: The Spoils of Peace,” *Global Governance* 8, no. 4 (2002).

²⁷ Paul Collier, *Economic Causes of Civil Conflict and Their Implications for Policy*, (Washington, DC: World Bank, June 15, 2000); Paul Collier and Anke Hoeffler, *Greed and Grievance in Civil War*, (Washington, DC: World Bank, October 21, 2001); Dietrich Jung, ed. *Shadow Globalization, Ethnic Conflicts, and New Wars: A Political Economy of Intra-State War* (London: Routledge, 2003).

²⁸ Bjelaković and Strazzari; Andreas; Pugh and Cooper.

criminal combatants,” and that the factionalism within ethnocratic regimes cannot be understood without examining regional relations and loyalties.²⁹ The second set, which focuses on the postwar period, argues that the IC’s overemphasis on liberalization and privatization allowed for the manipulation of the privatization process by local powerbrokers. This weakened the IC’s ability to dismantle ethnocratic regimes and establish state-building institutions based in rule of law.³⁰

The Yugoslav economic crisis in the 1980s laid the groundwork for the future development of regional personal networks in BiH. Because of high unemployment and inflationary pressures, informal and shadow economies began to develop, especially in the Herzegovina region, creating a criminal underworld sustained through smuggling and other illicit activities. Yugoslavia neglected and ostracized the western Herzegovina region because of its strong support of and involvement with the Croatian nationalist Ustasha movement during World War II.³¹ This antagonism produced a strong cadre of Croatian nationalist émigrés who returned during the years leading up to the Bosnian War. Even though the federal government had some control over the Yugoslav economy in the 1980s, republican and local communist elites held tight control over the economic levers. The breakdown of the Yugoslav government led to the creation of a power vacuum where these elites fought over BiH’s resources. The confluence of forces led to the development of personal networks between politicians, émigré nationalists, criminals, and businessmen. The war and subsequent international sanctions strengthened the links

²⁹ Bjelaković and Strazzari; Andreas, 29; Misha Glenny, *McMafia: A Journey Through the Global Criminal Underworld* (New York: Vintage, 2008).

³⁰ Pugh; Donais.

³¹ The Ustasha movement was a violent Croatian nationalist movement that came to power in Croatia during World War II and was responsible for thousands of deaths due to ethnic cleansing campaigns.

between these groups, creating regional and personal factions that struggled to divide BiH and create their own territorial units.

The creation of territorial units was an important part of ethnic cleansing during the Bosnian War and this was influenced by how the IC is currently ordered. The current political and social organization of the world has produced a geographic mosaic of nation-states. According to Stef Jansen, “the idea of nations as discrete and countable bounded units is the bedrock of all dominant representations of the ‘international community’ as a ‘family of nations.’”³² The mosaic of nations reproduced on maps is the result of treaties establishing borders, which are then enforced through the state’s authority and accepted as a representation of reality by the populace. The instruments of land administration reinforce this understanding of the world by precisely delimiting the boundaries that separate people’s property and establishing rights over these territories, making reality legible. While maps used for land administration are designed to represent reality, they also give the state a tool to shape reality through categorization and the force of law.³³ In BiH the power over land administration became especially important to regimes during and after the Bosnian War as a tool to legalize and protect their redistribution of property. The IC sought to remake and manage physical, represented and imagined space in order to undo the effects of ethnic cleansing.

³² Stef Jansen, “National Numbers in Context: Maps and Stats in Representations of the Post-Yugoslav Wars,” *Identities: Global Studies in Culture and Power* 12 (2005), 61.

³³ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, (Durham, NC: Yale University Press, 1999), 3. The impact of top-down categorization upon shaping society through censuses is discussed in: Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 2006).

In this thesis, I argue that nationalist politicians and criminals espoused a discourse of ethno-exclusionist sociocultural relations as a superstructure for the public in order to establish ethnocratic kleptocracies where they concealed their criminal colonization of residential and commercial property by manipulating the prewar discourse on property relations. This is not to argue that some or most of these politicians and criminals did not believe in their vitriolic nationalist rhetoric, but instead that the effects of the discourse created well-used pathways to personal, not communal, wealth. Elites used the Yugoslav economic crisis and perceived past grievance to enflame growing tensions between ethnicities and social classes. I use Mostar as an object of analysis to examine the creation of two ethnocratic regimes in this divided city. I focus more on the Bosnian Croat regime in the city because it envisioned Mostar as its capital, making the city the site of its political competition among its factions. The Bosniak side – even though recently it has experienced internal disruptions³⁴ – was significantly united behind its wartime leadership and remained relatively detached from Bosniak politics in Sarajevo. Even though nationalist politicians and criminals still hold much power in Mostar, the IC succeeded in instituting a high level of property restitution, which does not necessarily mean return. This was achieved because the IC was able to impose rule of law when it acted in an organized manner and the ethnocratic regimes were weakened due to regional economic and political factors that undercut the regimes' control over the population.

³⁴ In recent years, there has been a growing rift between the Islamic community and political/economic elites in Mostar.

SOURCES AND ORGANIZATION

The sources used in this thesis are varied and sometimes disjointed due to limited access to and lack of documentation and statistics. There is more detailed information on criminal dealings in the commercial than the residential sector, but many of the same political and criminal actors influence and manipulate both. Therefore, I will juxtapose cases from both sectors to demonstrate the range of criminal activity and imply who the main criminal actors are in residential property crime because reports about residential crime are particularly vague. The most important sources for this thesis include court cases from the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Human Rights Chamber for BiH, statistics and IDP records from the departments for IDPs for the Herzegovina-Neretva Canton and the municipality of Mostar, and reports from international organizations, such as UNHCR and the International Crisis Group.³⁵

The first chapter will outline the history of land administration in BiH from 1878 to the 1990s by examining the development of the cadastral map and land registration in relation to changing property regimes. The intention of this chapter is to provide an historical background to the legal and social complexities of property ownership, particularly focusing on socially-owned apartments and the property laws that regulated their use. This is an important foundation to understanding how these apartments got entangled in complex legal and political battles during the property restitution process, especially given the prevalence of Yugoslavia's informal economy for property. Even though the state of usage rights before the Bosnian War gave occupants numerous strong

³⁵ The International Crisis Group is an international non-governmental organization that analyzes conflict and post-conflict situations in order to provide policy recommendations to the international community.

protections akin to a semi-ownership right, the land administration system of usage rights gave nationalists a way to legalize their territorial gains. This chapter also examines the deterioration of Yugoslavia's political economy and the early development of criminal networks. The main sources for this chapter will come from articles in BiH's "Geodetski Glasnik" (Gazette on Geodesy), interviews, laws, and secondary sources, such as UN-HABITAT's report on property rights in the former Yugoslavia and academic scholarship on the history of the Yugoslav economy.

The second chapter will provide a politico-economic and sociocultural history of the division and territorial consolidation of Mostar to show the structural development of powerful ethnocratic regimes and personal networks that made property restitution for IDPs and refugees very difficult. The chapter will achieve two purposes: it will situate Mostar within the Bosnian War to contextualize the military operations to divide the city, and it will demonstrate how nationalist networks consolidated political power over social, economic, and spatial structures in the city. The first part will draw on the theoretical framework of Toal and Dahlman, examining the effects of ethnic cleansing in Mostar, analyzing two aspects: Mostar as an imagined capital of a Bosnian Croat state (Herceg-Bosna) and the military execution of ethnic cleansing. The second part will focus on the consolidation of parallel institutions in postwar Mostar and the colonization of space in the city through (re)construction and land administration. The parallel institutions gave power to nationalists to obstruct international peace efforts. Documents from war crime trials and international organizations will contextualize the criminal nature behind the demographic and representational division of the city.

The third chapter will examine the history of property restitution in BiH to demonstrate the significance of the IC's creation of institutional capacity for the return of IDPs and refugees to BiH. It also will examine the changing regional support situation of the Herceg-Bosna parallel state to demonstrate how activist intervention, changes in Croatia's political environment and the poor economic management of the regime led to the regime's weakening. By examining property restitution cases in Mostar – both those that went to the Human Right Chamber and other restitution cases in the city – I analyze how obstruction of the property restitution process occurred in Mostar. This will demonstrate how the regimes manipulated laws on usage rights to consolidate territorial gains through ethnic cleansing and how the privatization process helped criminal war profiteers to consolidate control over the city's political economy. The conclusion will summarize the findings revealed in the narrative and delineate lessons learned from this case study to determine possible applications to other post-conflict and development aid situations.

CHAPTER 2

LAND ADMINISTRATION IN BIH FROM 1878 TO THE 1990S

Control over land administration was an important aspect to legalizing and consolidating the effects of wartime ethnic cleansing. While there are cases of destruction and manipulation of these documents during and after the Bosnian War in Mostar, there is little evidence that the destruction of records was intended and record manipulation mostly occurred in specific cases motivated by the property's postwar economic value. Widespread systematic physical changes to the records was not the case; instead, nationalist politicians passed wartime laws, creating property regimes that manipulated the legacy of socialist prewar laws on property usage rights and social ownership to legitimize the ethnic redistribution of property. Even though before the war usage rights basically developed the equivalent security of an ownership right, I argue that because the former Socialist Federal Republic of Yugoslavia (SFRY) created a property regime framed in terms of usage rights and ill-defined social ownership instead of private ownership, wartime regimes in Mostar had a legal system that could be exploited and manipulated to legitimize territorial gains through the reallocation of usage rights.

Besides the system of usage rights, the poor condition and inaccuracy of property records before the Bosnian War complicated international efforts to resolve property issues and undo ethnic cleansing. Even though the Austro-Hungarian administration of BiH created a land administration system that was relatively accurate in depicting ownership in BiH, over time, especially during the SFRY, a large discrepancy between the situation depicted in land records and the actual situation grew. There are various reasons for this discrepancy, such as poor maintenance, regimes' disinterest in updating

the records, high taxes on record changes, and uneven development of land administration systems throughout the country. In this chapter, I will outline the development of the land administration system and property rights in BiH and explain the SFRY's unique brand of property relations mediated through its conceptualization of social ownership.

LAND ADMINISTRATION UNDER THE OTTOMANS AND AUSTRO-HUNGARIANS

Following the Russo-Turkish War (1877-1878), the Congress of Berlin gave a mandate to the Austro-Hungarian Empire to occupy and govern the Ottoman Vilayet of Bosnia (the territory of modern-day BiH), establishing the Condominium of Bosnia and Herzegovina (1878-1918). On 7 October 1908, the Austro-Hungarian Empire officially annexed the condominium into the empire. From 1884, based on the "Law on Land Books," the Austro-Hungarian administration implemented a new land registry system simultaneously with a cadastral survey, replacing the previous Ottoman system. However, property relations remained similar to the Ottoman period.³⁶ Even though land reform was a major demand of the rebelling Christians in BiH and widely expected of the Austro-Hungarians, land reform did not occur until the interwar period when BiH became part of the Kingdom of Serbs, Croats and Slovenes after World War I.³⁷

The Development of the Dual Registration System

³⁶ Vladimir Lukić, Mustafa Begić, and Jasmin Imamović, *Teorijski i Praktični: Komentar Zakona o Premjeru i Katastru Nekretnina* (Sarajevo, SFRY: Sid "Struka", 1991), 6; Jozo Tomasevich, *Peasants, Politics, and Economic Change in Yugoslavia* (Stanford, Calif.: Stanford University Press, 1955), 108.

³⁷ In this thesis, "interwar" exclusively refers to the period between World War I and World War II.

Before the Austro-Hungarian occupation, BiH used the Ottoman *tapija* and *defter* system. *Tapijas* were property deeds and *defters* were the registries or books where records of the deeds were maintained. The system was also used in other former Yugoslav states, which were under Ottoman rule (Macedonia, Serbia, and a part of Montenegro). The system was very centralized where any changes in the records at the local level had to be made at the regional level (*sandzak* or province) and then brought into conformity with records at the *defterhana* (the main land registry office) in Istanbul. The system was very slow and complicated, creating discrepancies between the records and reality. Also, the *tapija* system delimited property borders according to descriptions without any graphical representations, only approximating land in thousands of square kilometers or *dulumas*. According to Vladimir Lukić *et al*, this level of accuracy was unable to satisfy the needs of society at the time, driving a desire for reform, which ironically occurred in the Ottoman Empire immediately after Austria-Hungary took BiH.³⁸

The military administration conducted the first cadastral survey of BiH from 1881 to 1884, producing maps generally on a scale of 1:6250, but on a 1:1562 scale in towns.³⁹ On 13 September 1884 the Austro-Hungarian administration instituted a land registry law for BiH, creating a land book system similar to those used in Austria-Hungary and

³⁸ Lukić, *et al.*, 6.

³⁹ Jean-Luc Horisberger, "Land Administration in Bosnia and Herzegovina after the War," in *Symposium on Land Administration in Post Conflict Areas* (Geneva, 2004), 7; Fehim Behililović, "Od Teza do Nactra Zakona o Premjeru i Katastru Nekretnina" (From the Idea to the Draft of the Law on the Survey and Real Estate Cadastre), *Geodetski glasnik (Glasilo saveza udruženja građana geodetske struke Bosne i Hercegovine)* (Savez geodetskih inženjera i geometara Bosne i Hercegovine) 17, no. 20 (June 1983), 5.

Germany.⁴⁰ In 1886, the administration began implementing the land books and the task was completed by 1911.⁴¹ The land administration structure was a dual-system that combined land books that detailed property rights, ownership, and their subsequent changes, and a cadastral survey that was used as a graphical representation, detailing the borders of parcels.⁴² While the previous Ottoman *defter* system of land administration was based on a fairly inaccurate qualitative system, the new cadastral survey detailed moderately exact borders, providing the first geographic basis for land administration in BiH. When World War I began, the system had been implemented in the entirety of BiH.

Property Relations

Even though the Austro-Hungarian administration drastically changed the way land ownership and rights were documented in BiH, the administration did little to change property relations in the country. When the Austro-Hungarian Empire occupied BiH, it did not undertake any real land reform, which the peasant/serf population expected. This left most of the usable land in BiH in the possession of Muslim landowners and the Islamic community and governed according to feudal relationships, producing resentment among the Christian populations who were the majority of the peasant class.⁴³ Instead, the Austro-Hungarian administration maintained most of the Ottoman laws and enforced laws that the Ottoman Empire had just begun to implement when the Austro-Hungarian Empire occupied the province.

⁴⁰ Jasmin Imamović, “Evidencije nekretnina i prava na nekretninama u Bosni i Hercegovini od XV vijeka do danas” (Property Records and Rights in Bosnia and Herzegovina from Fifteenth Century until Today), *Geodetski glasnik (Glasilo saveza udruženja građana geodetske struke Bosne i Hercegovine)* (Savez geodetskih inženjera i geometara Bosne i Hercegovine) 21, no. 24 (1987), 54.

⁴¹ *Ibid.*, 55.

⁴² Contemporary research that discusses this land cadastre normally refers to it as the “old survey.”

⁴³ Tomasevich, 108.

During the nineteenth century, there were a number of land tenure changes that putatively occurred in BiH and the Ottoman Empire; however, the Ottoman Empire did not have the prerequisite control over its territory to enforce significantly the changes. The Ottoman Empire attempted to modernize its socioeconomic system through the *tanzimat* reforms to bring it closer in line with western European systems.⁴⁴ However, the empire experienced significant resistance to these reforms from Muslim landlords in BiH who were accustomed to fairly autonomous rule.⁴⁵ Still, a number of these laws were implemented after the Crimean War and slowly changed property relations in response to agrarian unrest in BiH.⁴⁶ One of the laws that resulted from this period and lasted until 1945 was the “Land Law of 1858.” The law pushed the registration of land to increase tax revenue and was an attempt to assert fiscal control over the ailing empire.⁴⁷ It classified land into different types: *mulk* (private property), *miri* (state land), *mefkufe* (*vakuf*),⁴⁸ *metruke* (the common), and *mevat* (unoccupied land).⁴⁹ According to Jozo Tomasevich, “this law increased greatly the rights of disposition of the holders of various types of land.”⁵⁰ In 1859, the Safer decree codified the contractual obligations of serfs to landowners, theoretically easing the serfs’ burdensome obligations to landowners and obligating landowners to provide serfs with housing.⁵¹ However, the decree only affected

⁴⁴ The *tanzimat* reform era began in 1839 and ended in 1876.

⁴⁵ Tomasevich, 102.

⁴⁶ The Crimean War was between the Russian and an alliance of the French, British and Ottoman Empires and the Kingdom of Sardinia. The war lasted from 1853 to 1856.

⁴⁷ For a detailed discussion of different interpretations of the “Land Law of 1858” see: Suraiya Faruqi, Bruce McGowan, Donald Quataert and Sevket Pamuk, *An Economic and Social History of the Ottoman Empire*, ed. Halil Inalcik and Donald Quataert, Vols. II: 1600-1914, II vols. (New York: Cambridge University Press, 1994), 856-61.

⁴⁸ A discussion about what are *vakuf* properties is included later.

⁴⁹ Tomasevich, 105.

⁵⁰ *Ibid.*, 105.

⁵¹ *Ibid.*, 105-6.

agalik lands and not *beglik* lands so while this decree attempted to assuage unrest, in the end, serfs experienced no material change and the decree provided for a legal mechanism for landowners to more easily transform *agalik* lands into *beglik* lands. *Agalik* lands were claimed by *begs* and *agas* as their full, hereditary properties where they had rights of utilization, but lands were still under the control of the *reaya*. *Beglik* lands, on the other hand, were considered full property of the landlords and no longer under the control of the *reaya*.⁵² In a late response to continued unrest, the Ottoman Empire passed the “Law of February 1876,” which gave serfs the option to free themselves with the landowner’s consent and the payment of an agreed upon indemnity. However, by then the revolt of Christian serfs in BiH against Ottoman rule had begun.⁵³ The Austro-Hungarian Empire brought these laws into force during its administration and “between 1879 and 1911 a total of 28,481 serf families bought themselves out of serfdom,” which represented over a quarter of all serf families in the province.⁵⁴

One of the few land relation changes the Austro-Hungarian administration implemented was the centralization and enforcement of pre-existing laws on *vakufs*, which were important charitable religious foundations that managed land for Islamic communities. *Vakufs* were established by a charitable donation of money and/or property to the Islamic community and then a foundation was established to manage the upkeep of the land and buildings on the property, such as mosques, schools, inns, markets, and bridges. There is also a type of *vakuf* where the head of a household, who is always male,

⁵² For a more in-depth explanation see: Tomasevich, 99-100.

⁵³ Tomasevich, 106-7.

⁵⁴ *Ibid.*, 108. In BiH there were about 85,000 serf families (roughly 60,000 Serbian Orthodox families, 23,000 Catholic families, and 2,000 Muslim families).

manages the property according to a contract and the property is then passed on to a male heir. If there is not a male heir or if he is deemed incapable of managing the land, the *vakuf* is then passed to the Islamic community to be administered by a new or pre-existing *vakuf* foundation. Unfortunately, many of these foundations during the Ottoman period became sites of family nepotism, effectively establishing tax-free family trust funds. By 1878 it is estimated that one-third of all usable land in BiH was owned by *vakufs* and according to Islamic law once property was under *vakuf* administration, it could no longer revert back to private or public ownership. In 1884 the Austro-Hungarian administration attempted to regulate properly *vakuf* foundations by establishing a centralized Vakuf Commission, which required the use of proper accounting methods and the submittal of budgets.⁵⁵

The strict centralization of *vakufs* created resentment in regional centers and became a political issue at the end of the nineteenth century because the government appointed the representatives of the Vakuf Commission, and Sarajevans held most of the political power in the commission. Political dissent against the system grew out of Mostar under the leadership of Mula Mustafa Džabić. In 1899 the Islamic community in Mostar presented a draft statute to institute a Vakuf Assembly of Herzegovina, which would create a bottom-up structure where local associations would appoint members to a district assembly that would in turn appoint representatives to the regional assembly.⁵⁶ The

⁵⁵ Noel Malcolm, *Bosnia: A Short History* (New York: New York University Press, 1996), 146-7.

⁵⁶ *Ibid*, 147.

Austro-Hungarian administration rejected the statute and seized the group's property and financial assets, sparking protest around Herzegovina.⁵⁷

Once a formal agreement between the Austro-Hungarian Empire and the Ottoman Empire was signed in 1909, the condominium gained more political autonomy to conduct its internal affairs. However, even with some political autonomy, the Serbian National Organization and the Croatian National Society did not have the political strength to institute land reform, which would have significantly benefited their constituents. Noel Malcolm argues that land reform failed to be a major issue among these political parties because they consisted of more educated and prosperous elites for whom land reform was not a personal issue. Also, neither party could command a majority in the parliament so both parties lobbied for support from the Muslim National Organization, which firmly opposed land reform.⁵⁸ By World War I, land reform was a major issue for the general populace in the territory. Because of the turmoil created by World War I, land reform for the Kingdom of Serbs, Croats and Slovenes after the war became a matter of formalizing and expanding the land reform that peasants started during the war.

THE KINGDOM OF YUGOSLAVIA: LAND REFORM

After the Austro-Hungarian administration, there were a number of processes that changed land tenure in Bosnian-Herzegovinian rural and urban spaces. During the administration the enforcement of pre-occupation laws moderated the control of Muslim landowners and Islamic institutions over land and resulted in the slow deterioration of the

⁵⁷ Robert Donia, *Islam Under the Double Eagle: The Muslims of Bosnia and Hercegovina, 1878-1914* (Boulder, CO: East European Monographs, 1981), 125-7.

⁵⁸ Malcolm, 151-2.

Ottoman regime in the country, which ceased to exist during the interwar period. After World War I the Condominium of Bosnia and Herzegovina became part of the Kingdom of Serbs, Croats and Slovenes (1918-1941).⁵⁹ The kingdom consisted of 33 oblasts of which the former condominium formed six. After the war, the kingdom decreed wide-reaching land reform, redistributing land to peasants and predominantly dispossessing Muslim landowners in the territory. However, even though Regent Alexander announced land reform early during the kingdom's existence, the reimbursement process largely was unfinished when the World War II expanded to the kingdom, ending the reimbursement process.

The mechanisms behind land administration in BiH did not change during the interwar period. Instead, the Kingdom of Yugoslavia passed a law in 1930 to continue the dual registration system used in the regions of BiH, Croatia, and Vojvodina and to institutionalize it in regions of Yugoslavia that still used the Ottoman *defter* system.⁶⁰ When the land book system was institutionalized, *tapijas* were used as the foundation of the land books and were accepted in court as evidence of ownership. The resulting land books were harmonized with the land cadastre.⁶¹ During the interwar period, the land books and land cadastre were well-maintained; however, unfortunately, during World War II, 30% of the land books in BiH were destroyed and many were not restored afterwards.⁶² While this destruction did not affect Mostar, the destruction of these books

⁵⁹ In 1929, Alexander I reorganized the territorial administration of the kingdom from oblasts to banovinas and renamed kingdom the Kingdom of Yugoslavia.

⁶⁰ Horisberger, 8.

⁶¹ Imamović, 7.

⁶² Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), "CRPC Decisions and Property Rights Recognized in Bosnia and Herzegovina,"

during World War II was very significant to the property restitution process in general after the Bosnian War because when the books were available, they were typically the only property records that could be used to confirm ownership rights.

The initial push for land reform came from the peasants themselves who refused to pay tithes or rents to landowners and in some cases attacked landowners to seize their property after World War I.⁶³ Rural unrest and violence against landowners led Regent Alexander to declare the “Manifesto to the People of 6 January 1919” in an attempt to end the violence, promising the abolition of serfdom, the dismantlement of large land estates, the redistribution of land to peasants that work the land, and the payment of compensation to former landowners.⁶⁴ Regent Alexander followed the manifesto by issuing the “Interim Decree of 25 February 1919,” officially delivering on the promises of the manifesto and also declaring forest properties to be state property for common use.⁶⁵ Tomasevich argues that in some sense land reform was a *fait accompli*, stating that “no government in Yugoslavia after 1918 could have upheld the serfdom and serfdom-like institutions.”⁶⁶ Even though land reform was an overdue process in most of Yugoslavia, the contingency of the decree allowed landowners some time to regain some political clout after World War I, forcing land reform to be executed gradually in the country. The process did not reach its legal conclusion until 1933 and was not even

https://www.law.kuleuven.be/web/itl/CRPC_Bosnia/CRPC/new/download/en/decisions/PropertyRightsCRPCDecisionsrev19Feb.pdf (accessed June 28, 2012).1.

⁶³ Tomasevich, 349.

⁶⁴ Sabrina Ramet, *The Three Yugoslavias: State-Building and Legitimation, 1918-2005* (Indianapolis: Indiana University Press, 2006), 49.

⁶⁵ Tomasevich, 345.

⁶⁶ *Ibid.*, 349.

administratively completed in some areas until 1940.⁶⁷ This delay was in spite of the fact that property records in BiH were in good condition at that point and could have allowed land reform to be instituted rather quickly.

The most significant opportunity for landowners to ease the blow of land reform occurred during the creation of the kingdom's constitution in 1921. Land reform and property rights became a key issue to get Muslim parties to vote for the Vidovdan Constitution. In the constituent election, the Yugoslav Muslim Organization won nearly all of the Muslim votes in the region of BiH, giving the party 24 of 419 seats at the constitutional assembly. Since the centralist and federalist parties did not have enough votes to constitute a majority themselves, they courted the Yugoslav Muslim Organization as a swing vote, allowing the party to negotiate with the centralists to soften the blow of land reform to its constituents. Even though the party wanted autonomy for BiH and ideologically opposed Serbian centralists, to side with Croat federalists would have placed the party in direct confrontation with Belgrade endangering BiH to the risk of partition, the worst result possible for the party.⁶⁸ The Yugoslav Muslim Organization negotiated a compensation plan for around 4,000 former Muslim landowners whom land reform affected. However, the compensation for the land was below the market value, causing some families to go into poverty.⁶⁹ The compensation plan was supposed to disburse 255,000,000 dinars to affected families over a 40-year period at a 6% interest rate, but payments did not begin until 1936 and World War II brought the discontinuation

⁶⁷ Ibid., 350.

⁶⁸ Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (London: Cornell University Press, 1984), 373. Even though BiH was divided into six oblasts, these oblasts maintained the territorial integrity of the former Condominium of Bosnia.

⁶⁹ Malcolm, 164-5.

of the program, so only 10% of the projected total was disbursed.⁷⁰ Land reform mostly affected the region of BiH, which represented about 66.9% of the land that the reform affected in the kingdom.

As a result of the land reform, 113,103 former serf families gained 775,233 hectares of land (666,076 hectares of cultivated land, 161,978 hectares of forest, and 47,179 hectares of pastures). Also, another 54,728 tenant families on *beglik* lands gained 400,072 hectares of cultivated land.⁷¹ Tomasevich argues that because of the nature of BiH's tenure system before the World War I, land reform produced a positive effect on agricultural production in the region since farmers were more invested in the land and small farms were expanded.⁷² Even though land reform in the interwar kingdom affected rural more than urban areas, land reform had a significant effect on *vakufs* by reducing their size. The *vakuf* properties in urban and rural areas of the municipality of Mostar were reduced and the state gave properties to tenants. Land reform also gave the Kingdom of Yugoslavia an opportunity to reward members of the Serbian military that served during World War I.⁷³ The redistribution of land to military veterans, their families, and war victims – or as it has been called in Yugoslav documents, “internal colonization” – is a process that repeated itself after World War II and the Bosnian War.

SFR YUGOSLAVIA: NATIONALIZATION TO PRIVATIZATION

The Tito-led Partisans won World War II in Yugoslavia against the Nazi German-supported Ustasha government and the royal government-in-exile-supported Chetniks.

⁷⁰ Ramet, 49.

⁷¹ Tomasevich, 355.

⁷² *Ibid.*, 356.

⁷³ *Ibid.*, 348; Ranko M. Brashich, *Land Reform and Ownership in Yugoslavia, 1919-1953* (New York: Mid-European Studies Center, 1954), 28.

After World War II, the Partisans established the Socialist Federal Republic of Yugoslavia (1945-1992) with the region of BiH forming a constituent republic – the Socialist Republic of Bosnia and Herzegovina. Tito and his Politburo established an economic and political system that followed the Soviet model, instituting state ownership over property.⁷⁴ However, housing rights along with the economic structure in the SFRY changed drastically from this centrally-planned model during the period after World War II. In 1948, a split between Tito and Joseph Stalin led to the expulsion of the SFRY from the Cominform and the Eastern Bloc. In the early 1950s, the SFRY dismantled the Soviet model, ideologically rejecting state ownership and developing their particular brand of social ownership, which was intended to introduce a model of social self-governance.⁷⁵ The period is marked by a slow transition, devolving power from the federal to the republican level. Property rights followed a similar devolution from nationalization in the late 1940s to privatization in the very early 1990s.

Following the Soviet model, the SFRY introduced an étatist or administrative socialist system where the economy was centrally planned after World War II and property was state-owned. The nationalization project altered property relations in both rural and urban areas. Three months after World War II, the SFRY passed the “Law on Agrarian Reform and Colonization in the Socialist Republic of Bosnia and Herzegovina,” which reduced the maximum property holdings of a farmer to 87 acres and of non-farmer to 12 acres. Unlike the land reform during the interwar period, landowners were not

⁷⁴ The years for the SFRY refer to the time when BiH was a constituent republic of the SFRY.

⁷⁵ Veljko Mikelić, Torsten Schoen and Marjolein Benschop, *Housing and Property Rights: Bosnia and Herzegovina, Croatia and Serbia and Montenegro*, (Nairobi: UN-HABITAT, 2005), 17

supposed to receive compensation for lost property.⁷⁶ However, similar to the previous land reform, this law prioritized the allocation of nationalized land to members of the Yugoslav Partisans and victims of fascist terror.⁷⁷

The regime nationalized all Yugoslav land and simultaneously developed the concept of usage rights on nationalized property. However, the regime always still allowed the private ownership of houses in some form even though the property upon which they were built was considered nationalized and subject to seizure for the benefit of the common good. After nationalizing property, the regime nationalized private capital as well. The *Constitution* of 1946 solidified the position of the centrally-planned economic system, stating that “the state directs economic life and development through a general economic plan relying on the state and cooperative sector and exercising general control over the private sector in the economy.”⁷⁸ In 1946, private capital in industry, mining, transport, banking and wholesale trade establishments was nationalized. The process was extended to retail trade and catering in 1948 and to houses with more than three apartments in 1958.⁷⁹

Land Administration in the SFRY

The land administration system implemented by the Austro-Hungarian administration and the interwar kingdom was used throughout the SFRY period. Any changes during the postwar period were intended to increase the accuracy of the records.

⁷⁶ Branko Horvat, “Yugoslav Economic Policy in the Post-War Period: Problems, Ideas, Institutional Developments,” *The American Economic Review* 61, no. 3 (June 1971), 73.

⁷⁷ Zakon o agrarnoj reformi i kolonizaciji u narodnoj republici Bosni i Hercegovini, “Sluzbeni list NRBiH,” br. 2/46, 18/46, 20/47, 29/47, 37/49, 14/51, 41/67.

⁷⁸ SFRY Constitution of 1946, Article 15, quoted in Horvat, 74.

⁷⁹ Horvat, 73.

Since the establishment of the land books, discrepancies between the details in the books and the facts on the ground moderately grew. However, these discrepancies increased significantly under the SFRY.⁸⁰ At first they were poorly updated because of pure neglect by Yugoslavia authorities. This occurred especially when the economy followed the Soviet model, which is when the Yugoslav authorities made the most significant changes in property relations – the reallocation of property. As property records became more important to the regime, extremely high fees on processing changes in the property records and the complexity of the system discouraged citizens from registering changes. Even though at times the Yugoslav administration attempted to improve the records, the regime never fully implemented any of their plans to rectify the discrepancies.

In 1952, the SFRY adopted the “Law on the Cadastre,” which was intended to create a new land survey and harmonize the new survey with the land books.⁸¹ A new cadastral survey was undertaken in the 1960s with a scale of 1:1000 in urban areas and 1:2500 in rural areas. Technicians took aerial photographs of marks that landowners or possessors used to delimit their parcels. Because of the maps’ high quality, this survey was easily digitized after the Bosnian War, but the updating of the property records was not systematically done so they were still unreliable before the Bosnian War.⁸² As Jean-Luc Horisberger noted, “in addition to the maps, information was kept in the form of lists of parcels with parcel description and name of users. In cases where old land books have

⁸⁰ Imamović, 55.

⁸¹ Ivica Mićanović, Kemal Osmanović and Michael Wagner, *Feasibility Study on the Use of FLOSS in the Cadastre Sector in Bosnia and Herzegovina*, (FAO, 2009), 4

⁸² Horisberger, 7.

been destroyed, these lists have been maintained in a similar way to land registry.”⁸³

Unlike the land books, after the Bosnian War these possession lists were considered reliable for reestablishing property rights. The Commission for Real Property Claims mainly used these lists to establish possession, but not ownership.⁸⁴

In the immediate period after World War II, land reform and the nationalization of property allowed for strong government intervention in property issues. In the climate of massive displacement and urbanization, the benefits of this strong interventionist model were higher social equality and the ability to resolve the housing situation quickly. Also, the land reform law allowed government officials to allocate the “surplus living space” of landowners to IDPs and the homeless as tenants who paid government-regulated rents. However, the economic structure of housing relations produced a number of problems. The main problem that affected the housing stock was that since rent was fairly nominal during this period, lessors and tenants did not maintain their housing units, resulting “in the decline and deterioration of the already limited housing fund.”⁸⁵ This problem was semi-resolved during the de-étatization of the Yugoslavia economy that allowed municipalities the freedom to increase rents and shift the financial responsibility from the housing fund to lessors and tenants for socially-owned housing. However, according to Harold Lydall, even by 1980 the average rent for socially-owned housing was “absurdly small,” representing only .52% of the cost of the dwelling.⁸⁶

Developing Social Ownership

⁸³ Ibid., 7.

⁸⁴ The Commission for Real Property Claims and the limitations of using the possession lists as a basis for property restitution are discussed in Chapter 4.

⁸⁵ Mikelic, *et al.*, 20.

⁸⁶ Harold Lydall, *Yugoslav Socialism: Theory and Practice* (New York: Clarendon Press, 1984), 231.

After the expulsion of the SFRY from the Cominform in 1948, the regime initially attempted to strengthen state ownership and central planning by accelerating collectivization and absorbing more of the national income into the state through the second “Nationalization Law” of April 1948.⁸⁷ Branko Horvat argues that this response by Yugoslavia was to prove that they were not deviationists. However, the split led to leading politicians and economists, mostly the Yugoslav Politburo, to rethink what socialism really was or should be by expanding their understanding of socialism to include works of western Marxists.⁸⁸ They reinterpreted Marx and Engels, arguing that a centrally planned economy and state socialism would not lead to true socialism as defined by Marx and Engels, but to state capitalism. They focused on Marx and Engels’ statement that the state would wither away in a classless society and argued for decentralization and self-government as the true way to reach socialism. This understanding of socialism led the Yugoslav state to construct the New Economic System.⁸⁹

Even though state ownership in Yugoslavia reached a climax in 1950, by the end of 1951, the Politburo drastically changed the centrally-planned economic and political system. The first step was the “Law on the Management of Government Business Enterprises and Economic Associations by Worker’s Collectives” in 1950, which established worker councils and managing boards to conduct the affairs of enterprises.

⁸⁷ Dennison Rusinow, *The Yugoslav Experiment, 1948-1974* (Los Angeles: University of California Press, 1977), 28.

⁸⁸ Horvat, 74 and Rusinow, 49-53. Horvat and Rusinow tell slightly different accounts of the development of social ownership. Horvat vaguely defines the creators of the concept as leading economists and politicians, while Rusinow more narrowly delineates the roles of different contributors from the Yugoslav Politburo.

⁸⁹ Horvat., 77.

Table 1: Residential Housing Construction in the SFRY, 1952-59 (source: Mikelic, *et al.*, 21)

Year	Number of New Housing Units
1952	34907
1953	38199
1954	34208
1955	29849
1956	37005
1957	44725
1958	61681
1959	60611

These worker councils were elected by all of the employees and formed the foundation of social self-governance. The New Economic System from 1952 to 1960 was considered a transition period where decisions would be devolved from the federal state to society, but the transition of power was slow and in many cases purely symbolic. The federal state did not relinquish its control over planning nor were the five-year plans characteristic of the Soviet model abandoned quickly. Instead, the power to decide how to achieve the goals of the plans was given to socially-owned enterprises by reducing the levels of oversight and reporting. In 1949, each enterprise submitted 600-800 different reports to their superiors every year and this burden was reduced considerably during this period.⁹⁰ However, as Branko Milanovic has indicated, “despite decentralization, the Federal government retained a strong hold on all levers of economic and political power, mostly through its control of the General Investment Fund (created in 1954).”⁹¹ The federal government’s control of investment allowed them to interfere in the administration of enterprises by holding funds hostage, but the intrusion in enterprises’ affairs was less pervasive than before.

⁹⁰ Ibid., 88.

⁹¹ Branko Milanovic, “Patterns of Regional Growth in Yugoslavia, 1952-1983,” *Journal of Development Economics* 25 (1987), 3.

In the 1950s, property rights and regulation followed the general decentralization of the Yugoslav economy, favoring the concept of social ownership over state ownership. In 1954, the “Decree on Administration of Residential Units” introduced the “right to an apartment,” which gave a subjective right to occupancy right holders to permanently use allocated apartments.⁹² This decree began the strengthening of usage rights in favor of tenants and the transformation of the right into a quasi-ownership right. In 1956, the “Law on the Contribution to the Housing Fund” shifted the financial responsibility of housing construction from the general state budget to a newly established fund that imposed a compulsory contribution of 10% of employees’ salaries for housing construction. This financing sparked a building boom in Yugoslavia, ensuring the ability of the country’s citizens to acquire suitable housing.

By the late 1950s, the New Economic System and the concept of self-management over the means of production were firmly established, limiting the federal government’s monopoly on decision making. In turn socially-owned enterprises⁹³ and non-economic institutions⁹⁴ were authorized to set up housing enterprises that were responsible for the construction and maintenance of socially-owned apartments. Municipalities as non-economic institutions were responsible for the management of the housing enterprises.⁹⁵ In 1959, the “Law on Housing Relations” introduced the concept of an occupancy right, which replaced the previous “right to an apartment.” The right was extended to all family members, guaranteeing “the secure tenure of all household

⁹² Mikelic, *et al.*, 21.

⁹³ Socially-owned enterprises were economic organizations where society vaguely owned the means of production.

⁹⁴ Non-economic institutions were any other socially useful institution that were not economically productive, such as administrative bodies, government organs, hospitals, and schools.

⁹⁵ Mikelic, *et al.*, 21.

members.”⁹⁶ The law also gave socially-owned enterprises and non-economic institutions the right to allocate socially-owned apartments to their employees and the power to initiate eviction proceedings.

The SFRY adopted a third *Constitution* in 1963, which was accompanied by further reforms in 1965. Its authors’ intention was to drive the country further toward self-governing socialism by broadening “the role of the market mechanism at the micro level” and encouraging “the use of indirect measures in the implementation of economic policy.”⁹⁷ The *Constitution* of 1963 formally defined the concept of social ownership, stating:

...nobody has the ownership right over social productions means – nobody meaning neither social-political communities, associated labour organizations nor single workers – and nobody can under any legal ownership title claim the product of the ‘social work,’ nor operate, nor dispose of social production forces, nor arbitrarily determine the conditions of distribution.⁹⁸

In 1965, the “Federal Resolution on the Further Development of the Housing Economy” was passed, confirming housing as a priority of social interest and giving self-management force at the local level. It allowed municipalities to legislate the minimum and maximum amount of rent. Following this development, rents rose to reflect the cost of maintenance and allowed for the reduction of employees’ contribution to the housing fund from 10% to 4%.⁹⁹ However, as mentioned earlier, rents were still relatively very low. After the reforms of 1965, the participation of private construction in the housing

⁹⁶ Ibid., 22.

⁹⁷ Milanovic, 3.

⁹⁸ Introduction, Basic Principle, Chapter III of the Constitution of SFRY, 1963, quoted from Mikelic, *et al.*, 17.

⁹⁹ Mikelic, *et al.*, 21-2.

market continually increased and the percentage of socially-owned apartments constructed in relation to the total declined.

Power to the Republics

The reforms of 1965 began the shift of legislative power from the federal to the republican level. As part of the reform, the legislation attempted to dismantle the central planning of investment by decentralizing investment planning to the republics and giving autonomy to self-managed banks to invest funds according to profitability criteria. However, a few years later political bodies reasserted control over the banks by appointing senior members and applying pressure through the communist party. According to Milanovic, the reforms of 1965 began a pivotal time when the SFRY could have evolved into one of three systems: federal centralism, republican éstatism, or market self-management. Eventually, republican or polycentric éstatism won out over the

Year	Total Number of Apartment Constructed	New Socially-Owned Units	% Socially-Owned
1960	75733	35626	47.04%
1961	100175	43215	43.14%
1962	100523	43597	43.37%
1963	110183	43623	39.59%
1964	121549	51519	42.39%
1965	121972	44578	36.55%
1966	129109	50330	38.98%
1967	127600	45147	35.38%
1968	128883	43775	33.96%
1969	120116	39929	33.24%
1970	128792	44394	34.47%

Table 2: Residential Housing Construction in the SFRY, 1960-70 (source: Mikelic, *et al.*, 22-3)

others.¹⁰⁰ Amendments to the *Constitution* in 1971 shifted legislative powers on housing to the Yugoslav republics, allowing the republics to decide on housing fund contribution levels. During this period, there was the advent of “solidarity apartments” for low-income groups that needed help from society to satisfy their housing needs. While only Slovenia had an explicit law on the allocation of these apartments, all of the republics allocated funds for such apartments and the allocation right holders passed internal acts to determine the criteria for their distribution.¹⁰¹

The 1974 *Federal Yugoslav Constitution* created the principles of a new socio-economic order based on the concept of “self-management” and “associated labour.” It also gave to the republics “the right to be solely responsible for their economic development as well as the means to implement this.”¹⁰² This constitution laid the groundwork for the SFRY’s future inflation problems by politically decentralizing monopolistic investment banking from the federal to the republican level and subdividing worker councils into “Basic Organizations of Associated Labor.”¹⁰³ Inter-republic investment flows began to cease and the republics basically became financially responsible only to themselves. The constitution also made the occupancy right of a socially-owned apartment a constitutional principle. Simultaneously, the republics began to address the discrepancies in the property records. Possession rights were “registered in the cadastre offices through **disclosure commissions**, which started in 1974 when

¹⁰⁰ Milanovic, 5.

¹⁰¹ Mikelic, *et al.*, 23.

¹⁰² Milanovic, 5.

¹⁰³ John R. Lampe, *Yugoslavia as History: Twice There was a Country*, 2nd (New York: Cambridge University Press, 2000), 316-7.

geodetic experts began registering and reregistering possession rights based on new aerial surveys throughout the former Yugoslavia.”¹⁰⁴

In 1975, the “Program of Publicly Directed Housing Construction” was adopted at the federal level and established a common interest institution called a Public Housing Enterprise (PHE) at the municipal level. The purpose of PHEs was to coordinate the interests of various stakeholders in the construction of apartments in order to avoid the accumulation of profits by a single actor. PHEs distributed money from the housing fund to construct socially-owned apartments, which PHEs then managed. Socially-owned enterprises and non-economic institutions made legal contracts with PHEs to construct the apartments and once the construction was complete they were entitled to allocate apartments to employees. These socially owned enterprises and non-economic institutions were known as the allocation right holders and maintained the allocation decisions in their records.

For example, in Mostar the PHE was called DOM Mostar. A socially-owned company like Aluminij would contract DOM Mostar to construct an apartment building. Once DOM Mostar completed construction, Aluminij had the right to allocate the apartments to its employees according to the company’s internally defined eligibility criteria. According to Veljko Mikelic, “the eligibility criteria included generally the years of employment, the number of household members for each employee, the social and economic position of their household members, their health conditions and their housing

¹⁰⁴ CRPC, “Decisions and Property Rights.” Bolding is from the original text.

need.”¹⁰⁵ If an employee was eligible, the allocation right holder would allocate an available apartment to them, issuing them an allocation decision, (the occupant’s proof of their occupancy right to use the apartment) and maintaining a copy for their internal records. As Mikelic, *et al.*, notes, “the allocation decision required the employees to conclude a contract of use over the apartment with PHE within a short period of time, usually one month, upon the physical possession of the apartment.”¹⁰⁶ However, the inefficient or corrupt misdistribution of housing was common and created significant inequality within the social sector. The privileged paid little rent while other workers (13% of social sector in 1978) lived in crowded conditions with relatives or became sub-tenants, “paying as much as 12 times the normal rent and up to half their income.”¹⁰⁷

From the establishment of this program until the dissolution of Yugoslavia, the condition of socially-owned housing improved. However, the economy faced an extreme decline in the 1980s, placing a significant strain on the housing market. Because PHEs became the exclusive “buyers” and “sellers” of apartments, an institutionalized monopoly developed. This introduced significant inefficiencies in the housing market as contractors charged high interest rates to shield themselves from future inflation. In the 1980s, Yugoslavia’s economy experienced a number of problems, such as a decline in gross material product or “social product,” negative rates of investment growth, and the increase of unemployment. Inflation rates increased above normal for Yugoslavia. In the 1960s the average inflation rate was around 10% and in the 1970s the SFRY had an average inflation rate of around 20%, but in the 1980s inflation even increased further.

¹⁰⁵ Mikelic, *et al.*, 18-9.

¹⁰⁶ *Ibid.*, 19.

¹⁰⁷ Lydall, *Yugoslav Socialism*, 231-2.

By 1986, inflation of consumer prices increased to 195% and from December 1988 to December 1989 it increased as high as 2,714%.¹⁰⁸

In the 1980s, it became obvious that the Yugoslav political economy was no longer sustainable. Under the tutelage of the International Monetary Fund and the World Bank, the central government poorly attempted to institute austerity measures to lessen the country's overwhelming debt problem through structural adjustment loans. However, they only resulted in declining living conditions and real wages. Unemployment among youth was a growing problem in BiH and the rest of Yugoslavia. While the general unemployment rate in BiH was 24.4% in 1985, the unemployment rate for people 27 years-old and younger was at 52.7%.¹⁰⁹ Migrant work was also down because of lessening demand and growing immigration restrictions abroad. This particularly affected western Herzegovina where a significant portion of the population historically worked abroad in Germany and remittances played a significant role in the region's economy.

In 1984, BiH passed the "Law on Basic Housing Relations," which defined the legal categories of legal and lawful possession. According to the law, a "legal possessor" is a person who has a contract for the property, but is not registered in the land books. With this type of possession, the possessor may acquire an ownership right after ten years. A "lawful possessor" is a person who does not have a contract, but has the bona fide belief that the property is theirs and can prove possession with evidence other than a contract. With this type of possession, the possessor may acquire an ownership right after

¹⁰⁸ Milica Uvalić, *Investment and Property Rights in Yugoslavia: The Long Transition to a Market Economy* (New York: Cambridge University Press, 1992), 13.

¹⁰⁹ Susan Woodward, *Socialist Unemployment* (Princeton, NJ: Princeton University Press, 1995), 384 & 392.

twenty years.¹¹⁰ Also, in 1984, the Republic of BiH in the SFRY passed the “Law on the Real Estate Cadastre.” The Real Estate Cadastre was an attempt by BiH to harmonize the land books and the land cadastre and to fix the discrepancies between the land books and the real situation. The law introduced a new system of registration, which included a new cadastral survey and the reregistering of property rights. Unfortunately, this new system was only implemented in 10% of the country when the Bosnian War began. This process had not begun in the municipality of Mostar so this type of cadastre did not have any bearing on property restitution in the city.

After a couple of failed plans to restructure and stabilize the SFRY’s economy by refinancing its burdensome foreign debt in the 1980s, real momentum for market reform surfaced in 1988.¹¹¹ Under the leadership of Branko Mikulić, the SFRY reduced import restrictions, removed restrictions on foreign investment, and abolished the Basic Organizations of Associated Labor.¹¹² In March 1989, Ante Marković replaced Mikulić as Prime Minister, and worked out an economic reform project under the advisement of foreign economists like Jeffrey Sachs and Kenneth Zapp.¹¹³ While reform provided for the privatization of socially-owned enterprises and housing, the privatization process did not make significant progress before the Bosnian War. The only apartments that were privatized had belonged to the Yugoslav National Army (JNA) through the “Law on

¹¹⁰ CRPC, *End of Mandate Report (1996-2003)*, (Commission for Real Property Claims of Displaced Persons and Refugees (CRPC)), Annex D, 7-8.

¹¹¹ By 1982, the SFRY’s foreign debt reached \$20 billion.

¹¹² Lampe, 355.

¹¹³ Bogomil Bogo Ferfila, *The Economics and Politics of the Socialist Debacle: The Yugoslav Case* (Lanham, Maryland: University Press of America, 1991), 199.

Securing Housing for the JNA.”¹¹⁴ After reforming the National Bank of Yugoslavia and a short period of hyperinflation due to removing domestic price controls, the Yugoslav dinar was stabilized and completely revaluated on 1 January 1990. However, the pressures of taxes, the removal of subsidies, and new bankruptcy procedures endangered the jobs of half the workforce. Even though the central government successfully reformed the currency, the federal level did not have control over the republican governments to keep them from breaking ranks from the austerity/restructuring plan to assuage problems with socially-owned enterprises. In the second half of 1990, inflation began to rise as the republics added money, Marković lost his hard won popularity, and ethnic politics took center stage.

CONCLUSION

While this narrative thus far has focused on economic developments, this by no means is intended to imply that economics was the only factor that led to the breakup of Yugoslavia. It was a complex series of events that was the result of the confluence of various internal crises and new international geopolitical forces. Toal and Dahlman contend that a multivariable explanation is needed to understand the violent breakup of Yugoslavia, emphasizing institutional (the debate between centralism and federalism), economic (economic decline and instability), political (mass media and political actors), and cultural (nationalist discourses) factors and explanations. They argue that “Yugoslavia was always a vulnerable state project” and BiH was a shared space

¹¹⁴ Rhodri C. Williams, “Post-Conflict Property Restitution and Refugee Return in Bosnia and Herzegovina: Implications for International Standard-Setting and Practice,” *NYU Journal of International Law and Politics* 37 (2004-2005), 482.

contested by Croatian and Serbian symbolic geographies.¹¹⁵ I generally agree with their delineation of factors, but I would like to highlight five prewar developments that asserted a role in the property situation of wartime and postwar BiH: the vague definition of social ownership, previous land reform, the role of the informal economy, personal networks and the development of organized crime.

Yugoslavia's new geopolitical situation after the cold war brought the likely possibility of market liberalization, democratization, and privatization. The breakdown of power and legitimacy in Yugoslavia produced a political and military scramble of various elites for Yugoslavia's socially-owned, ill-protected economic resources. The political battle over social ownership resonated in the housing market. Even with the privatization of socially-owned apartments, the process had barely begun and it was unclear who had ownership over this type of housing. Even though occupancy rights were strengthened to the point that occupancy right holders and their family could inhabit the property indefinitely unless the occupant broke certain conditions of the contract, the allocation right holder still had the authority to evict residents and legislative bodies still had the power to weaken the legal basis for occupancy rights and social ownership. Property laws passed by wartime regimes, as will be seen in the following chapters, are evidence of the preexisting fluidity of the interpretation of social ownership and the precarious position occupants held in regard to their housing.

Beyond understanding the prewar legal mechanisms that governed land administration in BiH, the processes of land reform and nationalization that occurred

¹¹⁵ Toal and Dahlman, 22.

within the 72 years before the Bosnia War affected and still affect postwar BiH. As seen in the narrative, compensation for lost property was never completely fulfilled even when it was promised. During reconstruction after the Bosnian War, the IC only attempted to remake BiH according to the immediate prewar situation, leaving other historical moments of significant change in property relations out of the discussion. After the war, property restitution based on such earlier moments only occurred unilaterally when ethnocratic political bodies returned property to religious institutions. For example, the Muslim community in Mostar was able to restore numerous mosques that were demolished or repurposed during nationalization and reestablished some of the *vakuf* properties. However, this also allowed politicians and religious leaders to make false or historically very old claims to validate the replacement of a mosque with a church or vice versa.

The economic crisis of the 1980s spurred the growth of the informal economy. Particularly in the 1980s, “a coping economy grew out of farming and small service enterprises” because of the crisis.¹¹⁶ While the size and magnitude of Yugoslavia’s informal economy is unknown and necessitates further research, the informal economy in the Yugoslav real estate market can be partially understood in reference to the problems that it caused postwar property restitution. As mentioned earlier, high transaction taxes and administrative complexity drove people to conduct informal transactions, which undermined the accuracy of property records.¹¹⁷ According to a postwar real estate

¹¹⁶ Pugh and Cooper, 153.

¹¹⁷ Many of the problems in the Yugoslav property system were similar to those that Hernando de Soto delineates in the Peruvian context: Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York: Basic Books, 2000).

market report, in Sarajevo only about 18% of property sales or transfers were registered and 10-15% in Travnik.¹¹⁸ Postwar estimates of the land books and the cadastre indicate that the discrepancies between the records and the actual situation ranged from 70-95% and that was even if the land books and the cadastral records agreed.¹¹⁹ These problems in land administration created a ripple effect in the postwar BiH economy, complicating the ability of international and domestic officials to determine ownership, encumbering housing privatization and market processes, and obstructing people from registering property as valid legal sales.

Personal networks and their regional characteristics played a significant role in the rise of particular individuals and factional competition. While the personal connections will be elucidated in chapter 2, a word on regional factionalism within the Bosnian Croat ranks is important, especially since many researchers treat them as a relatively unified group. The main division within Bosnian Croat party politics is the split between those from western Herzegovina and those from central Bosnia, which is noted by some scholars.¹²⁰ Bosnian Croats in central Bosnia generally lived in mixed communities and had stronger inter-ethnic ties. In western Herzegovina, on the other hand, Bosnian Croats lived in smaller communities, which were largely mono-ethnic, and were economically connected to Croats in Dalmatia. Many Bosnian Croat politicians from western Herzegovina lived or were born in some of the least ethnically diverse

¹¹⁸ Carol S. Rabenhorst, *The Real Estate Market in Bosnia-Herzegovina: Current Status and Recommendation for Reform*, (The Urban Institute, 2000), 18.

¹¹⁹ CRPC, "Status of Property Books and the Cadaster," cited in Rabenhorst, 18.

¹²⁰ Mart Bax, "Planned Policy or Primitive Balkanism: A Local Contribution to the Ethnography of the War in Bosnia-Herzegovina," *Ethnos* 65, no. 3 (2000): 317-340; Marcus Tanner, *Croatia: A Nation Forged in War* (London: Yale University Press, 1997); Attila Hoare, "The Croatian Project to Partition Bosnia-Herzegovina, 1990-1994," *East European Quarterly* 31, no. 1 (1997); Bjelaković and Strazzari.

municipalities in BiH: Grude, Široki Brijeg, and Čitluk. Also, western Herzegovina was one of the poorest regions in the SFRY. Considered an Ustasha stronghold during World War II, the SFRY did not allocate significant funding for the region's development. Therefore, Bosnian Croats from western Herzegovina tended to view themselves as victims of Tito's regime and, unlike people from central Bosnia, they emigrated from western Herzegovina at a high rate, especially to Germany.¹²¹ These regional developments produced groups of former communist party members, émigrés, business managers, and small-time criminals in the western Herzegovina region.

Criminal networks grew out of Yugoslavia's cold war security concerns as the State Security Administration (UDBa) funded spies domestically and abroad. Abroad these agents established bases in cities, such as Frankfurt, Stockholm, Paris, Amsterdam, Vienna, and Milwaukee, specializing in the assassination of dissidents, robbery, extortion, and human trafficking.¹²² However, according to Sheelagh Brady, a former analyst for the EU Police Mission in BiH, while the Yugoslav state condoned and facilitated the black market in the 1980s, "it is difficult to fully assess this assertion, or to fully explain the presence and role played by OC [organized crime] in pre-war BiH."¹²³ Unfortunately, more research needs to be done on the extent of organized crime in pre-

¹²¹ Ivo Baučić, "Yugoslavia as a Country of Emigration," *Options Méditerranéennes* (International Centre for Advanced Mediterranean Agronomic Studies) 22 (1974): 56-66. Hannes Grandits, "The Power of 'Armchair Politicians': Ethnic Loyalty and Political Factionalism among Herzegovinian Croats," in *New Bosnian Mosaic: Identities, Memories and Moral Claims in a Post-War Society*, ed. Xavier Bougarel, Duijzings Ger and Elissa Helms, 101-122 (Abingdon: Ashgate Publishing Group, 2007), 107.

¹²² Frank Bovenkerk, "Organized Crime in former Yugoslavia," in *Global Organized Crime: Trends and Developments*, ed. Dina Siegel, Henk van de Bunt and Damian Zaitch, 46-50 (Boston: Kluwer Academic Publishers, 2003), 46.

¹²³ Sheelagh Brady, *Organised Crime in Bosnia and Herzegovina: A silent war fought by an ambush of toothless tigers or a war not yet fought?*, (Sarajevo: Organized Crime and Corruption Reporting Project, 2012), 13.

1990s Yugoslavia, beyond general corruption. Most evidence about organized crime is more hearsay than hard evidence, such as the State Security Administration funding of Željko Ražnatović aka “Arkan” and Mladen Naletilić aka “Tuta” to commit crimes in Europe, and Ljubo Česić aka “Rojs” and Dinko Slezak aka “Dika” participating in international smuggling through their bus routes.¹²⁴ However, whatever the size of Cold War criminal networks, there is no doubt that organized crime and crime bosses played a significant role in the economic and military establishment of post-Yugoslav states. In the chapter three, we turn to how property restitution contributed to that new criminal reality.

¹²⁴ Smuggling using ordinary bus routes is still very common in BiH today.

CHAPTER 3

FORGING AN IMAGINED BORDER

The dissolution of Yugoslavia began with the people of Slovenia and Croatia voting on independence 25 June 1991, opening the serious possibility of BiH's secession from Yugoslavia. Secessionist wars erupted in both Croatia and Slovenia against the Yugoslav People's Army (JNA).¹²⁵ The war in Croatia increased ethnic and political tension in the Socialist Republic of BiH because the JNA used military bases in the republic to launch their operations against Croatia. This particularly angered Bosnian Croats in western Herzegovina who in response initiated armed confrontations with the JNA in the region. After the Socialist Republic of BiH declared independence on 5 March 1992, the Bosnian War erupted and lasted until 1995. The war affected Mostar in three stages. The first stage was from the joint Bosnian Croat-Bosniak defense of the city from the siege by the JNA, which began on 3 April 1992, until the proposal of the Vance-Owen Plan on 2 January 1993. After initial cooperation, the relations between Bosnian Croat and Bosniak political and military structures deteriorated during this period due to the radicalization of the main Bosnian Croat party and competition over military resources and territory. The failure of the Vance-Owen Plan began the second phase as the Bosnian Croat government attempted to implement unilaterally the plan because it was territorially generous to them. This brought them into direct physical confrontation with Bosniak forces, initiating events that led to the Croat-Bosniak Civil War and the second siege of Mostar, which began on 9 May 1993. The siege violently divided the previously ethnically mixed city of Mostar between Bosniaks and Bosnian Croats,

¹²⁵ Croatia's war was significantly longer than Slovenia's.

changing the demographic spatial composition of the city. Before the end of the Dayton Peace Agreement, the Bosnian Croat and Bosniak governments signed the Washington Agreement on 1 March 1994, which established the transitional EU administration of Mostar. This agreement began the third stage when nationalist politicians held the fragile peace of the immediate post-conflict situation hostage to continue the “war by other means” in order to impose an ethnically divided political structure that was beneficial to their maintenance of power over the city.

Alongside an orientation on the history of Mostar until the 1990s, the purpose of this chapter is to analyze two processes. The first is the process of military forces forging the territorial division of BiH and Mostar. The second is the process of political manipulation that politicians used to consolidate territorial gains through the construction of a divided political structure and cityscape immediately after the war and continuing until the IC strengthened its capacity to affect change in 1999. While I focus mostly on Bosnian Croat nationalists’ role in dividing Mostar, I do not intend to argue that either Bosnian Croat or Bosniak nationalists are more or less blameworthy for the city’s postwar state of affairs. Instead, I focus on the Bosnian Croat regime because Mostar was the main object of their territorial desire. I argue that even though Bosnian Croat military forces failed to ethnically “cleanse” the entire city and make Mostar the capital of a homogeneous Bosnian Croat nation-state, they divided the city into two ethnic enclaves by demographically and spatially “cleansing” the territory of a socially constructed “other.” Then through institutionalized parallelism and the ethnicization of the landscape, nationalists and criminals consolidated their hold on the territory through politically,

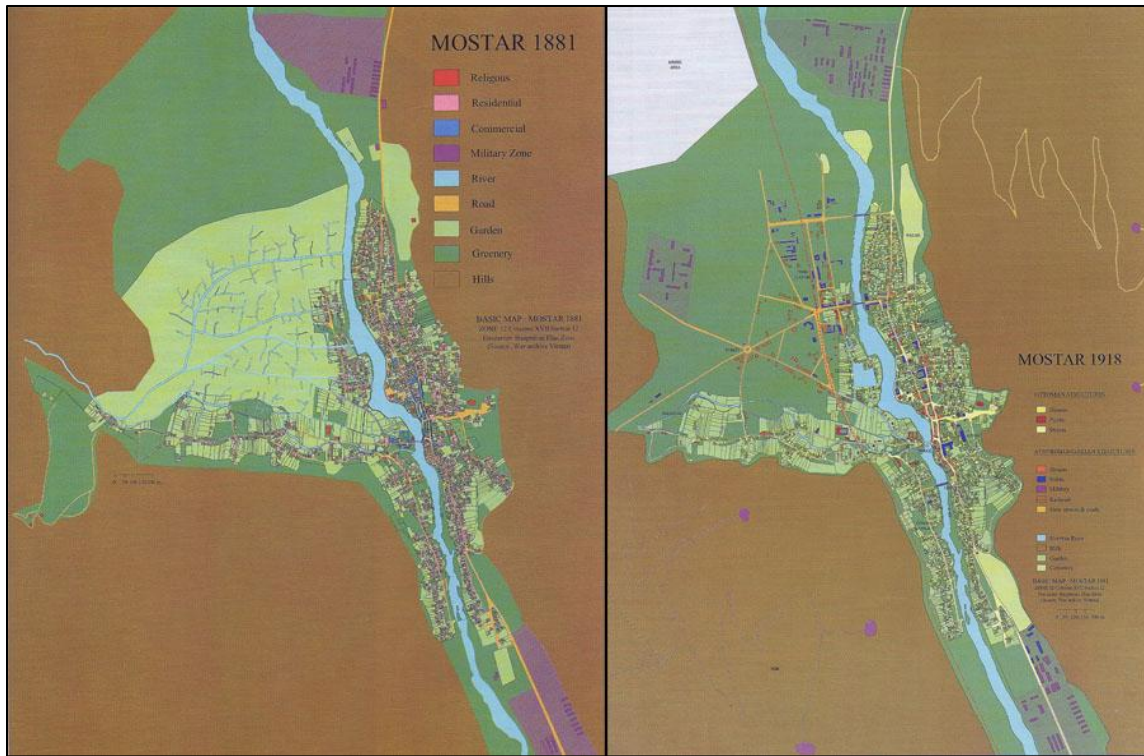
socially, and culturally reinforcing the division of the city along an imagined boundary forged by war.

THE DEVELOPMENT OF MOSTAR BEFORE THE BOSNIAN WAR

Mostar has been a strategically important point on trade routes since the Roman administration over the area because of the ability to cross the Neretva River. To cross the river, a wooden suspension bridge was built where Stari Most (Old Bridge) stands today – the contemporary symbol of the city and its main tourist attraction. There is no record of when this bridge was constructed or by whom. In 1468, the Ottoman Empire conquered the area and, in 1566, on orders from the Ottoman Sultan Suleiman the Magnificent the wooden bridge was replaced by a new stone bridge, Stari Most. Mostar was under Ottoman rule, like the rest of the region, until the Austro-Hungarian occupation in 1878. During this period, Mostar grew from a minor river crossing into a significant trade hub. The older part of the city (Stari Grad) began to develop into an urban space focused around Stari Most and in this period, it gained its distinctive look, which borrows heavily from Ottoman and Dalmatian influences. While the city developed under Ottoman rule, the Ottoman Empire still lagged behind European powers in industrial development and the Vilayet of Bosnia was one of the empire's least developed and most autonomous provinces.¹²⁶

¹²⁶ Amir Pašić, *Celebrating Mostar: Architectural History of the City, 1452-2004* (Mostar: Grin, 2005), 7.

Figure 2: A Comparison of Mostar from 1881 to 1918. (image: Pašić, *Celebrating Mostar*, 33 & 59).



The Austro-Hungarian administration brought significant change to Mostar since it invested considerable resources into expanding the city to make it a base of regional administration. A construction project sought to expand upon the city's core instead of replacing it. The old Ottoman portion of the city was left untouched and development focused on building around a new roundabout called the Rondo in the flat plain on the west side of the river. The administration built large government office buildings along a road connected to the Rondo and it constructed Mostar's famous Old Gymnasium (Stara gimnasija) and Musala Square along another of the Rondo's connecting roads. The Austro-Hungarian administration built broad avenues and instituted an urban grid system on the west side of the city, which gives it a different urban organization in comparison to

the east side where streets are narrower and blocks are much smaller.¹²⁷ The population of the city grew significantly from 11,727 people in 1879 to 16,392 in 1910.

During the Kingdom of Serbs, Croats and Slovenes, on the other hand, the city languished and experienced very little development. In 1929, Prince Regent Alexander suspended the constitution, renamed the country the Kingdom of Yugoslavia and reorganized the states of the kingdom into banovinas in an attempt to break the power of nationalist states. The six oblasts that previously maintained the territorial integrity of BiH were broken into the Vrbas banovina centered in Banja Luka and the Drina banovina centered in Sarajevo. Other parts of BiH were distributed to banovinas controlled by cities in former oblasts outside the historic borders of BiH: Sava (Zagreb), Littoral (Split), and Zeta (Cetinje). Mostar became part of the Littoral banovina, but it was one of four cities in the banovina that held the status of an independent city.

In 1939, Yugoslav Prime Minister Dragiša Cvetković and Croat politician Vladko Maček made an agreement to set up a Banovina of Croatia, which consisted of the Sava and Littoral banovinas with parts of the Zeta and Danube banovinas. This agreement gave Croatians an ethnically-based autonomous state within the Kingdom of Yugoslavia and a future territorial reference point for nationalists to create a Greater Croatia. When World War II expanded to Yugoslavia, BiH became part of the fascist Independent Croatian State (NDH), which had an Italian zone and a German zone. Mostar was an important city in the NDH and maintained an Office of Colonization that directed the ethnic cleansing efforts for the Croatian nationalist Ustasha movement.

¹²⁷ Ibid., 7.

Table 3: Housing Units in Mostar as of the 1991 Census by Ethnicity (source: BiH Ministry for Human Rights and Refugees, “Comparative data on refugees, displaced persons and returnees, property law implementation and reconstruction in BiH from 1991 to 06/30/2003,” 29)

	Bosniak	%	Bosnian Croat	%	Bosnian Serb	%	Other	%	Total
Socially-Owned	4950	32.72%	4246	28.07%	3452	22.82%	2481	16.40%	15129
Private	5416	37.32%	5711	39.35%	2766	19.06%	619	4.27%	14512
Total	10366	34.97%	9957	33.59%	6218	20.98%	3100	10.46%	29641

After World War II, the SFRY established BiH as a socialist republic, placing Mostar back in BiH. During the socialist period, Mostar experienced enormous population growth as the city grew to about 76,000 people. This growth was a result of the SFRY’s industrial investment policies into the city. After World War II, Yugoslavia had a large displaced population because of the war and ethnic cleansing campaigns, and through industrialization the new Yugoslav government promoted mass urbanization and demographic change. According to Amir Pašić, the industrial base in Mostar was expanded with the construction of a metal-working factory, cotton textile mills, and an aluminium plant. Skilled workers, both men and women, entered the work force and the social and demographic profile of the city was broadened dramatically.¹²⁸ Mostar drew workers through its numerous factories: “SOKO” (military aircraft factory), “Fabrika duhana Mostar” (tobacco industry), “Hepok” (food industry), “Aluminij” (aluminum factory), and APRO “Hercegovina” (food industry).

¹²⁸ Ibid., 10-1

To house the new workers, large residential blocks were built and the city was expanded on the west side. As can be seen in Table 1 above, there were more socially-owned than private housing units in Mostar before the Bosnian War. Mostar was only one of a handful of municipalities in BiH that had more socially-owned than private housing units.¹²⁹ The housing situation in Mostar and the fact that it became a divided city after the Bosnian War makes it a rather unique case in regard to postwar property restitution. First, unlike most of Bosnia, the complex situation of restituting socially-owned apartments and the subsequent privatization of these apartments is more important to Mostar's case. Second, Mostar being a divided city complicates the returnee decision process because they are able to move to a part of the city where they would be part of the ethnic majority, but still remain in the same urban area that they lived in before. IDPs from Mostar had the social ties to different parts of the city, allowing them to reestablish their livelihood, but necessarily in their former home.

Before the Bosnian War, Mostar was a multiethnic city without a single majority ethnic group. Of the 76,000 citizens in the 1991 census, 34 percent of the residents declared themselves as Muslim, 29 percent as Croatian, and 19 percent as Serbian. While nationality numbers themselves do not indicate the multi-cultured nature of a city, Mostar had an unusually high percentage of its residents identifying themselves as Yugoslav – 15 percent. The percent of people in BiH that declared themselves as Yugoslav was 5.5 percent, which was higher than the countrywide percentage of 3.¹³⁰ This high number of Yugoslavs correlated with the fact that a third of all marriages in the city before the war

¹²⁹ The other four municipalities were Sarajevo – Center, Sarajevo – Novi Grad, Sarajevo – Novo Sarajevo, and Zenica.

¹³⁰ Bose, 99-100. The statistics only include the city of Mostar, not the entire municipality.

were interethnic.¹³¹ Geographically, the ethnicities were dispersed. On the east bank, 6,000 of the 30,000 residents were Croat, while 15,000 of the 45,000-plus residents on the west bank were Bosniaks. Also, there were large minorities of Serbs, Yugoslavs, and Jews scattered throughout the city.¹³² According to John Yarwood, “only in the Donja Mahala community did the Muslims constitute 60 per cent, only in Zahum did the Croats match that proportion.”¹³³ While geographic ethnic pluralities and majorities existed in neighborhoods, the pre-Bosnian War city was hardly divided into geographically bounded ethnic enclaves.

CREATING THE GEO-BODY

On 25 June 1991, the Yugoslav Republic of Croatia initially declared independence from the SFRY.¹³⁴ Even though fighting between military and paramilitaries forces representing Croatian and Serbian nationalist interests already began in late March 1991, the declaration escalated the fighting, expanding the conflict to eastern Slavonia and Dalmatia, which borders Herzegovina. Croatia, under the leadership of President Franjo Tudjman, cobbled together a defense force consisting of territorial units and certain police units that were elevated into a National Guard. There were also volunteer units formed by the Croatian Party of Rights (HSP) called the Croatian Defense

¹³¹ Heffernan, 21.

¹³² Bose, 100-1.

¹³³ John Yarwood, *Rebuilding Mostar: Urban Reconstruction in a War Zone* (Liverpool: Liverpool University Press, 1999), 2-3.

¹³⁴ At the behest of the European Community, the Yugoslav Republic of Croatia agreed to a three-month moratorium on the decision, but because the fighting intensified during this period, the republic officially declared independence on 8 October 1991.

Forces (HOS).¹³⁵ Thousands of Herzegovinian Croats joined HOS units to fight in Croatia and BiH.¹³⁶ Even though BiH was not in a state of war, armed skirmishes between Bosnian Croat paramilitary troops and the JNA began in BiH, particularly in Herzegovina, as Bosnian Croats attempted to frustrate the JNA's use of BiH as a base to launch attacks against Croatia. This in turn led to political conflicts between Bosnian politicians and the JNA.

On 5 March 1992, the Yugoslav Republic of Bosnia and Herzegovina declared independence from the SFRY. The declaration was made after a popular referendum where 99.7 percent voted in favor of independence; however, many Bosnian Serbs boycotted the referendum, resulting in only a 63.4 percent voter turnout. In anticipation of the referendum, on 9 January 1992, the Assembly of the Serb People in BiH proclaimed the existence of Republika Srpska, and declared that it would remain part of Yugoslavia.¹³⁷ After BiH's declaration of independence, fighting between cooperating Bosniak and Bosnian Croat military forces, and the Yugoslav People's Army (JNA) and the Army of Republika Srpska (VRS) quickly accelerated.

Conceptualizing Geo-bodies

With the war underway, the 16th Assembly of Republika Srpska led by Radovan Karadžić outlined six strategic goals for the VRS, which were published in their Official Gazette on 12 May 1992. The goals were the creation of an ethnically clean Serb state in

¹³⁵ The name of this party, the Croatian Party of Rights, is a reference to the interwar Croatian nationalist party that was the predecessor to the fascist Ustasha movement, which was led by its former party secretary Ante Pavelić.

¹³⁶ Hoare, 126.

¹³⁷ "The Declaration of Proclamation of the Republic of the Serb People of Bosnia and Herzegovina," *Official Gazette of the Serb People in Bosnia and Herzegovina* 1, no. 2 (January 27, 1992), 13–14.

BiH territory, the establishment of a corridor from Semberija to Krajina, the elimination of the border on the Drina River between Serb territories, the division of Sarajevo into Serb and Muslim parts, the establishment of a border on the Una and Neretva rivers (Mostar is on the Neretva River), and, finally, Serbian access to the sea.¹³⁸ These six goals set the agenda for ethnic cleansing and conceptualized the borders of an ethnically homogeneous Serb state that Karadžić and his party, the Serbian Democratic Party in BiH, intended to create through the VRS' military conquest.

The leaders of the Croatian Democratic Union of BiH (HDZ BiH) also took similar measures to conceptualize a geo-body out of BiH municipalities with substantial Bosnian Croat populations. On 18 November 1991, a faction of the HDZ BiH leadership, meeting in Grude, established the Croatian Community of Herceg-Bosna as a “political, cultural, economic, and territorial union” of the Croats of BiH. This was intended as a “concrete response to the formation of Serbian autonomous regions” in Croatia.¹³⁹ In Article 2 of the Statute of Herceg-Bosna, Mate Boban, the newly selected president of Herceg-Bosna and former communist official from Grude, established which municipalities were to be included in the proclaimed Herceg-Bosna nation state.¹⁴⁰

¹³⁸ Robert Donia, “Thematic Excerpts from the Assembly of Republika Srpska, 1991-96,” *International Criminal Tribunal on the Former Yugoslavia* (23 September 2008), 17-31.

¹³⁹ Robert Donia, “The Origins of Republika Srpska, 1990-1992: A Background Report,” *International Criminal Tribunal on the Former Yugoslavia* (23 September 2008), 34.

¹⁴⁰ The borders of the state included Jajce, Kreševo, Busovača, Vitez, Novi Travnik, Travnik, Kiseljak, Fojnica, Skender Vakuf/Dobratići, Kakanj, Vareš, Kotor Varoš, Tomislavgrad, Livno, Kupres, Bugojno, Gornji Vakuf, Prozor, Konjic, Jablanica, Posušje, Mostar, Široki Brijeg, Grude, Ljubuški, Čitluk, Čapljina, Neum, Stolac, and Trebinje/Ravno.

Mostar was identified as the state's capital.¹⁴¹ These municipalities formed the basis of the imagined borders of a Herceg-Bosna state.

After BiH declared independence, HDZ BiH established the Croatian Defense Council (HVO) to defend against the JNA and the VRS. However, since HOS units and Croatian military units were already fighting against the JNA in BiH, the HVO had to compete with them for recruits. Many Bosnian Croats fought in HOS units at the beginning of the war in Croatia so the HOS had the advantage over the HVO in experience and capacity. The HSP was an openly neo-Ustasha Croatian party. Its leader, Dobroslav Paraga, endorsed the Croatian annexation of BiH into a common Croat and Muslim neo-Ustasha state, using the borders of the NDH as a baseline. While some HDZ BiH elites and the Tudjman government were willing to cooperate with Bosnian Serb

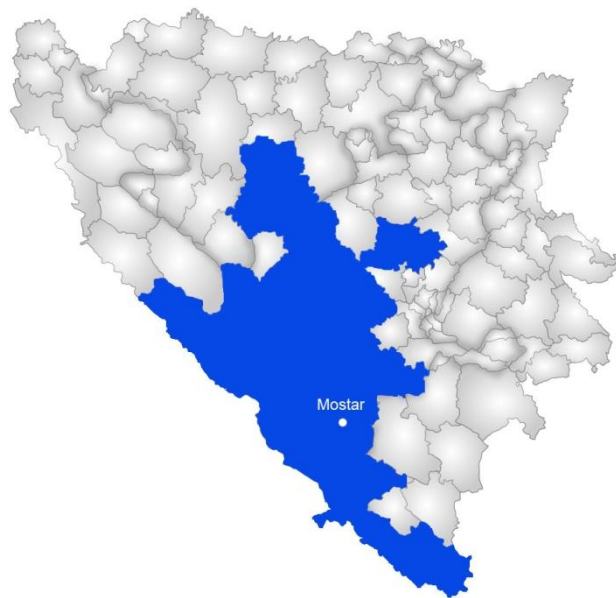


Figure 3: The Borders of the Croatian Community of Herceg-Bosna as Proclaimed in 1992 (image: author)

¹⁴¹ *Prosecutor v. Mladen Naletilic, aka "TUTA" And Vinko Martinovic, aka "STELA"*, IT-98-34-T (International Criminal Tribunal on the Former Yugoslavia, March 31, 2003), 5.

politicians to carve BiH into ethnic enclaves, the HSP opposed any deals with any Serbian representative.¹⁴² The HSP openly criticized Tudjman in the national and foreign press, stating that the Croatian government abandoned Vukovar. Since the Croatian government did not want the HSP to undermine any sort of partition pact made with the Serbian or Bosnian Serb government, Tudjman banned the party in Croatia in mid-November 1991 and arrested Paraga; however, HOS units continued to operate in BiH.¹⁴³

At the beginning of March 1992, HOS units battled JNA units in Herzegovina and by April the Municipal Crisis Staff in Mostar stated that the JNA had partially occupied the city. The Municipal Crisis Staff consisted of the political leadership in the city along with representatives of military units. Bosnian Croats and Bosniaks formed a joint defense against the JNA under the command of the HVO. By mid-June 1992, the Bosnian Croat and Bosniak troops successfully defended the city, dislodging the JNA to the east.¹⁴⁴ During this period, most of the city's Bosnian Serb population either left or were held in HVO-run detention camps when Bosnian Croat and Bosniak forces took the city.¹⁴⁵ Today, much of Mostar's prewar Bosnian Serb population has still not returned and now lives in Bileja, Gacko, Nevesinje, and Trebinje (eastern Herzegovina/part of Republika Srpska).¹⁴⁶ Even though many of these exiles still have IDP status, allowing them priority aid support for return, they have shown little to no interest in returning to Mostar when aid organizations have approached them.

¹⁴² Bjelaković and Strazzari, 76-7.

¹⁴³ Tanner, 264. Hoare, 134.

¹⁴⁴ *Prosecutor v. Naletilic and Martinovic*, 6.

¹⁴⁵ *Prosecutor v. Jadranko Prlic, Bruno Stojic, Slobodan Praljak, Milivoj Petkovic, Valentin Coric and Berislav Pusic*, IT-04-74-T (International Criminal Tribunal for the Former Yugoslavia), 31.

¹⁴⁶ Over 550 of Bosnian Serb IDPs still live in Bileja, Gacko, Nevesinje, and Trebinje with displaced person status and most of them require alternative accommodation because their prewar homes are still destroyed.

The first siege saw the rise of a new military elite in Mostar that would infiltrate the politics between Bosnian Croats and Bosniaks with the rise of Jadranko Topić (HVO commander), Mladen Naletilić (special unit commander), Mijo Brajković (HVO president), and Safet Oručević (Territorial Unit commander). Oručević, the only Bosniak of the list, previously worked in the upper management of SOKO and was involved in slot machine and pool hall businesses before the war.¹⁴⁷ During the war, he became part of the east Mostar war presidency, positioning himself to be the postwar mayor of east Mostar. The rest of this list are Bosnian Croats who became politically and economically important in west Mostar. Topić, a local soccer star, became mayor of west Mostar during the war and he was replaced as mayor by Brajković, a former manager at Aluminij, after the war. Naletilić, an émigré, particularly rose to fame after the first siege as posters populated the city, claiming that he was the great defender of the city. The rise of this group of military leaders to prominent political positions in Mostar followed the general militarization of BiH's political elite, but was also indicative of a significant change in the HDZ BiH leadership.

The Break between the Bosnian Croat and Bosniak Coalition

After the 1990 elections, HDZ BiH had a fairly moderate stance, but it also included individuals that held more nationalist positions. Stjepan Kljuić, the president of HDZ BiH after the elections, represented the moderate side of the party. Kljuić's power base was in Sarajevo and central Bosnia and he "favoured retaining the multi-ethnic

¹⁴⁷ Bjelaković and Strazzari, 96; Centar za istraživačko novinarstvo (CIN), *Safet Oručević*, Centar za istraživačko novinarstvo, <http://database.cin.ba/prikaz.php?subjekt=21&jezik=1> (accessed August 9, 2012).

character and territorial indivisibility of Bosnia” so he maintained strong ties with Alija Izetbegović and the Bosnian government in Sarajevo.¹⁴⁸ Boban, the president of Herceg-Bosna, represented a cadre of individuals that sought either the creation of a Bosnian Croat entity in BiH or the annexation of Bosnian territory to Croatia. Boban was a former communist whose power base was in Herzegovina, particularly in his hometown and Herceg-Bosna’s capital, Grude. He led a faction that acted on instructions from Tudjman and HDZ Croatia in Zagreb.¹⁴⁹ However, this overt policy influence was reciprocal because of the very powerful Herzegovinian lobby in Tudjman’s government.

Bosnian Croats from western Herzegovina tended to view themselves as victims under Tito’s regime.¹⁵⁰ A notable expression of this view is the name of the largest professional Bosnian Croat unit operating in Mostar – the Convicts’ Battalion. It was named this “because it was organized by people who had been politically persecuted during the communist regime.”¹⁵¹ Its main founder, Naletilić, was born in Široki Brijeg, a small town in western Herzegovina, but lived in Germany where he “made a name for himself running clubs, casinos, and protection rackets.”¹⁵² There was a fine line between the politically persecuted and small-time criminals in these militias, particularly in the Convicts’ Battalion. For example, cofounder of Naletilić’s Convicts’ Battalion, Branko Sopta aka “Baja,” was an alleged prewar car thief around Dalmatia and during the war he

¹⁴⁸ Bjelaković and Strazzari, 76.

¹⁴⁹ Ibid., 76-7.

¹⁵⁰ Grandits, 107.

¹⁵¹ *Prosecutor v. Naletilic and Martinovic*, 29.

¹⁵² Robert Block, “Killers,” *The New York Review of Books*, November 18, 1993.

became the commander of the Baja Kraljević Anti-Terrorist Unit under the umbrella of the Convicts' Battalion.¹⁵³

While these militias generally took a nationalist line, the HVO and special units still accepted people from other ethnicities and welcomed international mercenaries into their units. The most famous interethnic member was the notorious Bosniak gangster from Sarajevo, Jusuf Prazina aka "Juka." Prazina led a multiethnic anti-terrorist unit called Samir Kafedžić Kruško under orders from Naletilić's Convicts' Battalion. Prazina specialized in racketeering during the 1980s, but when the siege of Sarajevo began, he transformed his gang into an important paramilitary force. However, because his men robbed, extorted, and abused civilians, eventually a warrant was issued for his arrest and he fled.¹⁵⁴ He brought part of his gang to Mostar to join with Naletilić's group in early 1993. Prazina's unit participated in the expulsion of Bosniaks from east Mostar and ran the notorious Heliodrom camp where they mistreated prisoners.

The Herzegovinian Croats had a powerful lobby in Zagreb because of Gojko Šušak, the Croatian defense minister, Herzegovinian émigré, and childhood friend of Naletilić. Šušak was born in Široki Brijeg, but made a name for himself as a business man in Ottawa. Near the onset of the war in Croatia, he returned to Yugoslavia to become Croatia's defense minister and arguably the second most powerful person in Croatia. Šušak was responsible for the rise of other Bosnian Croats from Herzegovina into the military elite. Ćesić, a Herzegovinian native and prewar bus driver, rose the military ranks because he was Šušak's official driver. Slobodan Praljak aka "Brada," (commonly

¹⁵³ Gordan Malić, "Ku su najmoćniji Hrvati" (Who are the most powerful Croats), *Dani*, April 13, 2001; *Prosecutor v. Naletilic and Martinovic*, 35.

¹⁵⁴ Andreas, 37.

known as the man who ordered the destruction of Stari Most) was a former assistant to Šušak who rose to the position of major general in the Croatian armed forces even though he was a trained filmmaker before the war. These connections represented strong connections between the Croatian and Bosnian Croat government. In the ongoing war crime trial of Prlić, *et al.*, the prosecution alleges that Tudjman, the Herzegovinian lobby in Croatia, and Herceg-Bosna's leadership intended to recreate the 1939 Croatian Banovina through the Bosnian War.¹⁵⁵

The escalation of the war in Croatia and the spread of war to BiH began a process of radicalizing the HDZ BiH leadership through political intervention by HDZ Croatia. On 27 December 1991, the HDZ Croatia and HDZ BiH elite held a meeting in Zagreb. According to the ICTY, the meeting had two purposes: to discuss the future of BiH and to develop an overall Croatian political strategy. In the meeting, Kljuić argued in favor of Croats remaining in BiH while Boban argued that Herceg-Bosna should declare independence if BiH dissolved and would become part of Croatia if the Croatian government agreed to accession.¹⁵⁶ In January 1992 when Kljuić “protested that Croats should loyally support the elected government of Alija Izetbegović and the territorial integrity of the republic,” Tudjman asserted his influence in order to force Kljuić to resign in February and have Boban replace him.¹⁵⁷ The other major change in the HDZ BiH leadership that affected Mostar was the mayorship of Mostar. After the 1990 elections, HDZ BiH won the vote in the city and named Milivoj Gagro as mayor. Many

¹⁵⁵ *Prosecutor v. Prlic, Stojic, Praljak, Petkovic, Coric and Pusic*, 7.

¹⁵⁶ *Prosecutor v. Dario Kordic And Mario Cerkez*, IT-95-14/2-T (International Criminal Tribunal on the Former Yugoslavia, March 26, 2001), 149.

¹⁵⁷ Ramet, 434.

saw Gagro as a moderate representative of the party; however, like Kljuić, by the summer of 1992 the new HDZ BiH leadership pushed him to resign, replacing him with Topić, one of the new military elite discussed above.

After the successful defense of Mostar, on 9 August 1992 Naletilić led a HVO unit in the successful assassination of HOS' Herzegovinian commander Blaž Kraljević (a Herzegovinian émigré from Australia) and eight of his staff.¹⁵⁸ Without their main commander, the HOS units in Herzegovina disbanded and reformed in the HVO either directly under its command or indirectly as special units or so-called Anti-Terrorist Units. For example, during the second siege of Mostar Vinko Martinović, a former HOS soldier and postwar convicted war criminal, formed the Vinko Škrobo/Mrmak Anti-Terrorist Unit with members of his former HOS unit. While the unit held a section of the confrontation line under the Sector Mostar Town Defense, the unit was also part of Naletilić's Convicts' Battalion, which voluntarily accepted orders from the HVO.

Herzegovinian Bosnian Croat elites formed Herzeg Bosna and the HVO out of personal networks of former communist party members, émigrés, business managers, and small-time criminals. Boban formed Herceg-Bosna with a number of former Communist party members: Vladimir Šoljić from Široki Brijeg, Valentin Ćorić from Čitluk, Pero Marković from Čapljina, and Jadranko Prlić – the former vice president of the Socialist Republic of BiH. Boban appointed Prlić to the position of President of the HVO on 14 August 1992, but Prlić became the Prime Minister of Herceg-Bosna when Boban

¹⁵⁸ Ibid., 434. Bjelaković and Strazzari, 84.

declared the formation of the republic.¹⁵⁹ Boban initially appointed Ćorić, the prewar director of the Čitluk Bauxite Mines, to the position of Chief of the HVO Military Police Administration in April 1992 and he rose to the position of Herceg-Bosna's Minister of the Interior on 20 November 1993.¹⁶⁰ Šoljić and Marković also gained prominent positions in the government of Herceg-Bosna from which they would use to extract the economic wealth of Herzegovina. The nationalist and anti-communist émigrés and criminals discussed above along with members of the commercial sector, such as Brajković who was a manager at "Aluminij," worked together with these former members of the communist party. This led to the creation of a large network of Bosnian Croats mostly from Herzegovina that fought together during the Bosnian War, but this network began to fragment after the war as the rush to colonize economic resources accelerated.

Before the Bosnian Croats and Bosniaks military forces engaged in armed conflict, there were two peace plans that were negotiated to end the fighting: the Carrington-Cutileiro Peace Plan and the Vance-Owen Plan. From February to May 1992, negotiations between the ethnic leaders were conducted under the auspices of the EU peace conference. These negotiations resulted in the Carrington-Cutileiro Peace Plan, which attempted to maintain BiH as a state with constituent units divided along ethnic lines. The Bosnian Croat delegation found the constitutional provisions acceptable, but did not agree with the map, which did not include Mostar as a part of the Bosnian

¹⁵⁹ *Prosecutor v. Prlic, Stojic, Praljak, Petkovic, Coric and Pusic*, 2.

¹⁶⁰ *Ibid.*, 6.

Croatian unit.¹⁶¹ On 2 January 1993, the Vance-Owen plan was proposed to the combatants. The plan would have created a very decentralized state where provincial governments had more government duties and power than the federal state. The Bosnian Croat delegation quickly accepted the plan because of the favorable size of the Bosnian Croat provinces. However, the Bosniak delegation balked at the concept of a significantly decentralized state and the Bosnian Serb delegation found the map extremely unappealing since they would have to relinquish military control of a significant amount of territory that they had won on the battlefield and “ethnically cleansed.”¹⁶²

According to the ITCY, Mate Boban signed the Vance-Owen Plan for the HZ BIH on 2 January 1993 and “despite knowing that the other parties had not signed...the B

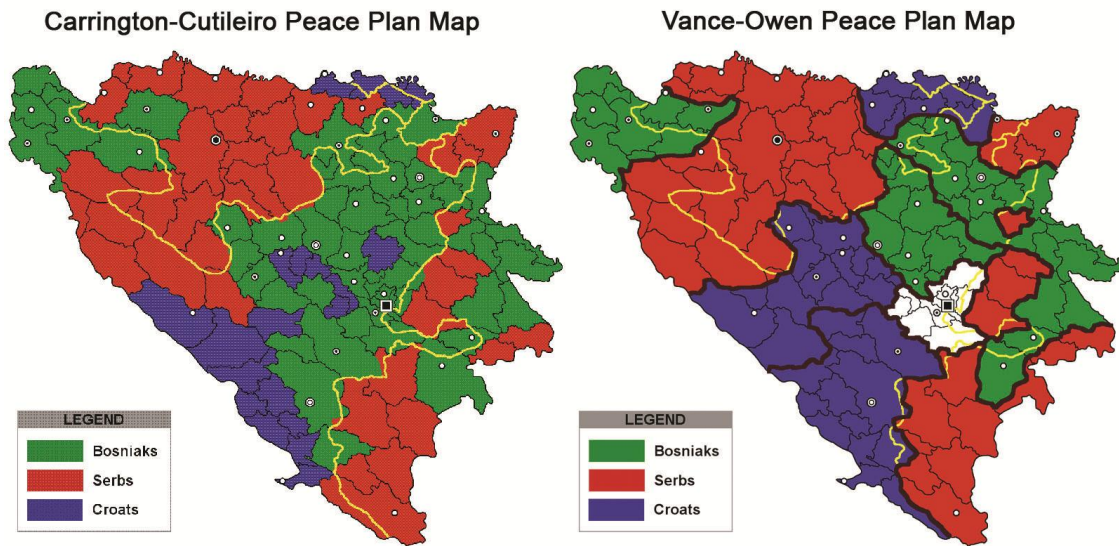


Figure 4: Comparison of the Carrington-Cutileiro and Vance-Owen Peace Plan Maps (image: The Full Wiki, “Peace Plans Offered Before and During the Bosnian War,” http://www.thefullwiki.org/Peace_plans_offered_before_and_during_the_Bosnian_War.html)

¹⁶¹ Mladen Klemenčić, “Territorial Proposals for the Settlement of the War in Bosnia-Herzegovina,” International Boundaries Research Unit, University of Durham (Durham, 1994), 37

¹⁶² Ibid., 49.

H Croats attempted to implement the Vance Owen Plan unilaterally.”¹⁶³ Bosniaks either left or were dismissed from HVO units and went to join the Bosniak-led Army of Bosnia and Herzegovina. By mid-April 1993, the HVO and the Army of BiH forces were engaged in an armed conflict in central Bosnia. On 9 May 1993, the HVO launched their first attack against the Army of BiH and Bosniaks in Mostar and began to ethnically “cleanse” west Mostar. The Office for Displaced Persons and Refugees of the HVO and Herceg-Bosna declared that Bosniaks from eastern BiH must leave Mostar by 9 May, expelling approximately 10,000 Bosniak IDPs and refugees.¹⁶⁴ HVO units rounded up approximately 1,800 Bosniaks in west Mostar and detained them at Bijeli Brijeg Stadium and the Heliodrom.¹⁶⁵ When many of the detainees were released, they found their residences had been looted of all their personal belongings.¹⁶⁶ While there are no estimates for the number of Bosniaks expelled from west Mostar, population estimates of east Mostar indicate that its population increased from approximately 30,000 to 55,000 after 29 June 1993, which most believe was caused by expellees.¹⁶⁷ The ICTY declared that these actions were part of a conscious effort by the HVO and Herceg-Bosna to ethnically “cleanse” west Mostar and then the entire city.¹⁶⁸

During these expulsions, the government of Herceg-Bosna seized the expellees’ housing, which Herceg-Bosna then allocated to HVO soldiers and Bosnian Croat civilians. According to the ICTY, the Herceg-Bosna and HVO officials placed a legal stamp on this by allowing Bosniaks to leave west Mostar “only if they signed a statement,

¹⁶³ *Prosecutor v. Naletilic and Martinovic*, 7.

¹⁶⁴ *Ibid.*, 16.

¹⁶⁵ *Prosecutor v. Prlic, Stojic, Praljak, Petkovic, Coric and Pusic*, 47.

¹⁶⁶ *Prosecutor v. Naletilic and Martinovic*, 17-8.

¹⁶⁷ *Ibid.*, 18.

¹⁶⁸ *Ibid.*

required by the Herceg-Bosna/HVO authorities, that they ‘voluntarily’ relinquished all of their belongings to the HVO.”¹⁶⁹ Herceg-Bosna commonly expelled Bosniaks from west Mostar, Stolac, and Čapljina to territories held by the Army of BiH in east Mostar or Blagaj. They also released thousands of Bosniak prisoners detained at the Heliodrom, Vojno, Ljubuški and Dretelj camps if they agreed to leave BiH and be deported to Croatia as a transit point to other refugee-receiving countries.¹⁷⁰ The HVO and anti-terrorist units committed various crimes against prisoners, including forced labor, abuse, torture, rape, murder and use as a human shield in the battlefield.¹⁷¹ The prosecution at the ICTY even accused Naletilić of requisitioning prisoners to help construct his fortress villa and pool in Široki Brijeg.¹⁷²

Along with the attempt to expel Bosniaks from Mostar, the HVO and Herceg-Bosna sought to expel Bosniak culture and symbols in a process some have termed as urbicide.¹⁷³ After the two sieges, ninety percent of the center of Mostar was damaged and a third of its buildings were completely destroyed.¹⁷⁴ According to a report by Andras Riedlmayer for the ICTY, 255 mosques, 92% of the total surveyed in BiH, were heavily damaged or completely destroyed.¹⁷⁵ The Research Centre for Islamic History, Art and Culture in Istanbul noted that almost all of the mosques in Mostar were totally destroyed and not all of these mosques were in the line of fire.¹⁷⁶ Military units cleared many

¹⁶⁹ *Prosecutor v. Prlic, Stojic, Praljak, Petkovic, Coric and Pusic*, 48.

¹⁷⁰ *Ibid.*, 45-66. The Heliodrom and Vojno camps were located in the municipality of Mostar.

¹⁷¹ *Prosecutor v. Prlic, Stojic, Praljak, Petkovic, Coric and Pusic*; *Prosecutor v. Naletilic and Martinovic*.

¹⁷² *Prosecutor v. Naletilic and Martinovic*, 111-114.

¹⁷³ Coward, 59-60.

¹⁷⁴ Makaš, 136.

¹⁷⁵ Andras Riedlmayer, “Destruction of Cultural Heritage in Bosnia-Herzegovina, 1992-1996: A Postwar Survey of Selected Municipalities,” *Milosevic Trial Public Archive*, 10.

¹⁷⁶ Heffernan, 23-24.

Bosniak symbols from HVO-held territory. For example, during the war, HVO troops dynamited the Derviš-paša Bajezidagi Mosque near the Franciscan Church on the west side of the Boulevard.¹⁷⁷ They also, during the initial expulsion of Bosniaks, dynamited the Baba Besir Mosque and Hadži Ali-Beg Lafo Mosque – both in west Mostar.¹⁷⁸ Bosniak buildings were not the only ones targeted by troops. The JNA shelled, and in most cases destroyed, the Church of St Peter and St Paul, the Bishop's Palace, the Catholic Cathedral, and numerous smaller churches. The European Union Administration of Mostar (EUAM) estimated that Mostar sustained DM400 million in damages, excluding new industrial estates, nearby villages, and historical monuments.¹⁷⁹ The destruction of symbols of other ethnicities was a significant part of the ethnic cleansing process.

According to Yarwood, Croat leaders believed that Mostar would be their state's only major city and the state would not be viable without it.¹⁸⁰ Mostar became the cornerstone to building a Bosnian Croat state out of BiH, and the Bosnian Croat leadership emphasized the importance of consolidating control of the entire city through ethnic "cleansing." The process of removing Bosniak people and culture from west Mostar was significant because the identity of the territory could then be defined in terms of the absence of Bosniaks' physical and symbolic presence. In Ray Cashman's study of Irish nationalism, he found that in rural Northern Ireland the known absence of an object became an unmarked symbol for nationalists. One example he found was the Lough

¹⁷⁷ *Ibid.*, 36.

¹⁷⁸ *Prosecutor v. Prlic, Stojic, Praljak, Petkovic, Coric and Pusic*, 47

¹⁷⁹ Yarwood, 7.

¹⁸⁰ *Ibid.*, 5.

House, which was perceived as a symbol of Protestant domination. The IRA blew up the Lough House in 1971 and now the space has significance to nationalists because of the building's absence.¹⁸¹ Similarly, the absence of Bosniak people and culture in west Mostar was significant because it identified the territory as mono-ethnic and a space where other cultures and societies are not.

WARTIME PROPERTY REGIMES

During the Bosnian War, there were two de facto property regimes that affected Mostar: Herceg-Bosna and the Republic of BiH. Both regimes passed laws on abandoned property so they could reallocate property to displaced persons in order officially to cope with the wartime housing shortage, which was considerable, and unofficially to reward soldiers and functionaries. Over the course of the war, over a third of the housing units in BiH were damaged to some degree¹⁸² and half of the prewar population was displaced abroad or domestically.¹⁸³ At first, authorities intended that the laws manage the housing needs of displaced persons and soldiers. However, over time, amendments to these laws sought to consolidate the territorial gains of the new ethnocratic regimes. A study of Mostar allows for an analysis of both regimes' methods of consolidating territory through the power over land administration, i.e. property redistribution.

¹⁸¹ Ray Cashman, "Visions of Irish Nationalism," *Journal of Folklore Research* 45, no. 3 (Sep-Dec 2008): 374.

¹⁸² 451,901 of the 1,295,784 of the housing units in BiH were destroyed. 99,281 units were less than 20% destroyed, 270,550 units were 20-70% destroyed, and 82,070 units were over 70% destroyed.

¹⁸³ *Usporedni pokazatelji o izbjeglicama, raseljenim osobama i povratnicima, provedbi imovinskih zakona i rekonstrukciji u BiH od 1991. do 30.06.2003. godine (Comparative data on refugees, displaced persons and returnees, property law implementation and reconstruction in BiH from 1991 to 06/30/2003)*, (Bosna i Hercegovina Ministarstvo za ljudska prava i izbjeglice (BiH Ministry of Human Rights and Refugees), 2003), 40; Rhodri C. Williams, "The Significance of Property Restitution to Sustainable Return in Bosnia and Herzegovina," *International Migration* 44, no. 3 (2006), 43.

In 1992, the government of the Republic of BiH passed the “Law on Abandoned Apartments,” which concerned the temporary revocation and reallocation of occupancy rights over socially-owned apartments. According to the law, prewar occupancy right holders temporarily lost their right of use if an apartment was temporarily not occupied or abandoned after 30 April 1991.¹⁸⁴ The law gave the authority to Municipal Housing Offices to declare an apartment abandoned and to redistribute it to a temporary occupancy right holder, normally displaced persons or soldiers in the Army of BiH. Even though the law gave beneficiaries a temporary occupancy right that was supposed to last for only a year after the end of the “direct war danger,” amendments to the law privileged the right of the temporary occupant over the right of the prewar occupancy right holder.

The amendments set vague criteria for the repossession of property. The main criterion was that if a displaced person had not returned to their property within seven days after the declaration of the end of the “State of War,” Municipal Housing Offices would cancel their occupancy right. In the case of refugees, they had 15 days to return to their property. Besides this ridiculously short time limit placed upon occupancy right holders who had significant problems with freedom of movement in postwar BiH, the end of the “State of War” was not published in the Official Gazette of the Republic of BiH until seven days after the Presidency’s official proclamation on 22 December 1995. Also, this new amendment to the law was added only months before the conflict ended so many did not even know about the time stipulation. However, even if a person was actually able to get to their property within the imposed time limit, the law and its amendments did not outline a procedure for removing the temporary occupant or even officially

¹⁸⁴ Mikelic, *et al.*, 32.

repossessing the property. This rendered physical repossession impossible in practice if a temporary right holder occupied the apartment, especially since the law contradictorily gave temporary occupants a year to vacate.

In 1993, the Republic of BiH proclaimed the “Decree with the Force of Law on Temporarily Abandoned Real Property under Private Ownership during the State of War or the State of Immediate War Danger.” Similarly, this decree gave Municipal Housing authorities the power to allocate private property that was abandoned after 30 April 1991 to temporary occupancy right holders who were allowed to live there for a year after the end of the “State of War” was declared. Amendments allowed for the extension of the temporary usage right upon the temporary occupants’ request. Also, like the “Law on Abandoned Apartments,” there was no outlined recourse for prewar property owners to repossess their property. Even though the wartime property legislation provided for exemptions in case of the occupant’s fear of ethnic cleansing by “aggressor” forces, in practice the term “aggressor” forces did not apply to the Army of BiH, effectively stripping this protective exemption from Bosnian Croats and Bosnian Serbs.¹⁸⁵

In 1993, Herceg-Bosna passed an inclusive “Decree on Deserted Apartments,” which dealt with both socially-owned and private property. The decree allowed the Municipal Council to declare a socially-owned or private housing unit abandoned if it was not occupied for an unspecified amount of time after 30 April 1992. Also, the Minister for Infrastructure Planning, Construction, and Environmental Protection as a second instance authority could declare a housing unit to be abandoned if the Municipal

¹⁸⁵ Timothy William Waters, “The Naked Land: The Dayton Accords, Property Disputes, and Bosnia's Real Constitution,” *Harvard International Law Journal* 40, no. 2 (Spring 1999), 544-5.

Council did not render a decision. Similarly, amendments sought to empower the rights of the wartime occupant over those of the prewar right holder. In practice, the Logistics Department of the HVO under the command of Slezak directed the allocation of housing in Mostar. After the war, this function was mainly operated by veteran associations in the city.

Nationalists also manipulated the prewar “Law on Housing Relations” to legalize the ethnic redistribution of property. The law stated that the occupancy right holders of socially-owned property would lose their rights if the property was unoccupied for more than six months. However, there were exceptions to the rule called “justified grounds,” such as temporary work abroad, military service, and education, which housing authorities during and after the Bosnian War ignored in most cases. Also, according to the law, in the case that a cancellation of a usage right was enforced, the allocation right holder was obligated to provide a different accommodation to the former occupancy right holder. However, the housing officials never exercised this part of the law so if this manipulation of the law was not challenged, people would have to move to a UNHCR-operated collective center.¹⁸⁶

At times, local housing officials would use this law by claiming that war activities did not occur in the area and therefore the danger of war was not a legitimate ground for temporarily abandoning a property.¹⁸⁷ According to Rhodri Williams, the Organisation for Security and Co-operation in Europe Mission to BiH (OSCE) recorded about 3,000 of

¹⁸⁶ Rhodri C. Williams, “Post-Conflict Property Restitution,” 480.

¹⁸⁷ Paul Prettitore, “The Right to Housing and Property Restitution in Bosnia and Herzegovina: A Case Study,” Working Paper (2003), 6.

these cases in Mostar alone.¹⁸⁸ It is unclear from her text if this use of the “Law on Housing Relations” occurred during open hostilities in Mostar or if they were applied after to further legitimize the seizure of property under the abandoned apartment laws. Regardless, these cases represent roughly 42% of the social-owned apartment restitution cases in Mostar.¹⁸⁹ The prewar socialist laws and the vague definition of social ownership played a large role in the territorial consolidation of Mostar by “permanently” reallocating abandoned property by shifting the authority from wartime laws that granted temporary rights to established prewar laws that could permanently reallocate usage rights. Beyond satisfying the housing needs of IDPs and soldiers, the abandoned property laws also gave people with powerful political connections an avenue to grab the best property. These individuals came to be known as domicile upgraders and they became the center of multiple/double occupancy cases. In Mostar, there were at least 1,300 individuals who reported cases of double occupancy.¹⁹⁰ These cases really demonstrate the criminal nature of ethnic cleansing as it allowed people to upgrade their social and fiscal status through violent force.

¹⁸⁸ Cited in Williams, “Post-Conflict Property Restitution,” 484-5. Rhodri Williams was a legal advisor for OSCE from October 2000 to May 2004.

¹⁸⁹ According to the Property Law Implementation Plan’s final statistics, there were 7,143 claims for socially-owned property in Mostar. “PLIP Statistics, September 2004,” Property Law Implementation Plan (September 2004).

¹⁹⁰ Ingvild Burkey, “OSCE Mission to Bosnia and Herzegovina: Human Rights Officer: October 1997 - December 2000,” *Norwegian Centre for Human Rights*, 2001, http://www.jus.uio.no/smr/english/about/programmes/nordem/publications/nordem-report/2001/wp_2001_10.html (accessed February 13, 2013).

CONSOLIDATING THE CITY

Herceg-Bosna and the Republic of Bosnia and Herzegovina signed a ceasefire agreement called the Washington Agreement on 1 March 1994,¹⁹¹ which established the basis of the future Federation of BiH (FBiH), which now consists of ten fairly autonomous cantons.¹⁹² Following the Washington Agreement, Bosnian Croat and Bosniak representatives signed the Geneva Memorandum of Agreement on Mostar on 5 May 1994, which established the local government of Mostar under the auspices of the EU Administration of Mostar (EUAM). The EUAM supervised the local government and spearheaded the significant rebuilding process in Mostar, which was one of the most damaged cities in BiH. The agreement established a number of agreed goals for Mostar and the EUAM: create a unified police force, establish freedom of movement across the confrontation line, create suitable conditions for the return of refugees and IDPs, establish an elected council of a unified city, and reconstruct buildings and infrastructure.¹⁹³ The memorandum divided the city into six city-municipalities, which the EUAM supervised. The city-municipalities were divided along ethnic lines: three for the Bosnian Croat west side (Southwest, South, and West) and three for the Bosniak east side (Old Town, Southeast, and North).

The European Union appointed Hans Koschnick, a former mayor of Bremen, as the Chief Administrator and established the EUAM's base of operations at Hotel Ero along the confrontation line. The EUAM managed to make significant inroads on the

¹⁹¹ "Washington Agreement" (March 1, 1994). Available at: www.usip.org/files/file/resources/collections/peace_agreements/washagree_03011994.pdf (accessed March 23, 2011).

¹⁹² FBiH is one of the two entities that make up BiH today.

¹⁹³ Yarwood, 7.

reconstruction of Mostar, committing DM270 million to the effort. However, tensions between the sides remained high. After the city's first postwar elections in the summer of 1996, the EUAM transferred power to the Office of the Special Envoy for Mostar (OSEM), but by that time the EUAM only had semi-realized its reconstruction and freedom of movement goals. At the beginning of 1997 the OSEM was transformed into the new Office of the High Representative for BiH (OHR) regional office in Mostar.

Interim Statute Agreement & Parallel Structures

From the beginning of the fragile peace, the two ethnocratic regimes sought to consolidate their power. The Bosniak side sought to unify the city due to their superior advantage in population, and the Bosnian Croat side sought to institutionalize the wartime border along the Boulevard.¹⁹⁴ These postwar stances switched in 2002 when new population estimates demonstrated that the Bosnian Croat side had gained the population advantage. However, before then, the Bosniak side was seen as more willing to work with the IC because both of them sought the unification of Mostar. The EUAM's goal of unifying the city brought it into frequent confrontation with Bosnian Croat side. Only two months into the EUAM's mandate, an unidentified person fired a rocket-propelled grenade at Koschnick's bedroom. Luckily, he was at the bar of Hotel Ero having a drink at the time.¹⁹⁵ The EU directed Koschnick to establish the Interim Statute for the City of Mostar. As part of the statute, the EUAM tried to create a Central Zone, which would be administered by the EUAM and was intended to be a shared, neutral

¹⁹⁴ These stances are paralleled at the federal level where the Bosnian Croat (HDZ BiH) and Bosnian Serb (the Serbian Democratic Party) parties sought to consolidate the territory that they conquered during the war, while the Bosniak party (SDA) took an expansionist stance, desiring the return of Bosniaks to their prewar homes, but also covertly blocking the return of Bosnian Croats and Bosnian Serbs.

¹⁹⁵ Yarwood, 13.

space where Bosnian Croats and Bosniaks could interact to reestablish relations. The Central Zone was a major point of contention in negotiations because the sides could not agree on its size and borders. The argument was not just over the percentage of the city, but specific symbolic and economic sites, such as the Liska Street cemetery, the water facilities, the bus station, and the Old Gymnasium.¹⁹⁶

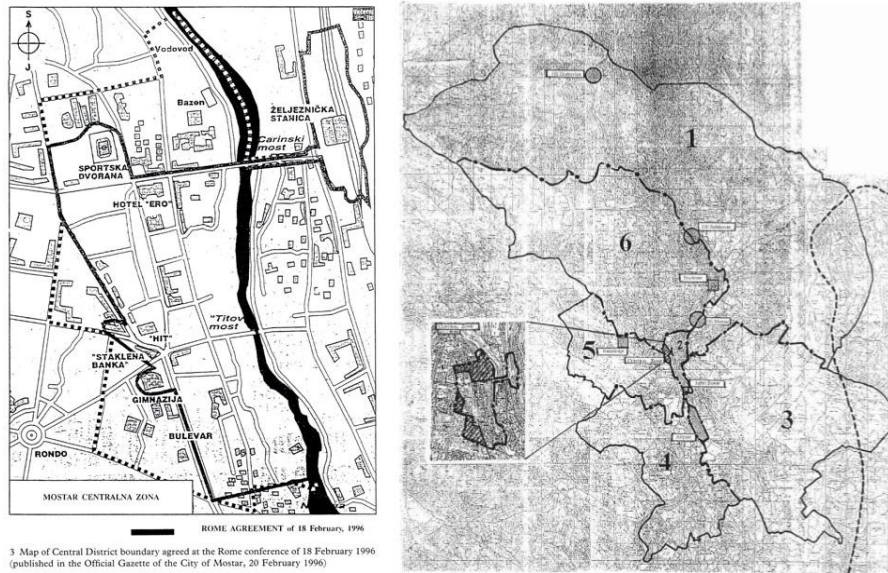
After a number of failed negotiations to establish the Interim Agreement, Koschnick issued an order on 7 February 1996 to establish unilaterally the boundaries of the city-municipalities, which included a large Central Zone. Because of the plan, Brajković, the postwar mayor of west Mostar, announced that “the Croat side was breaking off all relations with the EU” and called for a demonstration at the EUAM office at Hotel Ero. Approximately 150 protesters laid siege to the EUAM offices and trapped Koschnick in his car for an hour, threatening to lynch him.¹⁹⁷ This led to an emergency EU meeting in Rome on 18 February where delegations signed the Rome Agreement, which outlined the Interim Statute and a smaller Central Zone. In the agreement, the Central Zone included the Old Gymnasium and bus station, but not the water facilities or Liska Street cemetery. This cemetery was a missed opportunity for the Central Zone because it was a unique creation from the Bosnian War that contained both Bosniak and Bosnian Croat graves, making it a rare shared symbol of wartime suffering by Bosniaks and Bosnian Croats in Mostar.¹⁹⁸

¹⁹⁶ Makaš, 192.

¹⁹⁷ International Crisis Group, “Reunifying Mostar: Opportunities for Progress,” ICG Balkan Report 90 (Sarajevo/Washington/Brussels, 2000), 9.

¹⁹⁸ Makaš, 287-8.

Figure 5: Map of the Central Zone (left) and the City-Municipalities (right) of Mostar. On the City-Municipalities map, the city-municipalities are as follows: 1. North municipality, 2. Old Town (Stari Grad) municipality, 3. Southeast municipality, 4. South municipality, 5. Southwest municipality, and 6. West municipality. Municipalities 1-3 were Bosniak and municipalities 4-6 were Bosnian Croat. (image: Yarwood, 113)



The Interim Statute was intended to counteract the ethnic territorial division of the city with complex power-sharing structures. However, as Florian Bieber argues, these structures only institutionalized ethnic divisions, instead of neutralizing them.¹⁹⁹ Political parties manipulated the agreement's ethnic quota system to consolidate control. For example, the mayor and deputy mayor posts were supposed to be divided with one being Bosnian Croat and the other Bosniak, but instead of sharing responsibilities, they only governed their respective sides.²⁰⁰ Because of the threat of violence, the EU backed down from asserting a possibly more beneficial statute and in doing so undermined its credibility and power in Mostar, leading to Koschnick's eventual resignation. The political structure that this statute created had serious effects on the city's economic

¹⁹⁹ Bieber, 422.

²⁰⁰ *Ibid.*, 423.

recovery and ethnicized the city's infrastructure. The statute's legacy has frustrated the IC's attempts to truly unify Mostar. Beyond the economic costs, this decentralized, paralleled political structure allowed the city-municipalities to divide the city's infrastructure through ethnic alliances, reinforcing the division along the Boulevard.

The most visible example of these ethnic alliances was the "Union of Croat Municipalities," which the HDZ BiH declared in June 1996 during Mostar's first postwar election. Even though the union was allegedly disbanded after pressure from the OHR in 1997, Sumantra Bose saw cultural events being advertised under the auspices of the Union of Croat Municipalities in 2000.²⁰¹ The water supply company among other utility companies was divided along ethnic lines by the war. Supposedly, the water companies were unified through mediation and financial investments by the World Bank. But, there still were different bills for west and east Mostar in 2003, indicating that the systems were operated separately. Other utilities, such as waste disposal and electricity, had similar ethnic divisions, leading to mismanagement and corruption.²⁰² The provision of electricity at the time of writing is still divided. During my research in Mostar in February 2012, I was caught in a snow storm and two days later a windstorm knocked out the power on the east side, which is where I was staying. Luckily for me, I was able to go to the west side where their electricity was still running. Interestingly, the division of electricity is ethnic as the dividing line runs along the confrontation line and not the Neretva River, which could be a logical grid division. According to Sheelagh Brady, an

²⁰¹ Jelena Mitrovic, "Bridging the Divides - 'Unification' of Mostar," (Master's Thesis, Central European University, 2008), 29; Bose, 110.

²⁰² Commission for Reforming the City of Mostar, "Commission for Reforming the City of Mostar: Recommendations of the Commission Report of the Chairman," Office of the High Representative of Bosnia-Herzegovina (15 Dec 2003), 63-4.

international audit of Elektroprivreda Mostar (Mostar's electric company) revealed that the company helped bankroll the HDZ.²⁰³ These alliances and ethnic divisions allowed politicians to consolidate and maintain ethnic control over resources and provided structures for organized crime networks to reap the benefits from divided polities.

Territorializing Space

The divided ethnic enclaves looked to the capitals of their imagined communities – Zagreb for Bosnian Croats and Sarajevo for Bosniaks – for cultural symbols and infrastructure to use to territorialize space. After the Washington Agreement, there was a police station for each city-municipality and there was little communication between the Bosnian Croat stations and the Bosniak stations. The Bosniak police forces would send autopsies, blood samples, and DNA tests to Sarajevo, while the Bosnian Croat police forces would send theirs to Split, Croatia. The police officers wore different national symbols on their uniforms even though the OHR decreed that police stations should only display symbols of the FBiH. While the Bosniak officers followed orders from Sarajevo wearing the FBiH symbols, the Bosnian Croat officers would display the *Sahovnica*, the red and white checkered state emblem of Croatia.²⁰⁴ Until 2000, the two sides commonly used two different currencies, representing two separate monetary spaces. Bose observed in the late 1990s that west Mostar used the Croatian Kuna and east Mostar used the common Bosnian currency, the convertible mark (KM), which was created in 1998.²⁰⁵ In education, the two sides had separate curricula. Bosnian Croat students in west Mostar

²⁰³ Brady, 20.

²⁰⁴ Commission for Reforming the City of Mostar, 127-8.

²⁰⁵ Bose, 111-2.

used textbooks from Croatia, while Bosniak students in east Mostar used textbooks from Sarajevo. The content contained noticeable nationalist viewpoints, especially regarding subjects like history and interpretations of the Bosnian War. Besides the separation of content, the schools were segregated demographically, necessitating east Mostar to build seven temporary secondary schools to handle all of its students.²⁰⁶ These separations by ethnicity reinforced the territorial division of the city and gave validity to the residents' mental maps.

While ethnic expulsions occurred around BiH after the signing of the Dayton Peace Agreement, most of them were linked to violent episodes of postwar ethnic tension. Mostar is one of the unique cases where regular, significant ethnic expulsions continued for years after there was putatively peace in the city and even while the city was under direct international supervision. Even though Mostar was under the EUAM, in practice the administration was too weak politically to enforce much of its mandate, much less create an atmosphere where people could actually return to their prewar homes or sufficiently protect them from expulsion. Yarwood and international observers reported that ethnic expulsions from west Mostar still occurred for a few years after the Washington Agreement.²⁰⁷ According to a 2000 report by the International Crisis Group, over 100 non-Bosnian Croat families were expelled from the west side after the Dayton Peace Agreement was signed.²⁰⁸ The report argues that this was possible because of a combination of HDZ political power and international disorganization to confront that

²⁰⁶ Hromadžić, 549.

²⁰⁷ Yarwood, 4.

²⁰⁸ International Crisis Group, "Reunifying Mostar," 37.

power.²⁰⁹ Often the IC was more concerned with placating political forces to avoid the resumption of hostilities than with imposing agreements to which all parties agreed.

In Mostar, the most significant postwar expulsion occurred after the Liska Street cemetery incident. As mentioned above, the EUAM and the representatives of the east side wanted to include this wartime cemetery in the Central Zone, but in the end the IC conceded to the west side's demands for it to be included in the Southwest Municipality. On the afternoon of 10 February 1997, Mufti Seid Smajkić and east Mostar mayor Oručević led a group of 100-200 Bosniaks in an attempt to visit graves at the Liska Street cemetery during Bajram. A group of 15 plain-clothed and uniformed Bosnian Croat police officers blocked the visitors from visiting the cemetery and began threatening them. The official reason for the blockade was that Bosnian Croats were celebrating carnival at the Rondo, which is located near the cemetery, so authorities wanted to keep the parties separated to ensure that a disruption did not occur. After verbal threats and the throwing of objects, shots were fired, killing one person and injuring 19 others.²¹⁰ Unfortunately, these visitors did not have any international protection even though they informed the International Police Task Force beforehand. Oddly a Spanish division of the task force was present at the site earlier in the day, but for unexplained reasons left shortly before the crowd of Bosniaks arrived. During the night following the incident, 23 Bosniak families were evicted from west Mostar and an additional 25 Bosniak families who were visiting relatives on the east side were not allowed to return to their homes on

²⁰⁹ Ibid., 1-2.

²¹⁰ Ibid., 19.

the west side.²¹¹ Expulsions such as these demonstrated that without unified international pressure and enforcement postwar Bosnia would continue to experience “war by other means.”

Politicians in Mostar attempted to culturally, politically, and socially colonize the space that was “cleansed” by war to attach an ethnic identity to the territory. The most visible example of this attempt in Herzegovina is the numerous Catholic crosses that mark the landscape. These crosses, which were constructed after the war, are intended to emphasize Bosnian Croats’ claim to the territory that was once called Herceg-Bosna because the crosses declare it to be “Croat/Catholic space.”²¹² Mostar is also part of this process with arguably the most provocative cross in Herzegovina, the Jubilee Cross on the top of Mount Hum, which was erected officially to celebrate the millennium. The Jubilee Cross is an imposing symbol that can be seen from most of Mostar. The erection of this cross also might have been an attempt to rejuvenate a waning Bosnian Croat electorate and nationalist zeal for the HDZ party since this occurred at the beginning of the Croat Crisis of 2000-2001.

²¹¹ *Ibid.*, 19-20.

²¹² Michael Sells, “Crosses of Blood: Sacred Space, Religion, and Violence in Bosnia-Herzegovina,” *Sociology of Religion* 64, no. 3 (Autumn 2003).

During the reconstruction process, Bosnian Croats substantially used Catholic symbols synonymously with Croat identity. Considering that the destruction of religious spaces was tied to the process of ethnic “cleansing” in BiH, many of the Catholic buildings in Mostar had to be rebuilt. While the simple reconstruction of a previous object should not cause problems, the ethnic communities typically rebuilt buildings “bigger and better.” The most notable example in Mostar is the bell tower of the Franciscan Church. The church incurred significant damage during the first siege by the JNA and the VRS, and only the exterior walls and the bell tower remained intact. Before reconstruction, the church was on the Provisional List of potential National Monuments of BiH; however, the reconstructed church differed so much from the original that it was removed from the list. The most significant change was the height of the bell tower, which originally was around 30 meters tall, but the “reconstructed” tall is 107.2 meters tall. This makes it the tallest bell tower of the “Croatian people,” exceeding the Zagreb



Figure 6: Comparison of the Bell Tower of the Franciscan Church Before the War in 1981 and After Reconstruction in 2006 (image: Makaš, 262).

Cathedral's bell tower by one meter.²¹³ Obviously, the people attached to the project purposefully transformed it into the tallest tower as a declaration of their Croat-ness. Along with this project, the "recreation" of other Catholic buildings has been significant to Bosnian Croat expression of identity and marking the territory as Bosnian Croat.

An example of the Bosnian Croat use of Catholic symbols as an equivalent for Croatian identity is the HVO Monument. Officially, it is named the "Monument to the Fallen Croat Defenders in the Homeland War" (*Spomenik poginulih hrvatskim braniteljima u Domovinskom ratu*). While the name does not exclusively mention the HVO, most of the "Croat defenders" in the Bosnian War were part of or funded by the HVO and the monument commonly has been "used for ceremonies and events associated with HVO veterans and losses."²¹⁴ The monument is a block that has a carved-out cross that runs from the front to the back with three women holding a "fallen soldier" on the sides. These are the only symbols on the monument. Obviously, the women and soldier represent the fallen soldiers and the pain of war, but the cross is the only symbol that could mark the monument as a Croat monument, which the name of the monument declares. Since there are mainly only Bosnian Croats and Bosniaks in Mostar, crosses in that space can be safely interpreted as a Bosnian Croat symbol.

Within a few years of signing the Washington Agreement, the HDZ BiH attempted a few construction projects along the wartime confrontation line to mark the border. At the heart of the confrontation line is Brotherhood and Unity Square (Trg Bratstva-Jedinstva), which is now called Spanish Square, where the Old Gymnasium and

²¹³ Makaš, 260-3; Heffernan, 32-3.

²¹⁴ Makaš, 275.

the prewar “HIT” department store were located. Herceg-Bosna established a Commission for Building a Croatian National Theatre headed by Brajković and began constructing a theatre on the location of the department store in 1996. At the first the project was stalled because of funding issues, but in 2002 it was halted because it was not properly acquired from the prewar owner.²¹⁵ Another project was the construction of a new Catholic Cathedral called the Church of Christ’s Resurrection along the wartime border, which the EUAM stopped in February 1996 after complaints from the Islamic community.²¹⁶ Beyond the construction of buildings, west Mostar changed the name of almost every street in its territory in the main urban center, mostly using names related to famous Croat historical figures,²¹⁷ Catholic clergy,²¹⁸ members of the Ustasha,²¹⁹ or places in Croatia.²²⁰

Even though manipulating reconstruction is more evident in west Mostar, the Islamic Community also attempted to colonize space to emphasize their claim to territory, but in a less confrontational manner. As mentioned earlier, most of the mosques were destroyed in Mostar. All of them in east Mostar have been rebuilt; however, by 2002 there were thirty-eight mosques in east Mostar compared to the sixteen in the 1980s.²²¹ The significant increase in the number of mosques is because Islamic communities gave money to rebuild mosques that were either damaged or abandoned before the Bosnian War. Like the bell tower, mosques have generally been rebuilt with

²¹⁵ Ibid., 280.

²¹⁶ Ibid., 283.

²¹⁷ Examples: King Tomislav, King Petar Krešimir IV and Queen Katarina.

²¹⁸ Examples: Bishop Čula and Didak Buntić.

²¹⁹ Example: Dr. Mile Budak

²²⁰ Examples: Zagreb, Split and Dubrovnik.

²²¹ Makaš, 294.

slightly larger and more ostentatious minarets.²²² Neziraga Mosque was rebuilt in Stari Grad in 1999. However, the mosque was not there immediately before the war because it was demolished in 1950 after receiving some damage during World War II.²²³ The east Mostar government restored the land to the Islamic Community in order to rebuild the mosque. This is an example of using political power unilaterally to recreate different historical moments for property restitution in select cases. The increased number and size of mosques was part of east Mostar's attempt to control the skyline and assert their identity upon the cityscape.

Factions

After the early divisive politics during the Bosnian War, the Bosnian Croat regime under the leadership of HDZ BiH was fairly unified behind its growing Herzegovinian elite throughout the war. However, after the signing of the Washington Agreement, fractures in the Bosnian Croat leadership grew as the leadership tackled how to handle to the postwar situation in regard to the FBiH and groups argued over the economic spoils of war. Three Bosnian Croat factions developed early in the postwar period, representing different economic and political agendas. Since Mostar was the capital of the Bosnian Croat ethnocratic regime, many of the factional disputes occurred in the city, particularly west Mostar. The Bosniak regime, on the other hand, was regionally fractured during the Bosnian War and this arrangement continued in the postwar period as different factions worked together under the Party for Democratic

²²² Ibid., 299.

²²³ Ibid., 295.

Action (SDA) umbrella by maintaining their own territories. So, in Mostar, the SDA party led by Oručević ran the city with little interference from Sarajevo.

After signing the Washington Agreement, Boban stepped down from the HDZ BiH presidency and was given a high-ranking position in the Croatian state oil company.²²⁴ Krešimir Zubak, a Bosnian Croat politician from Doboj, replaced Boban in the HDZ BiH presidency, and Pero Marković became the unofficial president of Herceg-Bosna. Even though the Washington Agreement stipulated that Herceg-Bosna would be dismantled within 30 days of signing the agreement, Herceg-Bosna and its institutions continued to exist semi-secretly for years. After the war, the prewar payment bureaus, which managed “socially owned resources through monopoly control of the financial sector,” were split into three ethnically-based institutions in BiH.²²⁵ The payment bureau of Herceg-Bosna (ZAP) controlled all official economic activity. Herceg-Bosna maintained separate public utilities and social services. It regularly met to discuss budget and fiscal policy and review socially-owned companies and social funds.²²⁶ Even Bosnian Croat enclaves in mixed cantons paid taxes and social security contributions to Mostar instead of the FBiH. Since so much power was centralized, Herceg-Bosna was prone to factional competition.

The leadership in east Mostar mostly was united behind its postwar mayor Oručević. After the war, he became the postwar mayor of east Mostar because of his wartime political positioning. Through this position, Oručević acquired numerous

²²⁴ Grandits, 110.

²²⁵ European Stability Initiative, “Reshaping International Priorities in Bosnia and Herzegovina: Bosnian Power Structures,” 1999, 5.

²²⁶ *Ibid.*, 8.

properties in Mostar and Blagaj as the owner or co-owner. However, the full extent of his holdings is unknown because he was not “required to file an assets card because he left office before the law requiring them took effect.”²²⁷ Since the main leadership of SDA in Sarajevo had little to do with the defense of the city and the Bosniak leadership and the IC agreed on unifying Mostar, Oručević had free reign to run his part of the city with little interference.

West Mostar, on the other hand, was marked with considerably more factionalism because Mostar was the HDZ BiH administrative center. Grandits delineates three main Bosnian Croat factions divided according to three major banks in west Mostar after the war. First, Hrvatska Banka Mostar, which was founded in 1992, was the main bank where Croatia funneled money into Herzegovina. Hannes Grandits explains that “after these financial flows were re-routed to the Hercegovska Banka in 1999, Hrvatska Banka Mostar came to represent economic rather than political centres of power in Croat Herzegovina.”²²⁸ According to news reports from Croatia, this bank was connected to the economic interests of Prlić, Slezak, Marijan Primorac, and Niko Dodig.²²⁹ Discussion of these individuals is mostly absent from international reports and academic research on postwar Bosnian Croat politics because they mostly tried to avoid confrontation with the IC. However, they used their postwar positions gained through the war to increase their wealth significantly. After the war, Prlić became the BiH Minister of Foreign Affairs and

²²⁷ Centar za istraživačko novinarstvo, *Safet Oručević*.

²²⁸ Grandits, 112.

²²⁹ Marijan Puntarić and Nijaz Čengić, “Poslovno carstvo Jadranka Prlića i partnera vrijeda tri milijarde dem” (Business Empire of Jadranko Prlić and his Partner Worth Three Billion Deutsche Marks), *Slobodna Dalmacija*, September 19, 2001, <http://arhiv.slobodnadalmacija.hr/20010919/temedana.htm> (accessed January 6, 2013). This group also consists of Dr. Marko Tadić, Davor Šimić, Anka Musa, and Ivica Galić.

chairman of the board of “INA” oil company. He used his contacts with Primorac (wartime cigarette producer and smuggler, postwar bank director) and Dodig (owner of an oil trading company) and his postwar financial assets to acquire numerous businesses through privatization, amassing a fortune estimated at \$1.3 billion.²³⁰ Also, Slezak used his wartime contacts that he gained as the HVO Chief of Logistics to “win” contracts for his postwar construction company, “Interinvest,” which became a formidable construction giant.

The second most powerful bank was Dubrovačka Banka Mostar, which was established when Dubrovačka Banka in Dubrovnik, under threat of collapse, transferred large sums of money to Mostar in 1998. This bank represented the interests of Zubak, Bruno Stojić (a former Herceg-Bosna Minister of Defense), and Božo Ljubić (a doctor from Široki Brijeg). This group worked within the HDZ BiH leadership, but they took a more pro-FBiH stance than other factions. By 1997, Ljubić and Zubak had serious roles at the FBiH and BiH levels. They were the FBiH Minister of Health and the Bosnian Croat member of the BiH presidency, respectively. When this faction became isolated in the party, some of them broke away from the HDZ BiH and began their own Bosnian Croat opposition parties.

The most powerful bank in Mostar was Hercegovska Banka, which was formed in late 1997 by a hard-line group of former HVO members called the generals’ or “Široki

²³⁰ Pugh and Cooper, 173 and 192; Neven Katunarić and Marijan Puntarić, “Tri Hercegovacka Kralja Nafta” (Three Herzegovinian Oil Kings), *Slobodna Dalmacija*, September 21, 2001, <http://arhiv.slobodnadalmacija.hr/20010921/temedana.htm> (accessed January 6, 2013). Neven Katunarić and Marijan Puntarić, “Prlić i Partneri Sada Peru Robu u Cistom Moru Makarske Rivijere” (Prlić and Partners Now Wash Goods in the Clean Sea of the Makarska Riviera), *Slobodna Dalmacija*, September 24, 2001, <http://arhiv.slobodnadalmacija.hr/20010924/temedana.htm> (accessed January 6, 2013).

Brijeg” faction. The bank was created in response to Zubak appointing the moderate, pro-FBiH candidate Ljubić to be his successor as president of HDZ BiH. The key members of the generals’ faction can be deduced from the list of registered founding partners of Hercegovska Banka.²³¹ Sopta was the bank’s first director and he made a fortune as the postwar owner of the large “Soldo” construction complex in Široki Brijeg. Ćesić and Ante Jelavić (wartime colleagues at the HVO’s Grude logistic center and co-founders of “Monitor” construction company), Ivan Medić (a member of the board of “Monitor” and “Cro-benz”), Dragan Čović (director of “SOKO”), Šoljić, Zdenko Kordić (dean of the university in Mostar) and members of the Franciscan order formed a majority in the bank’s management board.

The elite of these factions amassed significant wealth during the postwar period by using their wartime positions to acquire BiH economic and natural resources and to start or take over businesses to exploit these resources. However, even though there were antagonistic factions, the factions themselves were not homogeneous and consisted of individuals with different agendas and levels of engagement. The two main veteran’s associations in west Mostar after the war – the Association of Croat War Invalids of the Home War (HVIDR-a), and the Association of Volunteers and Veterans of the Homeland War (UDIVDR-a) – were a hard-line part of HDZ BIH that worked within and outside of the other factions. The later organization was established by Naletilić who was arrested by the ICTY in 1997. While these organizations conducted normal activities of such organizations, they were also involved in hard-line nationalist politics, promoting the

²³¹ “Hercegovina Gradnja,” “Monitor” (Ćesić and Ante Jelavić); “Aluminij” (Brajković); “Soko” (Čović); “Jambo”; “Mepas”; and cantons seven, eight and ten. International Crisis Group, “Reunifying Mostar,” 34-5.

creation of a third entity (excluding Bosniaks) and protesting the return of ethnic minority IDPs. They maintained a combative stance with any party or party faction open to any “cooperation” with the IC and attacked the HDZ BiH in the media numerous times, normally criticizing the party and the politicians’ “betrayal” of war veterans. The organizations were also reportedly involved in organized crime and the illegal allocation of housing stock.²³² As will be seen in the next chapter, these groups assisted hard-line politicians to ensure that other politicians towed the obstructionist party line through fear and intimidation.

During the HDZ BiH party convention in May 1998, the generals’ faction took over the party leadership when Jelavić was elected president over Ljubić. This takeover has been called the “generals’ putsch” and began Jelavić’s purge of the party faithful who sought cooperation with the IC. This purge trickled down to officials in the police, army, and public institutions.²³³ In response to this turn of events, Zubak – the Bosnian Croat member of the BiH presidency at the time – formed a Bosnian Croat opposition party called the New Croat Initiative (NHI). This party became part of the “Alliance for Change” coalition (Alijansa za promjene) that blocked the traditional nationalist parties in BiH from power in 2000, which initiated the 2000-2001 Croat Crisis.

CONCLUSION

The two geopolitical processes of ethnic cleansing that Gerard Toal and Carl Dahlman delineate – the producing of a new ethnoterritorial order of space and the building of an ethnocratic political order upon that space – transformed a multi-cultured

²³² International Crisis Group, “Reunifying Mostar,” 32-3.

²³³ Grandits, 114; European Stability Initiative, 9.

community into two geographically divided competing groups. The conceptualization of Mostar as an integral part of Herceg-Bosna drew military forces to ethnically “cleanse” the city through ethnic expulsions and uricide to create a homogeneous Bosnian Croat space. The competing regimes created a legal legacy (the abandoned property laws) that frustrated the IC’s efforts to reverse ethnic “cleansing” in the postwar period. Even though the HVO failed to “cleanse” the entire city, a new ethnoterritorial order of space was born.

In the postwar period, the two new ethnocratic regimes that ran their sides of the city attempted to consolidate their political power by territorializing space through the division of social structures, the obstruction of returnees, and the symbolic colonization of space. The control of political, demographic, and cultural space allowed nationalists to maintain the imagined division, in spite of the increased freedom of movement and the administrative unification of the city. In 1998, Judith Bing recorded an instance where a Bosniak woman refused to cross into west Mostar in a group because she feared for her safety, even though the EUAM claimed that there was freedom of movement.²³⁴ Hromadžić stated that as a Bosniak she never felt “on her own territory” in west Mostar, nor did she feel at home in east Mostar after living there for 22 months in the mid-2000s.²³⁵ In 2007, Makaš noted that “even as individuals cross the physical dividing boulevard and use both sides of the city, the separation and distinctions persist in people’s minds.”²³⁶ The ethnicization of space is a constant reminder to Mostarians that their city is divided into two territorialized groupings, allowing politicians and criminals

²³⁴ Bing, 244

²³⁵ Hromadžić, 546.

²³⁶ Makaš, 18.

to seize economic resources. However, as seen, this division of Mostar should not imply that the regimes on either side were homogeneous, and their internal factionalism was important to the dismantling of the regime. In Mostar, factionalism in the Bosnian Croat regime continued to affect the regime as the IC began to undercut the structures that maintained its power when OHR began to take a more activist and unified approach in 1999.

CHAPTER 4

MOSTAR AND PROPERTY RESTITUTION

On 14 December 1995, representatives of the Bosniak, Bosnian Serb, and Bosnian Croat military and political forces signed the Dayton Peace Agreement, which established a two-entity country under the international supervision of the OHR. As seen in the previous chapter, during the war nationalist military forces used a combination of expulsions, genocide, and uricide in an attempt to transform the heterogeneous social and spatial organization of BiH into a mosaic of “homogeneous” nation-states. After the Bosnian War, over half of the country’s population (over 2 million people) lived as IDPs or refugees, and the country’s physical, economic, and social infrastructure was devastated. Under the auspices of the IC, the OHR undertook the considerable task of rebuilding BiH into a viable state. Annexes 6 (Human Rights) and 7 (Refugees and IDPs) of the Dayton Agreement established new and installed pre-existing international institutions in BiH. Also, they outlined the OHR’s agenda to reverse the effects of the war by demographically and physically “reconstructing” the country in an attempt to recreate the prewar ethnic geography.

The basis of the Dayton Agreement was the IC’s rejection of ethnic expulsions of persons and culture as a means of consolidating power and state building over territory.²³⁷ However, even though the agreement included significant protection for human rights, the political structure that the agreement created was highly decentralized. This gave significant autonomy to nationalist politicians and allowed them to obstruct efforts at all

²³⁷ Marcus Cox, “The Right to Return Home: International Intervention and Ethnic Cleansing in Bosnia and Herzegovina,” *International and Comparative Law Quarterly* 47, no. 3 (1998), 600.

levels of government and maintain their newly created mono-ethnic regimes. Annex 7 outlined the goal of returning IDPs and refugees to their homes. To achieve this goal, the OHR and the IC first abolished the wartime property laws and then gradually established a comprehensive return program to break political obstruction. One of the major components of the return process was property restitution, and while property restitution could not and did not restore or recreate ethnic harmony without intensive reconciliation efforts, recreating heterogeneous ethnic spaces was a start to the grander project of reconciliation.

The conflict between the Bosnian Croat and Bosniak military forces in Mostar changed the city from Yugoslavia's symbol of ethnic harmony to BiH's symbol of ethnic division. The war demographically changed Mostar. The nationalists' ability to strong-arm the EUAM and the IC by implicit threat of resuming the conflict between the Bosniak and Bosnian Croat wartime regimes allowed for the consolidation of ethnic division. After the EUAM was decommissioned, the OHR continued to direct significant financial, human, and physical resources into Mostar. After an initial period of international disorganization, which allowed nationalists to play international organizations against each other in order to achieve the most beneficial and least interventionist deal, the OHR began to dismantle some of the mono-ethnic structures by leading the IC in a more activist and unified approach. However, the OHR only achieved mixed results in Mostar and BiH, in general, because the OHR could not finish the dismantling of ethnocratic power structures due to the IC's waning interest and funding in the early 2000s. Even though the OHR administratively unified the political system, instituted a high rate of property restitution, and reconstructed a significant portion of the

city over the last sixteen years, Mostar remains a city territorially divided along the wartime confrontation line.

THE STRUCTURES OF PROPERTY RESTITUTION

BiH became the IC's first experiment to return refugees and IDPs not only to their prewar country of residence, but to their actual prewar address. As recently as the end of World War II, ethnic cleansing or "population transfers" was an internationally acceptable solution to ethnic tension. However, with the increase of ethnic conflicts in the third world and the pressure of asylum cases, repatriation became the favored international solution over relocation by the end of the Cold War.²³⁸ Annex 7 of the Dayton Peace Agreement established the basis of this effort in BiH:

All refugees and displaced persons have the right freely to return to their homes of origin. 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.²³⁹

The IC considered property restitution to be a "necessary component" of rebuilding BiH and the return process.²⁴⁰ One of the arguments for concentrating on property restitution put forth by international observers was that property was IDPs' and refugees' most valuable financial asset after the war for creating sustainable return or establishing relocation. However, with the state of the financial service industry in BiH and its

²³⁸ B.S. Chimni, "From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems," (Working Paper No. 2, 1999), 1.

²³⁹ "The General Framework Agreement for Peace in Bosnia and Herzegovina," December 14, 1995, Annex 7, Article 1.

²⁴⁰ UN Sub-Commission on the Promotion and Protection of Human Rights, *The Return of Refugees' or Displaced Persons' Property. Working Paper Submitted by Mr. Paulo Sérgio Pinheiro Pursuant to Sub-Commission Decision 2001/122*, 12 June 2002, E/CN.4/Sub.2/2002/17, available at: <http://www.unhcr.org/refworld/docid/3d52953c4.html> (accessed May 5, 2012), 7.

inability to manage an adequate property market, refugees and IDPs rarely could exploit the value of the property that was returned to them after the war.

Institutions of the Dayton Peace Agreement and Mostar

Among the Dayton Agreement's comprehensive provisions for the protection of human rights, Annex 6 established two institutions to determine and impose compliance with the Dayton Agreement upon the parties of the agreement: the Human Rights Chamber for BiH (hereafter: Chamber) and the Office of the Human Rights Ombudsperson (hereafter: Ombudsperson).²⁴¹ The main difference between the institutions was that the Ombudsperson only made non-legally binding recommendations while the Chamber issued final and legally binding decisions.²⁴² The Ombudsperson investigated maladministration and human rights violations upon submitted complaints and its own initiative. Even though the Ombudsperson could only issue recommendations, the office sent cases to the Chamber if the non-compliant party did not follow the recommendation. The Chamber also did not have an executive arm to enforce its decisions, but, in lieu of one, it forwarded its decisions that needed monitoring for compliance to the OHR and the OSCE. Originally, these institutions only had five-year mandates, but both mandates were extended for an additional three years at the end of which the Ombudsperson was transformed into a state institution and the European Court of Human Rights assumed the responsibilities of the Chamber. According to Walpurga Englbrecht, it is evident that these institutions "mainly dealt with housing and property

²⁴¹ "The General Framework Agreement for Peace in Bosnia and Herzegovina," Annex 6, Chapter 2.

²⁴² Walpurga Englbrecht, "Property Rights in Bosnia and Herzegovina: The Contributions of the Human Rights Ombudsperson and the Human Rights Chamber Towards Their Protection," in *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons*, by Scott Leckie, 83-142 (Ardsley, New York: Transnational Publishers, 2003), 85.

matters.” However, the nature of the Dayton Agreement created problems for the implementation of return because the OHR and OSCE had difficulty exerting pressure on the different levels of government to enforce compliance.²⁴³ The position of these institutions in housing matters necessitated the extension of their mandates because minority return in cities like Mostar only began in earnest in 2000 (the end of their initial mandate).

Annex 7 established the Commission for Displaced Persons and Refugees, which was called the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), to impartially and independently resolve property issues for return cases.²⁴⁴ The CRPC decided if a claimant had lawful or legal prewar possession of real property according to categories specified in the “Law on Basic Ownership Relations” from 1980. The condition of the land books was the most significant problem in determining ownership because these books contained all the ownership records. According to the CRPC, only one-third of the land books remained fully intact due to World War II and the Bosnian War. The ones that survived were poorly updated during the SFRY because of high registration and transaction taxes and the complexity of the system. Therefore, many properties were never registered in the land books.²⁴⁵ Because the land books were in such poor condition and the Real Property Cadastre was only established in 10% of the country, the CRPC was only able to confirm ownership rights for about 21% of private property claims. The CRPC, instead, mostly relied on prewar possession lists maintained in cadastral records to confirm possession and occupancy rights, which were regularly

²⁴³ *Ibid.*, 91

²⁴⁴ “The General Framework Agreement for Peace in Bosnia and Herzegovina,” Annex 7, Chapter 2.

²⁴⁵ CRPC, “End of Mandate Report,” 18.

updated and represented a relatively accurate picture of property possession before the war. Even though the cadastre only recorded possession rights, they were at least enough for claimants to repossess their property. However, the FBiH privatization law required occupancy right holders to occupy the apartment before they could purchase it, limiting the housing stock for BiH's rental sector.²⁴⁶ Also, because of the continuous security issues in postwar BiH, IDPs and refugees in many cases were unable to reoccupy safely their prewar home. So, this rule effectively excluded them from the privatization process. Therefore, when they sold the property as a form of compensation, they received lesser value for the property because they could only sell an occupancy right, not an ownership right.

Because of the dire condition of property records in BiH, the CRPC accepted a large range of documentation to establish ownership, possession, and occupancy rights, and it even accepted applications with no evidence.²⁴⁷ Since the CRPC would accept applications without any supporting evidence, the commission conducted its own research on property claims. However, the CRPC was at the mercy of local housing officials and courts' cooperation to acquire the necessary documentation, which as will be demonstrated in the case of Mostar was not forthcoming.²⁴⁸ Because of this, it almost took the initial length of the commission's mandate to establish its comprehensive

²⁴⁶ Ibid., 18.

²⁴⁷ A list of the documentation that the CRPC accepted as supporting evidence to confirm different types of right is included in Appendix B.

²⁴⁸ Before and after the war, cadastral records are maintained at municipal housing offices and geodetic departments, and the land books are maintained at the municipal courts. Also, to complicate matters further, allocation decisions are maintained at socially-owned enterprises and municipal housing offices.

Cadastre Database from the collected municipal land record data.²⁴⁹ Like the Ombudsperson and the Chamber, the CRPC's initial mandate was initially only five years, but it was extended for an additional three years. In Mostar, most of the records were not significantly damaged during the Bosnian War even though the Cadastral Institute was totally gutted. However, because of the postwar political situation in Mostar the records were not frequently available to all sides as documents were withheld from competing sides.²⁵⁰ Apparently, the destruction of records was not pervasive in Mostar, but the manipulation of records did occur in the cases of financially valuable properties. At the end of the CRPC's mandate, the institution transferred its databases to BiH ministries and its records are maintained at the BiH National Archives.²⁵¹

Some have argued that the CRPC was an unnecessary agency that duplicated the work of the municipal housing offices, especially since many refugees and IDPs applied

²⁴⁹ The CRPC received its first data from the BiH Administration for Geodetic and Property Rights Affairs for 52 municipalities in July and August 1997. From this data, CRPC designed its Cadastre Database; however, by 1999 CRPC identified mistakes in the data and software because of different previously used data management software, suspending part of the database's usage. In response to this problem, the CRPC formed the Verification and Cadastre Unit to manage the database and deal with various data problems, such as format, conversion, and storage issues. By the end of 1999, the database was fully functional and expanded to 62 municipalities. During 2000, the CRPC finally overcame political obstruction from Republika Srpska's Geodetic Administration and found additional digitized Real Property Cadastre data for other municipalities, expanding its coverage to 67 municipalities. By the end of 2001, the CRPC digitized the Real Property Cadastre data, replaced Land Cadastres with Real Property Cadastres, and expanded the Real Property Cadastre data, resulting in the coverage of 80 out of 109 prewar municipalities. In 2002, the database expanded to 86 municipalities. During 2003, CRPC amended its Book of Regulations to include records from the New Land Survey because of the numerous partially decided and completely undecided claims. The New Land Survey records are different than the Land and Real Property Cadastre records because they were not published in an official gazette, but they had gone through all the necessary verification and registration steps. The addition of the New Land Survey data added information for 409 cadastral municipalities within 43 political municipalities. CRPC, "End of Mandate Report," Annex D, 2-4.

²⁵⁰ Ivan Lesko, interview by author, (July 11, 2012); Yarwood, 121.

²⁵¹ CRPC, "End of Mandate Report," 34. The CRPC transferred its Repossessions Tracking Database and its Integrated Property System to the BiH Ministry of Human Rights and Refugees. The CRPC's Cadastre Database was transferred to the FBiH Geodetic Administration, the Republika Srpska Geodetic Administration, and the BiH Ministry of Civil Affairs.

to both in order to resolve their property restitution issue.²⁵² However, while the problem with redundancy was true in the CRPC's case, this argument ignores the valuable work the CRPC did beyond the delivering of decisions. The institution made significant contributions to improving the condition of property records in BiH by collecting, conforming and editing them. It was also an important institution in the development of property legislation, and it established and maintained the Integrated Property System, which integrated the CRPC's claim and decision database with the Repossessions Tracking Database. This system assisted agencies in identifying double occupants and improved monitoring capabilities.

Annex 7 of the Dayton Agreement provided for the creation of a compensation fund to be established by the Central Bank of BiH and administered by the CRPC, allowing refugees and IDPs the right to choose between return and compensation. However, the right to compensation in the return process early became a dividing issue among members of the IC, causing the compensation fund to be never established. Even though the CRPC pursued the creation of the fund, neither the Government of BiH nor the IC provided any funds for its establishment.²⁵³ Critics of the fund argued against the right to compensation guaranteed in the Dayton Agreement because they feared that IDPs and refugees would readily use it, undermining the goal of ethnic reintegration and rewarding the obstruction of return.²⁵⁴ Others argued that property repossession and

²⁵² Charles Philpott, "Though the Dog is Dead, the Pig must be Killed: Finishing with Property Restitution to Bosnia-Herzegovina's IDPs and Refugees," *Journal of Refugee Studies* 18, no. 1 (2005).

²⁵³ CRPC, "End of Mandate Report," Annex B, 1.

²⁵⁴ Eric Rosand, "The Right to Compensation in Bosnia: An Unfulfilled Promise and Challenge to International Law," *Cornell International Law Journal* 33, no. 113 (2000): 117; Huma Haider, "The Politicisation of Humanitarian Assistance: Refugee and IDP Policy in Bosnia and Herzegovina," *The Journal of Humanitarian Assistance*, April 26, 2010; CRPC, "End of Mandate Report," Annex B, 1-2.

people's ability to sell their property allowed IDPs and refugees to receive compensation for the property they lost during the war at a fairer market price and in a more timely manner than a compensation scheme could provide.²⁵⁵ However, there was a significant problem with the latter's perspective, which became the de facto policy: the real estate market in postwar BiH lacked important mechanisms to function properly. First, the market lacked official state or self regulation regarding the conduct of real estate brokers and the procedures. Second, there was not an applicable system for property valuers to use or even enough trained valuers for the market to work in a coherent manner. Third, excessive taxes still existed on the sale of property, causing people to operate outside of the official mechanisms that existed to complete unofficial property sales and exchanges. This grey real estate market only served to exacerbate the discrepancies in the property records and introduced higher levels of corruption.²⁵⁶

In Mostar, after the signing of the Washington Agreement, the municipal housing authorities were divided along ethnic lines as well as the departments that managed IDP and refugee issues. DOM Mostar, the city's PHE for managing socially-owned property, was divided. On the west side, URBING Mostar was established, while on the east side the Public Housing Enterprise was still called DOM Mostar. However, as of January 2013 both have failed to be completely privatized as construction companies. There were multiple Departments for IDPs and Refugees at the cantonal and municipal levels. At the cantonal level, there were two departments, one Croat and one Bosniak, until 2004. During the unification of the departments, the two departments' records and reports on

²⁵⁵ Paul Pretitore, "The Right to Housing and Property Restitution in Bosnia and Herzegovina: A Case Study," (Working Paper, 2003), 14.

²⁵⁶ Rabenhorst provides a more detailed description of the numerous deficiencies in the real estate market.

IDPs and refugees were mysteriously lost. Copies of these records are maintained at the BiH Ministry of Displaced Persons and Refugees and the only surviving records at the cantonal level for this time period is a database of applicants from 1998. At the municipal level, each of Mostar's six city-municipalities had their own departments for housing affairs, health, IDPs and refugees. The unification process of these municipal departments took longer than the cantonal department so they were not unified until 2007.

Economic Privatization

The US Agency for International Development (USAID) began the privatization of commercial property in 1997. USAID planned for a rapid two-year process, using a voucher system that already had failed in Russia and the Czech Republic. However, the process fell far short of the two-year goal.²⁵⁷ By the end of 1997, only 384 of 3,200 enterprises in BiH had prepared privatization plans and “by mid-2002, only 27 percent of state capital had been privatized.”²⁵⁸ The process was also slowed by the fact that privatization was executed at the entity and cantonal levels, so 12 different privatization agencies were involved. Also, nationalists preferred to maintain enterprises within the control of their regimes or, in other words, state-owned. In postwar BiH, there was very little institutional framework, such as functioning impartial courts and banks, to monitor and execute the privatization process, leading to slow, unpredictable and “often perverse consequences.”²⁵⁹

²⁵⁷ International Crisis Group, “Bosnia's Precarious Economy: Still Not Open for Business,” August 7, 2001, <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/115-bosnias-precariouseconomy-still-not-open-for-business.aspx> (accessed January 15, 2013), 18.

²⁵⁸ Pugh and Cooper, 164.

²⁵⁹ Donais, 5.

Due to concerns of the ethnicization of the privatization process raised by people like Haris Silajdžić, the OHR established the Privatization Monitoring Commission in June 1998 to prevent discrimination.²⁶⁰ However, according to Timothy Donais, “it proved unable to effectively prevent privatization from becoming another battlefield in Bosnia’s ongoing ethnic conflict.”²⁶¹ In addition, there was little interest from international investors in BiH, and even when there was interest, politicians obstructed the process so that favored nationalists could acquire the enterprise cheaply instead. This led to many politicians acquiring positions in BiH’s most profitable enterprises, especially during the OHR’s crackdown on hard-line nationalists as they migrated from politics to business.²⁶²

One of the privatization models used in west Mostar and other Bosnian Croat municipalities was co-capitalization, which was first developed in Croatia under the Tudjman regime. Pugh and Cooper describe this model:

Shadow boards took over enterprises prior to privatization and ensured, through contractual continuity, that existing directors would own the privatized firm. Former state enterprises were allowed to run down, any worthwhile assets were stripped, and the property sold cheaply to the shadow board in return for donations to the dominant nationalist party.²⁶³

This scheme became common practice in west Mostar and allowed for the ethnicization of the economy and employment. This created economic problems for returnees because

²⁶⁰ Office of the High Representative of Bosnia and Herzegovina, “Decision establishing the Privatisation Monitoring Commission,” June 23, 1998, http://www.ohr.int/decisions/econdec/default.asp?content_id=20 (accessed January 15, 2013).

²⁶¹ Donais, 5.

²⁶² International Crisis Group, “Why Will No One Invest In Bosnia and Herzegovina?,” April 21, 1999, <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/064-why-will-no-one-invest-in-bosnia-and-herzegovina.aspx> (accessed January 15, 2013), 1; International Crisis Group, “Bosnia’s Precarious Economy,” 24.

²⁶³ Pugh and Cooper, 174.

they no longer could return to work at their prewar places of employment nor could they collect the benefits of privatization because ethnocratic management would distribute their shares to others. The problem of the enthnicization of employment added another obstacle to an IDP's attempt to make a sustainable return. By losing their former employment, they normally lost one of their few possibilities to generate income, especially with the poor state of the BiH economy.

Of Mostar's major prewar factories, "Aluminij" is the only one that remains today with a production capacity even close to its prewar level. Before the war, the plant was one of BiH's most important socially-owned enterprises, but during the war the plant was damaged and looted by Bosnian Serb and Serb paramilitaries. In June 1992, a new board of managers was appointed, consisting of four Bosnian Croats who had been on the board previously.²⁶⁴ One of the Bosnian Croats was Brajković, an HVO commander and future mayor of west Mostar, and he was appointed as the company's general director when it restarted operations in 1997.²⁶⁵ Reportedly, during the war Bosniak prisoners from the Heliodrom camp were forced to clean the plant for six months.²⁶⁶

According to Michael Pugh, during privatization "the management had the enterprise valued at \$84 million, a fraction of its prewar value of \$620 million, although...its exports in the first year of revival reached \$85 million."²⁶⁷ Brajković

²⁶⁴ Amnesty International, "Behind Closed Gates: Ethnic Discrimination in Employment (Including Amendment)," (2006), 42.

²⁶⁵ Deloitte, "Investment Opportunity: Aluminij d.d., Mostar, Bosnia and Herzegovina," *Agencija za privatizaciju u Federaciji BiH*, 2006, http://www.apf.com.ba/aktuelna-prod/tenderi/dokumentacija/aluminij/eng/Teaser_Aluminij_Final%20_020307.pdf (accessed August 8, 2012).1.

²⁶⁶ Amnesty International, 42.

²⁶⁷ Pugh, "Spoils of Peace," 475.

managed to privatize the company through a co-capitalization process. However, in the fall of 2006, the government of the FBiH and “Aluminij” reached a shareholding agreement to revise the privatization result so shares were divided according to the following: 44% FBiH, 44% former and current employees of “Aluminij,” and 12% Croatian Privatization Fund. Brajković managed to redirect the shares of employees who were of an ethnic minority to the Bosnian Croat management and workers.²⁶⁸ In 2010, Glencore, a Swiss commodity trading and mining company, attempted to gain a majority share in “Aluminij,” but the government of BiH cancelled the negotiations.²⁶⁹ As a result of the ethnocratic management board, the workforce was cleansed so, as of 2003, Bosnian Croats were 93% of the workforce. While the total number of Bosnian Croat workers is almost half of the prewar level, losing 692 workers, 994 of 1119 Bosniaks and 740 of 777 Bosnian Serbs no longer worked at “Aluminij.”

Other companies in Mostar were privatized under circumstances that ethnocized their management boards and workforce. “SOKO,” which was a large Mostar-based prewar producer of planes and automobiles that employed people in the countryside as well as in the city, was divided into numerous companies, breaking its vertical monopoly. Many parts of the company were privatized by Croatian firms and members of Herceg-Bosna. “Hepok” was a prewar food processor in Mostar and during the war the company was divided in the city. During privatization, a Croatian company bought the west side’s part of Hepok and a Sarajevo-based company bought the east side’s part. “Fabrika Mostar Tobacco” was one of the largest prewar companies on the east side, but the privatization

²⁶⁸ Ibid., 475.

²⁶⁹ Paulina Pielichata, “Aluminij Mostar will cut aluminium production by 12.5%,” *Metal Bulletin Weekly*, July 30, 2012.

of the company to date has failed. The ethnicization of the commercial sector through privatization mainly affected the return of IDPs and refugees in three ways: it gave greater financial support to ethnocratic power structures; it significantly damaged the possibility of IDPs and refugees to make a sustainable return, particularly in small villages where there was only one prewar enterprise; and in many cases these past workers were excluded from the disbursement of the privatization funds so they were barred from money that would help fund relocation.

Renovating Legal Structures

Much of the early literature on the mechanics of property restitution in BiH was produced by the agencies or members of the agencies that were involved in the process, such as the CRPC and OSCE.²⁷⁰ Later literature by academics and researchers focuses on the effects of property restitution and return in reversing ethnic cleansing. The main topic of the earlier literature was how the IC could or did enforce property restitution, generally arguing that greater cooperation among the IC and focusing on rights-based restitution were the keystones of property restitution's relative success.²⁷¹ The main argument was the need for the institutionalization of the rule of law. However, this seems to imply that law was absent from BiH. In some cases there was in effect lawlessness in BiH, but that hides the fact that there was rule of law, just not laws that the IC found acceptable. The legal structure of post-Dayton BiH was founded on principles of ethnic separation and control. Nationalist politicians created property regimes founded on laws that they could

²⁷⁰ These authors include Rhodri C. Williams (OHR 1996-2000, OSCE 2000-4), Charles Philpott (OSCE 1999-2002), Paul Prettitore (OSCE), Walpurga Englbrecht (UNHCR), Hans Van Houte (CRPC), and Marcus Cox (CRPC 1996-7).

²⁷¹ Philpott; Williams, "Post-Conflict Property Restitution."

and did use to implement these principles. Therefore, the first order of business that the OHR and IC embarked upon in order to institutionalize an internationally-acceptable rule of law was to dismantle this ethno-exclusionist legal regime. Without its dismantlement, the enforcement of property return would be an ideal that could never be realized.

Prior to the USAID's efforts, the FBiH passed in 1997 its own privatization law, the "Law on the Sale of Apartments with an Occupancy Right," which outlined the procedure for the purchase of socially-owned housing.²⁷² Since property restitution for minority return had barely begun, this law endangered the legal prewar occupant's ability to reclaim the property because the temporary occupant could quickly initiate privatization proceedings and make the reallocation permanent. Also, even though the CRPC began processing cases and delivering decisions, the wartime property laws were a major obstacle to beginning the return process because the Dayton Peace Agreement did not give the CRPC the power to enforce its decision, and municipal housing authorities used the wartime laws as a legal fig leaf to validate their obstruction. Because of widespread occupancy right cancellations using the "Law on Housing Relations" and the postwar purchase law, many IDPs and refugees risked losing their property permanently.²⁷³

Immediately after the war, the IC through the OHR began pushing for the FBiH and Republika Srpska to repeal the abandoned property laws. Even though promises were made and conferences were attended, the political will to accomplish the task at the federal level was weak, if not, non-existent. After two missed deadlines and a painful

²⁷² "Law on Sale of Apartments with an Occupancy Right," *Official Gazette of the Federation of Bosnia and Herzegovina*, nos. 27/97, 11/98, 22/99, 27/99, 32/01.

²⁷³ Williams, "Post-Conflict Property Restitution," 487.

two-year process that a participant compared to “hitting your head against a wall,”²⁷⁴ the FBiH after negotiations with the OHR and UNHCR on 4 April 1998 passed the “Law on the Cessation of the Application of the Law on Abandoned Apartments,” the “Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens” and the “Law on Taking Over the Law on Housing Relations” to remove the legal veneer of ethnic cleansing.²⁷⁵ However, since the laws were too conditional, making it excessively difficult for prewar occupants to reclaim their homes, the OHR imposed amendments to the laws and the final set of amendments in October 1999 harmonized the claims process in both entities.²⁷⁶

The cessation laws defined a multiple or double occupant as a current user who holds an occupancy right to more than one apartment and the multiple occupant is able return to their prewar residence with only minimal repair or another alternative accommodation already has been provided by the authorities. This definition included all members of a prewar family household to include cases where a family “branched out” during the war, gaining additional properties.²⁷⁷ According to the law, multiple occupants were given 15 days to vacate the property with no right to alternative accommodation to be provided by the municipal housing authorities. This law gave rise to Double Occupancy Commissions that determined multiple occupants and pushed for their eviction. These commissions were constructed because multiple occupancy represented

²⁷⁴ Quoted in Waters, 550.

²⁷⁵ Lynn Hastings, “Implementation of the Property Legislation in Bosnia and Herzegovina,” *Stanford Journal of International Law* 37, no. 221 (2001), 230. These laws are collectively known as the “cessation laws.”

²⁷⁶ Williams, “The Significance of Property Restitution,” 44-5

²⁷⁷ “Law on the Cessation of the Application of the Law on Abandoned Apartment,” *Official Gazette of the Federation BiH*, nos. 11/98, 38/98, 12/99, 18/99, 27/99, 43/99, Article 11, 8-9

one of the worst housing crimes that occurred during the war as many were domicile upgraders and because these cases were easier to resolve since multiple occupants did not need alternative accommodation.

The laws also defined people who occupied someone else's property after 30 April 1991 as a temporary user. It also invalidated any occupancy right given between 1 April 1992 and 7 February 1998, transforming the holder of this right into a temporary user. It also distinguished between temporary users with a legal basis and ones without. A legal temporary user was an occupant that had an allocation decision from the relevant authorities. They were given 90 days to vacate the property and were to be provided alternative accommodation by the municipal housing authorities. In contrast, an illegal temporary user did not possess an allocation decision and they followed the same process as multiple occupants – 15 days to vacate the property without a right to alternative accommodation.²⁷⁸ After resolving the legal foundation of property regimes, the OHR had a stronger legal basis to apply the Bonn Powers – the power to dismiss political officials – to address enforcement issues and political obstructionism of these ethnocratic regimes.

MINORITY RETURN IN MOSTAR

Wolfgang Petritsch became the High Representative in August 1999, which marked the beginning of a more activist approach in implementing the Dayton Peace Agreement. This new approach particularly affected Mostar where four officials were

²⁷⁸ Ibid., Article 7, 6-7.

removed, operation WESTAR was conducted, and Hercegovačka Banka was raided.²⁷⁹ Even though the OHR gained the Bonn Powers in 1997, which gave it the power to dismiss political officials, the office did not make significant use of the power to remove officials for “soft” obstruction until about a month after the final amendments to the cessation laws were passed.²⁸⁰ The final-binding nature of CRPC decisions did not have much effective force in BiH until the OHR imposed the “Law on Implementation of the Decisions of the Commission for Real Property Claims of Displaced Persons and Refugees” on 27 October 1999. However, even then the OHR still needed the capacity to enforce this law at the local level.²⁸¹ On 29 November 1999, it dismissed twenty-two officials, three of which were in Mostar, from office and banned them from future elections and politically appointed position. Through these removals, the OHR gained the capacity to enforce change in localities in order to make returns possible. However, significant progress was not made in Mostar until ethnocratic power structures began to weaken and the Property Law Implementation Plan (PLIP) adapted a rights-based approach to property restitution.

Removals in Mostar

The implementation of refugee and IDP return in BiH was a slow process because of political obstruction, and Mostar is one of the clearest examples of how political obstructionism affected the process. Even though the Bosnian government passed laws

²⁷⁹ Toal and Dahlman, 238. Operation WESTAR is discussed below.

²⁸⁰ “Soft” obstruction is any sort of non-violent political manipulation to obstruct the progress of the Dayton Peace Agreement’s implementation, particularly the obstruction of minority return.

²⁸¹ Office of the High Representative of Bosnia and Herzegovina, “Decision on the Recognition and Implementation of CRPC Decisions in the Federation,” October 27, 1999, http://www.ohr.int/decisions/plipdec/default.asp?content_id=198 (accessed April 5, 2011).

and the OHR imposed decisions to facilitate the implementation of property restitution, many Bosnian authorities at the local level made little to no effort to implement the laws and instead actively sought to obstruct their implementation. Nationalist parties encouraged workers in municipal housing offices to process property requests slowly or lose them. Authorities used a variety of methods of obstruction, such as charging high processing fees, refusing to receive claims, referring claimants to bodies that were not authorized to deal with claims, demanding unnecessary documentation, amending claim forms to ask inflammatory questions, and refusing to establish housing authorities.²⁸² Mostar is no different than the rest of BiH in this respect and the return of displaced persons to Mostar did not make significant progress on property repossession or return in general until activist intervention in Mostar sought to dismantle ethnocratic power structures and the implementation of the Property Law Implementation Plan (PLIP).

On 29 November 1999, the OHR removed Nedžad Behram from the position of Head of the Housing Department in the Old Town Municipality (east Mostar),²⁸³ Marina Deronjić from the position of Head of the Housing Department in the Southwest Municipality (west Mostar),²⁸⁴ and Stipe Marić from the position of Mayor in the

²⁸² Hastings, 231-2.

²⁸³ Office of the High Representative of Bosnia and Herzegovina, “Decision removing Mr. Nedžad Behram from his position of Head of Housing Department of Mostar Municipality Old Town,” November 29, 1999, http://www.ohr.int/decisions/removalssdec/default.asp?content_id=272 (accessed June 1, 2012).

²⁸⁴ Office of the High Representative of Bosnia and Herzegovina, “Decision removing Ms. Marina Deronjic from her position of Head of the Housing Department in Municipality Mostar South West,” November 29, 1999, http://www.ohr.int/decisions/removalssdec/default.asp?content_id=275 (accessed June 1, 2012). The OHR lifted Deronjić’s ban on holding any public office on 5 May 2005 and is now the head of Mostar’s Department of Urbanism and Construction.

Southwest Municipality (west Mostar).²⁸⁵ The OHR accused Behram of failing to properly process repossession claims and mismanaging vacant housing stock. Among the listed violations are illegally reallocating vacated apartments to new IDPs and social cases while disregarding repossession claims against them; deliberately delaying the resolution of double occupancy cases, particularly in a internationally-funded reconstruction project in Podvezlje where none of the IDPs had repossessed their apartments; deliberately misinforming claimants about their rights; and denying that his office was responsible for repossession claims.²⁸⁶ According to the International Crisis Group, after the removals, the housing officials in east Mostar were more willing to evict double occupants in cases that were confirmed by the Double Occupancy Commission.²⁸⁷

Obstruction in west Mostar was more uniform and absolute because the Southwest municipality exerted significant influence on the functioning of the other two west Mostar municipalities. Therefore, the Southwest municipal housing office had de facto executive authority over all three Bosnian Croat municipalities.²⁸⁸ Until 1999, none of the confirmed double occupancy cases in west Mostar were solved by the housing office.²⁸⁹ The office only gave negative decisions concerning private property cases claiming that the office did not have the competency to decide such cases. Also, Marić stated that neither war veterans nor families of war victims would be evicted from the

²⁸⁵ Office of the High Representative of Bosnia and Herzegovina, "Decision removing Mr. Stipe Maric from his position as Mayor of Mostar South West," November 29, 1999, http://www.ohr.int/decisions/removalssdec/default.asp?content_id=281 (accessed June 1, 2012).

²⁸⁶ Office of the High Representative of Bosnia and Herzegovina, "Behram."

²⁸⁷ International Crisis Group, "Reunifying Mostar," 40.

²⁸⁸ Office of the High Representative of Bosnia and Herzegovina, "Maric."

²⁸⁹ International Crisis Group, "Reunifying Mostar," 40.

housing units that were allocated to them.²⁹⁰ According to the International Crisis Group, as of 2000, there were 103 confirmed double occupancy cases, but housing officials were unwilling or afraid to resolve them because the occupants had connections to politicians or HVIDR-a.²⁹¹ By July 1999, 6,044 socially-owned property claims and 463 private property claims had been filed with the west Mostar housing offices, but the offices only processed a handful of double occupancy claims. The Southwest municipality was the worst of them with a backlog of approximately 4,500 unprocessed claims.²⁹² The backlog was a result of politically pressured discrimination against minority returns, causing the OHR to remove Marić and Deronjić.

On 7 February 2000, the Municipal Council of the Southwest Municipality brought a suit against the OHR to the Human Rights Chamber over the removal of Marić and Deronjić, claiming that the removals violated their “freedom of thought, conscience and belief, [their] freedom of expression, as well as [their] right to work.”²⁹³ The Chamber dismissed the case as inadmissible because the Dayton Agreement established the Chamber to decide cases against Parties to the Agreement brought by alleged victims of a violation of the Agreement. Since the OHR was not a party to the Agreement, the Chamber determined it could not accept cases against the OHR.

In spite of these removals, the obstruction of property restitution continued in the Southwest municipality because of pressure from HDZ BiH and HVIDR-a. The following is an excerpt from a statement provided to the Chamber on 30 November 2000

²⁹⁰ Office of the High Representative of Bosnia and Herzegovina, "Maric."

²⁹¹ International Crisis Group, "Reunifying Mostar," 40.

²⁹² *Ibid.*, 39.

²⁹³ *Municipal Council of the Municipality South-West Mostar v. the High Representative*, CH/00/4027 and CH/00/4074 (Human Rights Chamber for Bosnia and Herzegovina, March 9, 2000), 2.

by the American Refugee Council for property restitution cases regarding Đulba Krvavac (Bosniak) and Danica Pribišić (Bosnian Serb):

During several meetings, housing officials informed ARC [American Refugee Council] lawyers that they, the housing officials, were under instructions from higher authorities, including the mayor, not to process any claims for apartment decisions and not to return any property to minority occupancy right holders...

In the April 17th 2000 meeting, Ms. [R.C.] also indicated that the municipality considered the property cases to be political and therefore they would not seek a legal solution as the municipality was obligated to do by law. In a meeting on May 29th 2000 with [R.C.] and [Z.M.], the heads of housing Mostar West and Mostar Southwest municipalities, they directly referred to the lack of instructions by the mayor of their municipality that would allow them to process cases...²⁹⁴

It is important to note that these meetings occurred after the OHR dismissed Marić and Deronjić from office. Marić's replacement, Ivica Rozić, resigned at the beginning of April 2000 after "the international community pressured him to resolve 39 multiple occupancy cases within 15 days of taking office." Rozić explained that he was "not prepared to fulfill the duties of mayor" due to the political pressure exerted upon him.²⁹⁵ After Rozić's resignation, the positions of mayor and head of the housing office in the Southwest municipality were vacant during this period, effectively stopping the housing office from functioning. The International Crisis Group referred to this situation as part of HDZ BiH's "empty chair strategy" to obstruct housing restitution.²⁹⁶

Besides obstructing property restitution and minority return to consolidate their control over western Herzegovina, HDZ BiH had Bosnian Croat IDPs from other parts of

²⁹⁴ *Krvavac et al v. the Federation of Bosnia and Herzegovina*, CH/00/6436 and CH/00/6486 (Human Rights Chamber for Bosnia and Herzegovina, July 3, 2002).

²⁹⁵ International Crisis Group, "Reunifying Mostar," 41.

²⁹⁶ *Ibid*, 31.

BiH, particularly central Bosnia, relocate by providing them with new homes. The Herceg-Bosna regime appropriated, for this demographic purpose, state- and socially-owned farmlands normally owned by IDPs from the ethnic minority, transforming them into housing estates and giving them to favored IDPs. In the Herzegovina-Neretva Canton, HDZ BiH built 3,000 plots by mid-1999 in the municipalities of Čapljina, Mostar and Stolac.²⁹⁷ On 5 May 1999, the OHR issued a ban on the disposal of public land and continued the ban until 15 May 2003 when the Property Law Implementation Plan (PLIP) ended. However, even with the ban HDZ BiH continued to build new estates, expanding the total to 4,000 plots by 2002.²⁹⁸ The OHR even noted the continuation of the practice by HDZ BiH in a decision extending the ban.²⁹⁹

The manipulation of public lands occurred in east Mostar as well, but to a lesser extent. In 2003, the FBiH financial police investigated Oručević and eight others for illegally allocating public land to build apartment buildings in the Cernica area of Mostar. He was also charged with forging official documents to exempt investors from construction taxes.³⁰⁰ The IC needed to dismantle the power structures and networks behind the ethnocratic regimes before significant change at the local level could occur in order to stop these egregious offenses.

Activist Intervention

²⁹⁷ Toal and Dahlman, 249.

²⁹⁸ Office of the High Representative of Bosnia and Herzegovina, "Decision extending until 30 June 2000 the Decision on certain types of socially-owned land of 26 May 1999," December 30, 1999, http://www.ohr.int/decisions/plipdec/default.asp?content_id=210 (accessed January 15, 2013).

²⁹⁹ Ibid.

³⁰⁰ Centar za istraživačko novinarstvo, *Safet Oručević*.

On 14 October 1999, the Stabilization Force (SFOR) conducted Operation WESTAR, which entailed the raiding of four different office buildings of Herceg-Bosna and the police in west Mostar.³⁰¹ The raid uncovered that the Croatian National Intelligence Service (NIS) and the Bosnian Croat National Security Service (SNS), which was supported by HDZ BiH, were working bilaterally on intelligence operations. The focus of these operations was to spy on international organizations, particularly the Hague Tribunal Investigation Team.³⁰² Among the 200 gigabytes of information and 10,000 text documents, SFOR found CDs with pornography and equipment to counterfeit credit cards and cell phone chips, which were apparently used either to support illegal operations or for personal gain. SFOR found evidence of four major intelligence operations directed against the IC: Grom, Munja, Puma, and Panther. Operation Puma targeted 30 ICTY investigators in Livno by tapping phone lines, monitoring radio signals, and recruiting interpreters. Operation Munja sought to install surveillance equipment in the offices of international organizations. Operation Grom attempted to recruit operatives in international organization. Operation Panther had agents monitor members of the IC to uncover their roles in putting pressure on Bosnian Croats in BiH for the gain of the members' home country.³⁰³ While SFOR's initial allegation against the SNS – the operations were intended to lead to the creation of a third entity – was never expanded upon, this raid was one of few actions that did cut into Herceg-Bosna's capacity to maintain its operations.

³⁰¹ The Stabilization Force (SFOR) was a NATO-led peacekeeping that operated in post-Dayton BiH and coordinated its efforts with the OHR.

³⁰² International Crisis Group, "Reunifying Mostar," 30.

³⁰³ SFOR, "Operation Westar Preliminary Results, *NATO*, December 17, 1999, <http://www.nato.int/sfor/sfor-at-work/opwestar/t991216a.htm> (accessed December 27, 2012).

The activist intervention against HDZ BiH compounded the economic problems that Herceg-Bosna faced. In January 1999, the OHR created a unified customs administration, which slowed, but by no means stopped, previously unhindered smuggling along the Croatian-Herzegovinian border. This strained the financial resources of Herceg-Bosna and its elite.³⁰⁴ Many Bosnian Croat voters became disillusioned with the party as they failed to fulfill their promises and faced significant financial problems. Canton 10 owed the Mostar pension fund significant outstanding contributions, Bosnian Croat schools had a shortage of textbooks in 1999, and some of the housing construction for Bosnian Croat IDPs in Herzegovina was halted due to a shortage of funds.³⁰⁵ Also, in February 2000 following the death of Tudjman, Stipe Mesić was elected president of Croatia. Mesić was committed to ending Croatia's subsidization of Herceg-Bosna:

[W]e are also making it known that the involvement [of Croatia] in the internal affairs of BiH is coming to an end. ... In every sense there is still the big problem of the continued existence of the remnants of Herzeg-Bosna [Herceg-Bosna], and Croatia cannot and should not finance these. It is clear that all of these must be incorporated into the Federation and into BiH. There cannot be this Chamber of Commerce and that Chamber of Commerce, one for this part of the state and one for the other. The remnants of Herzeg-Bosna, with which some still offer the false picture or illusion that Bosnia and Herzegovina will be divided, cannot survive.³⁰⁶

News reports about the Herzegovinian crime bosses helped turn public opinion in Croatia against Bosnian Croats in Herzegovina.³⁰⁷ This growing disillusionment was reflected in the 2000 election results.

³⁰⁴ Grandits, 115.

³⁰⁵ European Stability Initiative, "Power Structures," 10.

³⁰⁶ Quoted from International Crisis Group, "Reunifying Mostar," 29.

³⁰⁷ Grandits, 115.

HDZ BiH exerted considerable effort to reenergize their political base to defend itself from growing competition created by new Bosnian Croat political parties, such as Zubak's New Croatian Initiative (NHI) and Prlić's Forum 2000. Even though HDZ BiH still won the Bosnian Croat vote, Bosnian Croat voter turnout was extremely low in both the April 2000 municipal elections and the November 2000 general elections. They captured a smaller percentage of the vote and did not become part of the new "Alliance for Change" governing coalition at the state and Federation levels.³⁰⁸ The Alliance for Change was a ten-party coalition that provided an alternative to the three main nationalist parties that ruled BiH since the SFRY's first pluralist elections (SDA, HDZ BiH, and the Serbian Democratic Party). HDZ BiH refused to accept the situation of being excluded from power and boycotted the new government, claiming that it was illegitimate because it did not include them – the largest Bosnian Croat party.

HDZ BiH held a Croat National Congress on 3 March 2001 in Mostar where 528 delegates proclaimed temporary self-government for all Bosnian Croats in BiH. This proclamation was the last straw for the OHR in dealing with Jelavić and HDZ BiH. On 7 March 2001, the OHR removed Jelavić from office for attempting to "undermine the constitutional order of the Federation of Bosnia and Herzegovina and Bosnia and Herzegovina and establish an illegal parallel structure."³⁰⁹ On 18 April 2001, the OHR had the SFOR raid Hercegovačka Banka on charges that HDZ BiH was using money in the bank to finance efforts to create a third entity. The bank was put under international

³⁰⁸ The "Alliance for Change" consisted of SDP and SBiH and smaller parties, such as NHI, Forum 2000, the Croat Peasant Party (HSS), and the independent list "*Rodom za boljitak*."

³⁰⁹ Office of the High Representative of Bosnia and Herzegovina, "Decision removing Ante Jelavic from his position as the Croat member of the BiH Presidency," March 7, 2001, http://www.ohr.int/decisions/removalssdec/default.asp?content_id=328 (accessed January 15, 2013).

supervision and many of the bank's transactions were blocked. This stopped payment to the Bosnian Croat soldiers whom the Croat National Congress paid to leave the Federation army "in protest" of the government. Weeks later, negotiations began for their return to command. The investigation of the bank concluded that the bank violated BiH's banking laws and regulations, used funds to finance attempts to change BiH's constitution through illegal means, and, at the expense of workers and customers, funneled money into private enterprises owned by the management board.³¹⁰

A final office removal in Mostar occurred on 15 January 2002. Ivan Mandić was removed from the position of Head of the Southwest Municipality for obstructing the property restitution process and illegally allocating public land.³¹¹ Mandić failed to observe the OHR's ban on allocating public property. He illegally allocated public lands and added extra rooftop floors to existing apartment buildings in the Southwest municipality. As Head of the municipality, he ensured that the municipal housing office did not have enough qualified staff members and improperly distributed the workload to the staff even after being warned by supervisory organizations. He continually blocked the restitution of sensitive properties, especially those illegally occupied by members of HDZ BiH and UDIVDR-a. He also publicly defended double occupancy in the cases of newly formed families. The combination of these removals of obstructionist politicians, raids against Herceg-Bosna's financial sources, and the weakening of local and regional

³¹⁰ Office of the High Representative of Bosnia and Herzegovina, "Provisional Administrator Announces Conclusions of Her Investigation," December 16, 2002, http://www.ohr.int/other-doc/hb-padmin/default.asp?content_id=28730 (accessed January 3, 2013).

³¹¹ Office of the High Representative of Bosnia and Herzegovina, "Decision removing Ivan Mandic from his position as Head of Mostar Municipality South-West," January 15, 2002, http://www.ohr.int/decisions/removalssdec/default.asp?content_id=6729 (accessed January 15, 2013).

political support for nationalists allowed the IC the ability to enforce change in Mostar and implement the property restitution process.

Property Law Implementation Plan (PLIP)

While the IC worked to dismantle the illegal shadow state, Herceg-Bosna, through activist intervention, it also built the institutional capacity to undercut local obstruction in order to implement property restitution countrywide. The OHR established the Reconstruction and Return Task Force (RRTF) in 1997 as an inter-agency body tasked with creating “an integrated approach to the return of refugees and economic reconstruction,”³¹² meeting in Sarajevo for the first time in February 1997.³¹³ During the first year, the RRTF continued existing return schemes developed by UNHCR, but it also developed programs and competencies that were foundational to the future success of property restitution. According to Toal and Dahlman, the RRTF developed three main strategies: the identification of obstruction, the use of reconstruction aid as positive reinforcement, and the prioritization of minority returns.³¹⁴

In early 2000, PLIP was established as a collaborative effort between the OHR, the UNHCR, the OSCE, the UN Mission in BiH, and the CRPC. PLIP outlined its objective in its Inter-Agency document, establishing a shift in the IC’s BiH return policy

³¹² Return and Reconstruction Task Force, “OHR RRTF Report April 1997,” *Office of the High Representative*, April 30, 1997, http://www.ohr.int/ohr-dept/rrtf/key-docs/reports/default.asp?content_id=5565 (accessed October 26, 2012).

³¹³ The RRTF included the OHR, UNHCR, the European Commission, the European Commission's Humanitarian Office (ECHO), the governments of Germany, the United States and the Netherlands, the World Bank, the European Union Police Mission (EUPM), the OSCE, the United Nations Development Program (UNDP), the International Management Group (IMG), the International Organisation for Migration (IOM), the CRPC and SFOR.

³¹⁴ Toal and Dahlman, 204.

from return-based (prioritized processing of cases) to rights-based (chronological processing of cases) property restitution:

The objective of the PLIP is to ensure that all outstanding claims by refugees and displaced persons to repossess their properties are resolved. It aims to do this by building domestic legal processes which apply the laws neutrally, processing property claims as efficiently as possible until all claimants are able to exercise their rights under Annex 7. By treating repossession of property as a question of rule of law, the PLIP promotes respect for civil rights over political interests and opens enormous possibilities for the overall return of DPs and refugees.³¹⁵

Establishing rule of law as the main driving force behind property restitution allowed the IC to stop playing political games with BiH's ethnocratic regimes according to the rules of these regimes. Even though there was considerable internal disagreement within the RRTF and agencies in PLIP about return-based and rights-based property restitution, focusing on rights-based restitution undercut nationalist politicians' demands for reciprocity, claims of favoritism, and excuses for delays. PLIP established vertical and horizontal coordination between the agencies and field offices, but the RRTF largely took on the onus of coordinating PLIP.³¹⁶ PLIP cells, which were run by one of the participating agencies, were established in each municipality, which were the main PLIP offices. Since Mostar had six city-municipalities and the Central Zone, there were seven PLIP cells in the city.

³¹⁵ Office of the High Representative of Bosnia and Herzegovina, "Property Law Implementation Plan (PLIP): Inter-Agency Framework Document," *OSCE BiH*, October 2000, http://www.oscebih.org/documents/osce_bih_doc_2000101511402819eng.pdf (accessed March 23, 2012), 3.

³¹⁶ Williams, "Post-Conflict Property Restitution," 468.

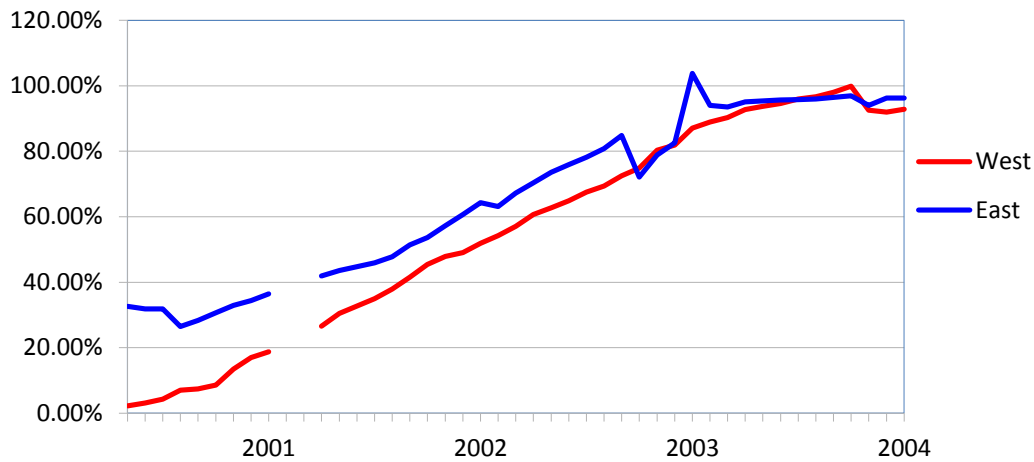
Mostar's implementation ratio lagged behind the average for the FBiH and was the worst municipality in the Herzegovina-Neretva Canton in 2001 and 2002.³¹⁷ While all of Mostar had a bad track record in property restitution until the general elections in November 2000, the three Bosnian Croat municipalities of west Mostar were exceedingly bad at the beginning of PLIP. By May 2000 (when PLIP began publishing statistics), the Bosnian Croat municipalities basically had a 0% implementation ratio. While the Bosniak municipalities did not have a good implementation ratio either, it was considerably better than zero. However, over time starting from 2001, the difference between the Bosniak and Bosnian Croat municipalities became less pronounced.

In this section, I analyze the decision and implementation ratios of the different municipalities in Mostar.³¹⁸ The decision ratio is calculated by the number of decisions divided by the number of cases, and the implementation ratio, on the other hand, is calculated by the number of closed cases/repossessions divided by the number of cases. Even though PLIP agencies did not officially use the decision ratio as a measurement of progress, analyzing both indicators helps to differentiate the progress made by municipal housing offices to administratively decide cases, and the work of enforcement by the offices and the police to implement the decisions.

³¹⁷ "PLIP Statistics, September 2004," Property Law Implementation Plan (September 2004). Mostar was divided into six municipalities and the Central Zone until 2004 so this statement is based on the combination of the municipalities' implementation ratios shown on the PLIP report.

³¹⁸ A compilation of all the published PLIP statistics for Mostar's municipalities is included in Annex C.

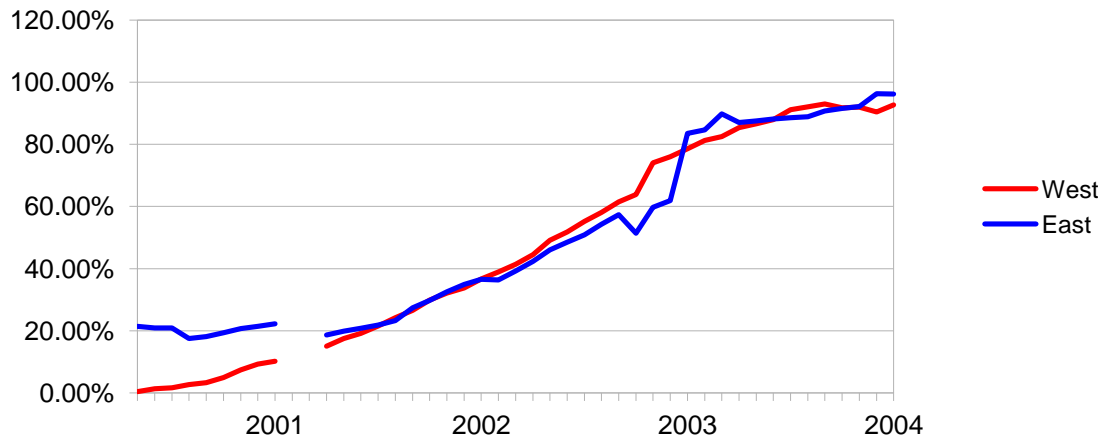
Figure 7: Decision Ratio by Side in Mostar (image: author).



As seen from the graph on the decision ratio above, while the Bosniak municipalities began with and maintained a lead on Bosnian Croat municipalities, both sides maintained similar rates of improvement, indicating that the initial removals of obstructive officials in the Southwest municipality produced a positive effect on the work of the municipal housing offices. However, it does not appear that the removal of Mandić produced any perceivable effect on the work of deciding or enforcing claims. This possibly indicates that his intimidating political rhetoric and relocation policies through the appropriation of public land and illegal construction played a stronger role in his removal than his obstructions in the municipal housing offices.

Examining the implementation ratio of each side tells a similar story, but instead of the Bosniak municipalities being ahead, both sides had very similar ratios throughout most of PLIP. Even though the east side had a significantly higher implementation ratio than the west side at the beginning of PLIP, the numbers reported by the east side were significantly adjusted around the beginning of 2001 and their implementation ratios were fairly similar since the readjustment. Three reasons could explain the significant change

Figure 8: Implementation Ratio by Side in Mostar (image: author).



in the reported numbers. First, the housing authorities were unclear on the procedure for calculating the statistics, which is not unrealistic since some of the numbers reported by the municipalities, for example the Southeast municipality, were obviously wrong.³¹⁹ Second, enforcement authorities misreported the number of repossessions to the municipal housing offices to cover up their own obstruction or incompetency. Finally, the municipal housing authorities “cooked” the books, trying to fool the IC in order to maintain a more positive image than the notoriously obstructive west side.

The property restitution process in relation to PLIP effectively ended for all seven of Mostar’s municipalities in January 2004 when the PLIP cells verified the results. In total, there were 9,756 submitted claims in Mostar, which means that roughly a third of the city’s prewar housing stock received repossession claims against them. However, PLIP only recorded claims on properties that were occupied by another inhabitant or inhabitants so the number of properties affected by general return was higher because this

³¹⁹ For the first three months of PLIP, the Southeast municipality recorded more decisions than cases.

number does not include destroyed or unoccupied units.³²⁰ 6,644 or 68.1% of the claims were lodged against socially owned property, which is a higher percentage than the rest of the Federation of BiH (60.3%).³²¹ Of all the property claims in Mostar, there were 556 negative decisions, which means that the municipal housing office either refused or rejected a direct claim to the housing official or a CRPC decision. Even though CRPC decisions were considered final and binding, there were cases where the CRPC issued multiple positive decisions for a single property, necessitating a housing official to determine the rightful occupant or owner.³²² Most of the negative decisions were on socially-owned housing in the Southwest and West municipalities, 169 and 249 respectively.³²³

The city achieved a 94.01% property implementation ratio and appeared to be moving on the right track; however, in spite of the 9,172 cases of returned property ten years after the Washington Agreement, the city remained divided. The property implementation ratio, like the UNHCR's statistics on minority returns, is a problematic indicator of return and reintegration because it only counted when a person reclaims their property, not if the owner actually returned to live in the property. The number of closed cases determined the property implementation ratio, but a case was closed when the temporary occupant either voluntarily vacated or was evicted from the property and the rightful owner was *notified* that the property can be repossessed.³²⁴ Therefore, the number of closed cases does not indicate if the owner actually lived there or even if the property

³²⁰ "PLIP Statistics Guidelines," *Property Law Implementation Plan*, 11 25, 2002, http://www.ohr.int/plip/key-doc/default.asp?content_id=30053 (accessed April 19, 2011).

³²¹ "PLIP Statistics, September 2004,"

³²² Williams, "The Significance of Property Restitution," 45.

³²³ "PLIP Statistics, April 2004," *Property Law Implementation Plan* (April 2004).

³²⁴ *Ibid.*

was actually repossessed. These recording policies have created a situation where the number of reported minority returns is potentially inflated and no one knows how many people made sustainable returns, which was the initial goal of the Dayton Agreement's Annex 7.

PROPERTY RESTITUTION CASES IN MOSTAR

Because of political obstruction, the Human Right Chamber and the Ombudsperson were extremely important institutions in the implementation of property restitution. The Chamber decided 31 cases related to 72 properties in Mostar. While this may not seem like a lot of cases when considering the total amount of property claims in the city, the Chamber had a tremendous backlog of cases. 8,949 of 15,191 applications were pending when the Chamber transferred its cases to national courts after 2003 so the 31 cases is not representative of the total possible filed property disputes. These cases do illuminate some of the issues and difficulties that IDPs and refugees faced in the property restitution process. Of the 72 property disputes in cases that I found on file, 53 of them were related to properties in the West and Southwest municipalities, and two of the three cases in the Central Zone were related to properties on the west side of the wartime confrontation line. Unfortunately, I was unable to locate seven properties in the cases and 24 of the properties in question were part of an American Refugee Council's case where the addresses of the properties were not included in the Chamber's decision. However, the decision did state that the properties were in the West and Southwest municipalities.³²⁵ Since most of the properties in question were apartments, I was able to

³²⁵ Čabrilo, *et al.*, v. *the Federation of Bosnia and Herzegovina*. CH/00/6428, CH/00/6429, CH/00/6433, CH/00/6445, CH/00/6446, CH/00/6447, CH/00/6452, CH/00/6454, CH/006491, CH/00/6492,

examine the apartments' intercom panels in order to guess if the residents reside there. I found 21 properties with intercom panels that had the residents' names on the labels. Of these properties, only seven people or 33% had their names on the panel. Of course, this does not necessarily mean that the prewar residents do not own the other 14 properties and rent them or have given them to family members with different last names. However, this does indicate that sustainable return was possibly low.

The Chamber unfortunately processed cases very slowly, which undermined the institution's effectiveness in this sector. For example, the case of *Hondžo v. the Federation of Bosnia and Herzegovina* was struck out because the applicant had moved to England and he was unable to be reached. However, these letters inquiring about developments in the case arrived FIVE YEARS after he submitted the application.³²⁶ In cases regarding 15 of the properties, the Chamber did not receive a response or the letter was undeliverable, indicating that the applicant possibly had moved and the result of the restitution claim is ambiguous.

Human Rights Chamber Cases

One of the most interesting cases that went to the Human Rights Chamber involved Mr. Bojić who attempted to recover his apartment in the Southwest municipality, but found that it had been “nationalized.”³²⁷ Bojić was evicted from his apartment during the first ethnic expulsion of Bosniaks from west Mostar on 9 May 2003.

CH/00/6494, CH/00/6499, CH/00/6501, CH/00/6502, CH/00/6503, CH/00/6504, CH/00/6505, CH/00/6507, CH/00/6508, CH/00/6509, CH/00/6512, CH/00/6515, CH/00/6516, and CH/00/6517 (Human Rights Chamber for Bosnia and Herzegovina, June 6, 2003).

³²⁶ *Hondžo v. the Federation of Bosnia and Herzegovina*, CH/98/992 (Human Rights Chamber for Bosnia and Herzegovina, July 3, 2003).

³²⁷ *Bojić v. the Federation of Bosnia and Herzegovina*. CH/02/12435 (Human Rights Chamber for Bosnia and Herzegovina, December 2003, 2003).

On 3 April 1995, the municipality gave real estate, which included the building in which Bojić's apartment was located, to the Franciscan School Sisters – a Province of the Holy Family in Herzegovina. On 5 March 1998, the Franciscan School Sisters concluded a lease contract with the municipality whereby they would no longer pay rent, but instead were obliged to invest in the repair and reconstruction of the building. When Bojić requested to repossess his apartment and information on purchasing the apartment through the Southwest municipality's Department for Physical Planning, Construction and Housing-Public Utility Development in July 1999, a little over a month later the housing department replied that nationalized buildings were not subject to purchase until a Law on Restitution would be enacted. Additionally, it recommended that Bojić resolve his housing problem in a different way without specifying a way to resolve this issue, nor addressing the question of repossessing the apartment. To date, none of the government entities in BiH have passed a Law on Restitution. However, this future law, if there is one, would not be applicable to this case since the property was taken after 1992 and Annex 7 and the Constitution of BiH both state that all property seized as a result of the war should be returned to their former occupant or at least compensated. In comparison to other cases, this was a very quick response from this department, especially when the department's typical modus operandi was never replying to requests. This was probably because the department could easily issue a negative response based on their ethnocratic rule of law.

On 20 March 2001, the CRPC confirmed Bojić's occupancy right over the apartment and submitted a request to the municipal housing department to enforce the CRPC decision on 8 May 2001. Over a year later, the municipal housing department

responded by offering Bojić an alternative accommodation, which he refused for the following reasons: all of the original Bosnian Croat tenants of the building were allocated purchasable apartments – not an alternative accommodation, the offered property belonged to a Bosniak who had been unable to repossess his apartment until that point, and the one-room apartment was located close to the Jubilee Cross on Mount Hum. Also, Bojić’s negative response to this offer could be related to his eviction on the east side a month later. He possibly foresaw the game of “musical chairs” that would result from the city’s attempt at property repossession to satisfy the growing influence of PLIP. The change in response from the housing department also indicates a change in the governing legal mechanisms of the office where the municipality became responsible for former occupants of “nationalized” property.

Between the time of the housing department’s offer and the Chamber’s decision, Bojić was evicted from his temporarily allocated apartment on the east side on 18 July 2002 and then had to pay 250 KM for rent monthly. On 8 April 2003, the Southwest municipality’s Department for Housing and Business Affairs issued a decision for the enforcement of the CRPC decision. However, by December 2003 (the date of the Chamber’s decision), the decision had not been enforced. The Southwest municipality used a number of delay tactics to lengthen the trial at the Chamber and the municipal court to last 2.5 years. These tactics included asking for a suspension of the trial to resolve the matter internally or extra-judicially, not showing up to trial, and not enforcing a recommendation from the Ombudsperson. The Chamber found the municipality guilty of discrimination and ordered it to reinstate Bojić to his apartment and pay compensation totaling 23,200 KM to Bojić.

Four cases involved JNA apartments. In the case of Mr. Ralević, he repossessed his apartment in west Mostar before the conclusion of the trial at the Human Rights Chamber, four years after he submitted his initial complaint.³²⁸ The other three JNA cases were related to apartments in the Old Town (Stari Grad) municipality. The JNA allocated an apartment to Mrs. Turundžić, a Bosnian Croat, on 20 December 1990.³²⁹ She lived there until the Bosnian war began in April 1992. On 27 January 1998, she began the process to repossess her apartment. However, after not receiving a response from the Stari Grad Municipal Service for Housing Communal Issues, Property Legal Issues and Building; the Secretariat for Urbanism, Building and Communal Affairs; and the Federal Ministry of Justice to enforce her CRPC decision, the Human Rights Chamber was her only recourse. She submitted her application to the Chamber in June 1999 and the Chamber determined in February 2001 that the municipality should allow the applicant to repossess her apartment and also pay her 3,600 KM in compensation. The third case resulted in a negative decision. On 11 April 1992, the Command of the Mostar Garrison JNA allocated an apartment to Mr. Poparić for the purpose of purchase. However, Poparić never moved into the apartment nor concluded an occupancy or purchase contract so the Chamber rejected the admissibility of the claim.³³⁰

The fourth JNA case involved the prewar privatization of an apartment. Mr. Brčić, a Bosnian Croat, purchased his JNA apartment in the Stari Grad municipality on 2 February 1992 before the Socialist Republic of BiH issued a law temporarily prohibiting

³²⁸ *Ralević v. the Federation of Bosnia and Herzegovina*, CH/99/2595 (Human Rights Chamber for Bosnia and Herzegovina, May 9, 2003).

³²⁹ *Turundžić and Frančić v. the Federation of Bosnia and Herzegovina*, CH/00/6143 and CH/00/6150 (Human Rights Chamber for Bosnia and Herzegovina, February 5, 2001).

³³⁰ *Poparić v. Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina*, CH/02/11070 (Human Rights Chamber for Bosnia and Herzegovina, October 11, 2002).

the sale of socially-owned apartments.³³¹ He was demobilized from the JNA on 19 April 1992, approximately a month and half after the Bosnian War officially began. On 3 November 1992 he moved to Austria as a refugee, but subsequently went to Zagreb in October 1999. After submitting three requests to repossess the apartment in 1998, Brčić finally received a statement from the Head of the Municipal Service on 8 December 1998, stating:

“In view of the problems in finding alternative accommodation for the temporary user of your facility, as well as the number of such cases in the area of the Municipality Mostar Stari Grad, we kindly ask you to take into account these circumstances because we are not in the position to comply with your request within the legally prescribed time limit.”

However, according to Ombudsperson, the temporary users of the apartment occupied the apartment without legal grounds, which, according the cessation laws that went into effect the previous April, was grounds for swift eviction. On 28 September 2001, the municipality issued a positive decision for repossession; however, the temporary users of the apartment were not evicted until 13 May 2002. The FBiH argued against Brčić’s claim to the apartment as an owner. Their argument was that Brčić did not provide evidence of payment for the apartment, but the chamber ruled against this claim, deciding that the FBiH’s unwillingness to do so was a violation of Brčić’s human rights.

Unfortunately many of the verdicts given by the chamber did not specify the ethnicity of the plaintiff. One of the disadvantages of this is the inability to examine the role of gender in property restitution, especially in a place like Mostar where there were numerous inter-ethnic marriages. One case may be suggestive of the way ethnicity and

³³¹ *Brčić v. Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina*, CH/98/799 (Human Rights Chamber for Bosnia and Herzegovina, May 6, 2002).

gender played a role in the ethnocratic politics of property restitution and hopefully will spur further research on the subject. In the case of *Trklja et al v. the Federation of Bosnia and Herzegovina*, the plaintiffs were represented by the ARC's Legal Aid Center, which claimed that the plaintiffs were unable to repossess their properties in the West and Southwest municipalities because of discrimination.³³² The applicants consisted of two Bosniaks, four Bosnian Serbs, and one Bosnian Croat. The sole Bosnian Croat, Mrs. Ovčina, was married to a Bosniak, Mr. Ovčina. From the reviewed cases, Mrs. Ovčina was the only person that made a complaint against a municipality in which they were of the majority ethnicity because they could not repossess their prewar home. The assumption is that the restitution case was blocked because the husband was of a minority ethnicity.

Mr. and Mrs. Petrović, who are Bosnian Serb and Bosnian Croat respectively, had a case regarding their house in the Stari Grad municipality where a CRPC decision was not fully executed.³³³ During the war, they left their home and three families moved in. When they filed their first request for repossession to the Municipal Service for Housing Affairs, Reconstruction and Cadaster of Real Property on 21 July 1999, it was rejected because the service stated that the request was incomplete. They filed an appeal on 3 August 1999 and learned that they needed to submit copies of relevant documents. On 3 December 1999, they resubmitted the request with the necessary copies, but did not receive a response. A common trend in the cases was that if the authority easily could

³³² *Trklja et al v. the Federation of Bosnia and Herzegovina*, CH/00/6444, CH/00/6506, CH/00/6511, and CH/00/6513 (Human Rights Chamber for Bosnia and Herzegovina, April 11, 2002).

³³³ *Petrović v. the Federation of Bosnia and Herzegovina*, CH/00/6142 (Human Rights Chamber for Bosnia and Herzegovina, March 6, 2001).

issue a negative response, the authority responded quickly, but if there was a possibility of a positive response, the authority would either not respond or send a significantly delayed response. On 6 April 2000, they requested for an administrative inspection to the Federal Ministry of Justice about the situation. Even though the ministry also did not respond, the municipality issued a decision to evict only one of the temporary users four days after the request to the ministry. The municipality followed this action with another decision on 26 April 2000, evicting another temporary user; however, the municipality only executed one of the two evictions by 18 November 2000. Unfortunately, the couple was unable to move into the ground floor of their house because the space was looted (the rest of the house was still occupied by temporary users). Because of the chamber decision, the Petrovićs were to be allowed to repossess the entire house.

In the case of Mrs. Kelecija, after she returned from Germany where she lived during the war, she attempted to rebuild the ground floor of the building that housed her apartment. She did this herself because, as she claimed, the Stari Grad municipality – the owner of the apartment building – did not demonstrate the willingness to reconstruct the building.³³⁴ On 17 August 1999, the Municipal Urban Construction Inspector ordered Kelecija to demolish what she had built. She did not respond to the order, hoping that the demolition would not take place. She submitted an application to the Human Rights Chamber a day before the demolition, not knowing that she could have appealed the decision at the municipality. The Chamber refused her request the same day and on 24

³³⁴ *Kelecija v. the Federation of Bosnia and Herzegovina*, CH/99/3407 (Human Rights Chamber for Bosnia and Herzegovina, February 8, 2000).

December 1999, her work was demolished. Unfortunately, this woman today lives in the Baffo collective settlement for IDPs.

The Razvitak Case

The systematic strikes against property records allowed local powerbrokers the ability to take advantage of the privatization process to reap significant economic gains. These powerbrokers acted on both sides of Mostar and used their power gained during the war to manipulate the privatization and property restitution processes. Generally, any person with a sense of self-preservation in Mostar speaks of these people in vague terms, referring to them as “interests” or “forces.” Names of perpetrators need to be deduced from news articles because most, if not all, residents are too scared of violent backlash from organized criminal elements that pervade the entire political economy of the city.

One of the most publicized cases of the manipulation of privatization and property restitution in Mostar involves the Razvitak complex, which included a 13-unit apartment building and a shopping complex. The Razvitak complex was sold illegally during the privatization process by cutting out the former residents of the complex, but has now been stuck in a legal battle since 2001. In 1992, JNA forces significantly damaged the complex during the first siege of Mostar. The housing units were still in good condition even though the building was gutted. Around 1995-6, Razvitak Metković, through the Croatian government, released a public invitation for the privatization of the entire complex. After the tender process, Razvitak Metković decided to sell the complex to Slezak, which sparked a court battle initiated by Emir Kečo who believed that he

submitted the better offer.³³⁵ Ironically, this court case brought the situation to the attention of the apartment building's former residents, learning that the deal would cause them to completely lose their former homes – a situation of which they were completely unaware. The original contract between Razvitak Metković and Slezak only mentioned the former residents once, stating that solving the housing situation of the former residents was the responsibility of the city because it claimed that the residents had missed the deadline to reclaim the property. The initial municipal court trial was sent to the Cantonal Court and between the two trials, from February to September 2002, the former residents were finally able to examine the land books. Upon examination, they determined the books were altered.

The city illegally demolished the apartment building in 1997, dubiously claiming that the building was a risk to collapse.³³⁶ As anybody who has walked around ruin-filled postwar Mostar knows, this reason has not led to the demolition of the numerous hazardous structures that populate the city. The land books had no record of the apartment building ever existing, effectively consolidating the various interests of the property, such as the various allocation right holders, to just Razvitak Metković so the company could sell the whole land. This development is interesting because the contract still mentioned the existence of the apartment building and its former residents even though the documents were altered to show that they never existed. The cadastre, on the hand, was not changed and showed the true condition of the property in relation to rights. Since the trial at the Cantonal Court began, all of the records related to the property are

³³⁵ Almedina Bečić, “Počinju se rješavati problemi stanara Razvitka” (Beginning to Resolve the Problems of Razvitak's Tenants), *Dnevni List*, March 19, 2011.

³³⁶ *Ibid.*

closed to the public until the case is settled. Over ten years later, the case is still not complete and the property records are still withheld from the public. During this time, the trial went from the Cantonal Court to the Supreme Court of BiH and back to the municipal court.

The reason for the interest in the property is because of the space's potential economic value. The land is located in the heart of the city at the intersection of Braća Brkić and Maršal Tito, right next to the modern urban center of the east side. An interesting ethnic component of the case is that Razvitak Metković,³³⁷ a Croatia-based company, favored Slezak, a Bosnian Croat, over Kečo, a Bosniak, who offered the company a better deal. While the property is locked in the legal dispute, the land where the apartment building once stood is being used as a parking lot. Oddly, no one knows who collects the money for the parking fees, but the watchmen of the parking lot are generally war veterans.

Even though the apartment building only had 13 units, the former inhabitants of this building are spread across the world in the United States, Austria, Denmark, Montenegro, Norway, and Mostar. Oručević, the mayor of east Mostar at the time, promised to rebuild the apartment building with international and domestic donations. However, all of the collected donations were redirected to other reconstruction projects because of the building's undetermined legal status. This includes 1.5 million KM that the UNHCR gave to reconstruct the building. Residents claim they have enough personal and pledged funds that if the court rules in favor of restoring their occupancy rights, they can

³³⁷ Metković is a small town in Croatia on the Croatian-Bosnian border.

reconstruct the building. Former resident, Mrs. Bašić claims that the problems of this building are unique in Mostar because it combines land record manipulation, illegal privatization, and the demolition of the building.³³⁸ Other properties in Mostar that are locked in court battles only have one or two of these characteristics.

EPILOGUE: IDPS AND HOUSING IN POST-PLIP BIH

Unfortunately, since BiH has not conducted a census since 1991, there are no concrete demographic statistics that demonstrate if the OHR's attempt to reverse ethnic cleansing has been a success or a failure. The scholarly discourse on refugee and IDP return appears to indicate that many returnees exercised other options than actual return, which has arguably done more to solidify ethnic cleansing than reverse it.³³⁹ In 2007 after a majority of the "minority returns" occurred, the UNHCR conceded that after property repossession, many returnees "sold, exchanged or rented it, opting not to return permanently."³⁴⁰ Scholars have observed that people in Mostar decided to sell their old property and buy new property on the other side of the imagined boundary.³⁴¹

Anders Stefansson argues that the OHR's prioritizing of small home (residence) over big home reconstruction (political and socioeconomic structures) has led to a situation where returnees could not make sustainable returns. Without fixing local economies and political situations, sustainable returns were highly unlikely because returnees were unable to find work due to discrimination, political obstructionism, or high unemployment rates. According to Anders Stefansson, "In these circumstances the

³³⁸ Enrisa Bašić, interview by author, (September 13, 2012).

³³⁹ Stefansson; Franz; Phoung; Black.

³⁴⁰ "Briefing Note on UNHCR and Annex 7 in Bosnia and Herzegovina," UNHCR Representation in Bosnia Herzegovina (October 2007).

³⁴¹ Hromadžić, 548.

‘right of return’ is more fiction than fact, as for most displaced Bosnians the option of “going home” is in practice a path to (renewed) poverty and social marginalization.”³⁴²

However, Toal and John O’Loughlin directed a doorstep survey in December 2004, which contradicted this discourse on returnees. Their results showed that in BiH 62 percent of people who made property claims through PLIP decided to live in their houses and only 13 percent sold them. In the survey, Mostar had an especially high rate of physical return with 82 percent returning to live in their reclaimed property.³⁴³ If this situation holds true, then it would make the IC’s belief on minority return more problematic because minority returns have not led to ethnic harmony or true integration, at least in Mostar. In spite of returns, the city remains structurally and mentally divided.

There is another explanation for these results at least in relation to Mostar. Around 500,000 or 25% of people displaced by the conflict found sustainable resolutions to their refugee status abroad and Mostar was a large contributor to the number of such refugees.³⁴⁴ During the conflict, a significant portion of Mostar’s population was displaced abroad; however, the city’s population did not see a significant corresponding drop as one would expect.³⁴⁵ According to Bjelaković and Strazzari, as “the conflict progressed and the destruction of Mostar became extraordinary among Bosnian cities, the original population of Mostar left the city in large numbers and was gradually replaced by

³⁴² Stefansson, 132.

³⁴³ Gerard Toal and John O’Loughlin, “After Ethnic Cleansing: Return Outcomes in Bosnia-Herzegovina a Decade Beyond War,” *Annals of the Association of American Geographers* 99, no. 5 (December 2009), 1051.

³⁴⁴ *Usporedni pokazatelji*, 16.

³⁴⁵ The prewar population of Mostar was around 125,000 and according to estimates by international agencies the city maintained an unofficial population of around 100,000 people throughout the conflict.

the refugees from the surrounding countryside fleeing ‘ethnic cleansing’ campaigns.”³⁴⁶

Due to the nature of the survey, refugees who stayed abroad would be excluded from the results. My theory is that a significant number of the prewar population did not return to Mostar and instead IDPs from surrounding areas relocated to the city, taking advantage of the ethnocratic regimes’ relocation programs and reinforcing the ethnic homogeneity of the two sides. For example, in the Razvitak case *at least* 38%, but probably more, of the prewar residents live abroad. Of course this theory is based on conjecture and cannot be proven without painstaking effort or until BiH conducts an official census.

The up-coming census will provide a significant opportunity to answer many of the questions related to reversing ethnic cleansing. The new census in BiH will be conducted when this thesis will be released. If the pilot version of the census on the website for the BiH Agency for Statistics is utilized, the information will allow scholars to plot the geographic axes of final displacement according to a number of factors. Census interviewees will give their ethnicity/nationality, current address, address in 1991, address of displacement (if displaced), current or past refugee or IDP status, and if they have attempted to reclaim their original property.³⁴⁷ If these categories remain on the official census, this information will provide a better overview on the dynamics of displacement and the resilience of ethnic expulsions and consolidation.

“Uniting” Mostar

³⁴⁶ Bjelaković and Strazzari, 82.

³⁴⁷ "Popis 2013," *BiH Agencija za statistiku* (BiH Agency for Statistics), http://www.bhas.ba/?option=com_content&view=category&layout=blog&id=60&Itemid=105&lang=ba (accessed February 4, 2013).

In 2003, the OHR created a multiethnic commission called the Commission for Reforming the City of Mostar to analyze the political and structural problems of Mostar and suggest recommendations to remedy the problems.³⁴⁸ The commission found that Mostar had a bloated government that was an unnecessary burden upon the city's population. According to the report by the commission:

In the current City-Municipality and city administrations there is one public employee for every 189 citizens. Experts suggest that a ratio of 1:500 would be a more acceptable level. This bloated bureaucracy in 2003 has cost each citizen an average of 288 KM (Bosnian Convertible Mark), up from an average of 234 KM in 2002. When one considers that the average monthly salary in the Federation is approximately 470 KM, it becomes apparent that citizens devote too large a portion of their hard-earned income to pay the salaries of superfluous public employees. This represents money not spent on starting a small business, buying educational supplies for children or making home improvements.³⁴⁹

Bieber demonstrates that Brčko has a similar sized public administration as Mostar, but he argues that the greater problem was ineffectiveness instead of size.³⁵⁰ While Mostar is an exemplary case of an ineffective bloated government apparatus, the structural problems of a significant tax burden with few social benefits affected BiH as a whole. Based on the committee's recommendation and after failed negotiations with the city's elite, the OHR imposed the Statute of the City of Mostar, which transformed the city-municipalities into electoral units and decreed that Mostar would form a single municipality.³⁵¹

³⁴⁸ Office of the High Representative of Bosnia and Herzegovina, "Decision Establishing the Commission for Reforming the City of Mostar," (17 September 2003), http://www.ohr.int/decisions/mo-hncantdec/default.asp?content_id=30823 (accessed April 5, 2011).

³⁴⁹ Commission for Reforming the City of Mostar, 60.

³⁵⁰ Bieber, 432.

³⁵¹ Office of the High Representative of Bosnia and Herzegovina, "Decision Enacting the Statute of the City of Mostar," (28 January 2004), http://www.ohr.int/decisions/mo-hncantdec/default.asp?content_id=31707 (accessed April 5, 2011).

In spite of the decree, change in the political and social structures was slow to take effect. By October 2006, the Peace Implementation Council noted that “no tangible progress has been achieved in completing the unification of the Mostar city administration as required by the Statute as a result of political intransigence.”³⁵² The OHR imposed the establishment of the Spatial Development Institute in Mostar to advise spatial development in the city in order to accelerate the unification of the city, but politicians have only slowly established the institute.³⁵³ Since the OHR imposed the administrative unification of the city, there have been a number of political issues related to declaring a mayor and determining a budget. For long periods, the city has been left without a mayor or a budget because of disputes over ethnic representation. In November 2010, the BiH Constitutional Court declared that the electoral system created by the City Statute was unconstitutional because of “the large differences in the number of voters required to elect councilors to the City Council between Mostar’s six City Areas” and “the discriminatory treatment of voters in Mostar’s Central Zone who...only elect councilors from a city-wide list and not from a geographical voting district.”³⁵⁴ Because politicians have failed to implement the Constitutional Court decision, people in Mostar did not vote in the 2012 municipal elections.

The OHR attempted to mend the social and political divisions in Mostar, but the divisions run deep and have typically obstructed the OHR’s best efforts. The unification of the Old Gymnasium presents an excellent example of the problems encountered when

³⁵² “Communique by the PIC Steering Board,” PIC SB Political Directors (20 October 2006).

³⁵³ Office of the High Representative of Bosnia and Herzegovina, “Decision Enacting the Decision on Establishment of the Spatial Development Institute,” (22 December 2006), http://www.ohr.int/decisions/mo-hncantdec/default.asp?content_id=38777 (accessed April 5, 2011)

³⁵⁴ Office of the High Representative of Bosnia and Herzegovina, “42nd Report.”

unifying the structures through decree and with little power to enforce change locally. The Old Gymnasium is within the Central Zone, but officials of Herceg-Bosna quickly took over the facilities after the building was reconstructed. By 2004, Bosnian Croats and Bosniaks finally attended the same school under a “unified” Mostar Gymnasium; however, “in practice this means that reunification has maintained separate national curricula for the students of the two ethnic groups, thus preserving ethnic segregation through unification,” i.e. “two schools under one roof.”³⁵⁵ One of the main arguments for the separate curricula is the “different” languages, which less than twenty years ago were considered one language. On 27 April 2012, Mostar’s municipal court ordered the Herzegovina-Neretva Canton to end “two schools under one roof” but the judgment has yet to be realized to date.³⁵⁶ This example demonstrates the obstinate persistence of the division in Mostar and the obsession over highlighting small differences in language and culture.

Collective Centers in Mostar

The creation of collective centers (CC) in Mostar began early during the Bosnian War. These centers were located in places like abandoned buildings, schools, and barracks with widely varying conditions. During the first siege of Mostar by the JNA and Bosnian Serb military forces, 2-3 collective centers were established to house the displaced. When the split between the Bosnian Croat and Bosniak military alliance occurred, there was a significant increase and by 1997-98 there were 18 collective centers in the city, housing thousands of IDPs. In 1998 the Baffo collective settlement was

³⁵⁵ Hromadžić, 549.

³⁵⁶ Office of the High Representative of Bosnia and Herzegovina, "42nd Report."

established to be a transitional house for IDP families waiting for the reconstruction of their homes. However, its transitional status changed as reconstruction projects were seriously delayed and more IDPs found their time in Baffo to be extended by years or indefinitely. The conditions in Baffo are better than most, if not all, of the collective centers. In the Baffo settlement, unlike most collective centers, families have their own housing units, more living space, and each family has their own bathroom. With the return or relocation of a significant number of IDPs, BiH and the IC have made closing collective centers a priority in BiH; however, the type of residents left in collective centers requires different solutions than used previously.

After the end of PLIP, the RRTF and CRPC were closed, and local authorities undertook the responsibility of completing the goals of Annex 7.³⁵⁷ The first step that the BiH Ministry for Human Rights and Refugee took was a comprehensive re-registration of IDPs in 2005 according to the new, stricter definition of an IDP, resulting in a significant drop in the number of IDPs. Since “IDPs who had received construction aid, had acquired property or had in some other way integrated into the community of their post-war residence lost their status,” only 125,072 of 186,451 applicants received a positive decision to maintain their IDP status in BiH.³⁵⁸ As of 2008, Mostar had 1,025 IDPs, which was the fifth most in the FBiH and the twelfth most in all of BiH.³⁵⁹ Since re-registration, most IDPs in Mostar could not resolve their status because their prewar

³⁵⁷ Veters, 193.

³⁵⁸ Ibid., 194. Mario Nenadić and Nermina Džepar-Ganibegović, *Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement*, Proposal (Sarajevo: Ministry of Human Rights and Refugees of Bosnia and Herzegovina, 2010), 12.

³⁵⁹ *Stanje raseljenih osoba prijeratnom mjestu prebivališta sa 31.10.2008. godine (The Status of IDPs according to Prewar Place of Residence on 10/31/2008)*, (Bosna i Hercegovina Ministarstvo za ljudska prava i izbjeglice (BiH Ministry of Human Rights and Refugees), 18 November 2008).

Table 4: Collective centers (CCs) in Mostar as of October 2011 (source: “Kratak prikaz”).

Name	Number of Families	Number of Individuals
Južni Logor CC	3	9
Sjeverni Logor CC	29	72
Žuta Kuća CC	16	26
Salakovac CC	7	24
Bafo Settlement	100	309
Total	155	440

home was still destroyed so there was strong focus on acquiring reconstruction aid from the BiH government and international donors through humanitarian organizations, such as Catholic Relief Services, Hilfswerk-Austria, Mercy Corps, and the Danish Relief Council.³⁶⁰ This situation is similar to the rest of the FBiH where 16,160 of 17,941 displaced families were unable to return because their housing was destroyed or unusable.³⁶¹

Local authorities and the IC slowly dispersed funds for reconstruction, decreasing the number of IDPs living in collective centers and alternative accommodations. As of October 2011, there were still four collective centers and the Baffo collective settlement in Mostar, but two collective centers were closed during the summer of 2012: Juzni Logor and Sjeverni Logor collective centers. While the numbers are decreasing, an issue is arising because the problems of the majority of the beneficiaries in collective centers are changing. In the Baffo settlement there are 100 families (309 individuals) and of these

³⁶⁰ In the Herzegovina-Neretva Canton, there were 1,490 IDP families and 1,340 of those families were unable to return to their prewar home because it was either still destroyed or unusable.

³⁶¹ *Izveštaj prema trenutom statusu stambene jedinice - 31.10.2008. godine (Report on the Current Status of Housing Units - 10/31/2008)*, (Bosna i Hercegovina Ministarstvo za ljudska prava i izbjeglice (BiH Ministry of Human Rights and Refugees), 18 November 2008).

families only 15 have IDP status. The populations in collective centers now are generally elderly, sick, people with physical or mental disabilities, and people who did not have housing before the war.³⁶²

The solutions of restitution and reconstruction are becoming no longer applicable as the percentage of social cases in collective centers rises. For example, for the Catholic Relief Services' 2012 social housing project in Mostar, the organization needed to petition the municipality to be allowed to change the criteria for beneficiaries to include social cases because not enough IDPs applied. The social housing model pioneered by Catholic Relief Services in BiH is similar to the solidarity apartments built during the SFRY period and is the best approach moving forward to resolve cases where people did not own property before the war, people cannot live on their own, or the person's property will never receive adequate funds for reconstruction, but still help to satisfy their housing needs. The regional joint return program that was established between BiH, Croatia, Montenegro, and Serbia in 2011 did not take this growing group into consideration so only people with IDP or refugee status qualify for aid from this program. While this program will help alleviate the burden of the displaced on the governments, it will not result in the end of collective centers and alternative accommodation. The criterion for receiving aid needs to be adjusted generally in order to complete Annex 7 and finally close all of the collective centers in BiH.

³⁶² *Kratak prikaz brojnog stanja raseljenih osoba, ostvarenih povrataka i projekata realizovanih na području HNK (Short Report on the Number of Displaced Persons, the Production of Returns and Realized Projects in the Herzegovina-Neretva Canton)*, (Mostar: Uprava za prognanike i izbjeglice (Department for IDPs and Refugees), October 2011), 5.

CHAPTER 5

CONCLUSION

In this thesis, I have argued that nationalist politicians and criminals espoused a discourse of ethno-exclusionist sociocultural relations as a superstructure for the public in order to establish ethnocratic kleptocracies where they concealed their criminal colonization of residential and commercial property by manipulating the prewar discourse on property relations. During the SFRY, five developments conspired to permit nationalists and criminals to colonize space and economic resources and maintain power: the vague definition of social ownership, the legacy of previous land reform, the role of the informal economy, personal networks and the development of organized crime.

Since the Ottomans, each new governing regime in BiH left a mark on either the mechanics of land administration or land ownership. However, for this thesis, the introduction of social ownership as a model of property distribution under the SFRY was the most important. The fact that the concept was administered with contingent usage rights provided nationalists ways to manipulate old laws (the Law on Housing Relations) and create new laws (abandoned property laws), which allowed them to create a legal veneer to hide their criminal actions. To compound matters, the land administration system in BiH was in a poor condition even before the war. This allowed nationalists to make only minimal alterations to seize economic assets and frustrate future efforts at property restitution. Also, previous land reform created past grievances and historical moments that nationalists could exploit to curry favor with religious institutions that were closely tied to nationalistic ideologies in order to maintain their place in the nationalist hierarchy of champions.

During the war, nationalists and criminals created territory-hungry ethnocratic regimes through their prewar networks that sought to carve out their ideal geo-body. Personal networks were strengthened and expanded during the war, creating strong ties among former communist elites, nationalist émigrés, criminals, and businessmen. These networks used the wartime conditions and prewar shadow economies to colonize economic resources and develop new illicit trade in regional organized crime networks. After the Bosnian War, these networks competed for supremacy over the centralized, ethnocratic political economies and began to fracture into competing factions that sought their piece of the political economy.

In Mostar, the Bosnian Croat and Bosniak ethnocratic regimes competed for control of the city during and after the Bosnian War. The Bosnian Croat regime was the more documented perpetrator of ethnic cleansing in the city as the regime attempted to transform Mostar into the capital of a Bosnian Croat nation-state through expulsions of people, but the Bosniak regime also did its fair share damage. During the war, fighting was intense, reducing Mostar to rubble, which led it to be compared with Dresden during World War II. However, the destruction of the city while general was also very specific. Along with the demographic operations of ethnic cleansing, the regimes attempted to destroy heterogeneous space as symbols of other identities, such as religious building, were intentionally destroyed. After the Bosnian War, the regimes sought to colonize this cleansed space by relocating people of the same ethnicity who were expelled from other parts of BiH and (re)constructing buildings and monuments that represent a particular identity. The regimes also created parallel institutions that gave the regimes a source of income and consolidated the spatial division of the city forged by war.

After the Bosnian War, the IC attempted to undo ethnic cleansing and to implement the human rights agenda of the Dayton Peace Agreement – the recreation of ethnic territorial heterogeneity. However, since the goals of the Dayton Agreement were antithetical to the ethnocratic regimes' maintenance of power, the regimes continually obstructed international efforts. They particularly sought to obstruct the property restitution process because undoing ethnic cleansing would have undermined the ethnocratic sociocultural relations that helped them maintain their hold over their constituencies. The IC finally made progress against these regimes, particularly the Bosnian Croat regime, when the IC took a unified, activist approach to intervention. Also, the Bosnian Croat regime and BiH in general was in what Pugh and Neil Cooper define as a "regional conflict complex." In the 1990s, BiH was surrounded by nationalist states that were in conflicts and/or deeply involved in the illicit trade of guns and drugs. For the Bosnian Croat regime, the Croatian government politically and financially supported the regime's obstructionist government, but in early 2000 this situation changed. Croatia began withdrawing support, which placed significant strain on the ability of the Bosnian Croat's regime to placate its constituents while the elites gorged themselves on the territory's resources.

These developments began to erode the structures that supported the regimes, allowing for property restitution to make significant progress. However, the economic and social condition of BiH was in bad shape, many of the economic resources were already ethnicized, and people began to settle in their place of relocation because of the length of the waiting period. These factors damaged BiH's ability to nurture sustainable return for IDPs and refugees. In the end, the power of property restitution in return was

not properly exploited and the IC's agenda of recreating territorial ethnic heterogeneity to a large extent failed. This final chapter analyzes the possible lessons learned from this case study, which can possibly be applied to other post-conflict and development aid situations. I focus mainly on addressing aid/intervention planning, "regional conflict complexes," the informal economy, and property rights.

Taking Stock of IC Intervention and Aid

The IC's intervention in BiH draws some parallels to discussions about the IC's role in international development. Many scholars argue for widely different approaches to international development and aid that can be used to fight and end poverty.³⁶³ The main battle in the sphere of international development is basically between top-down and bottom-up approaches or what William Easterly calls planners and searchers.³⁶⁴ I will use Easterly and Jeffrey D. Sachs to represent the two different sides in this debate.

Easterly argues against all-encompassing plans, particularly those of Sachs, and IC-generated solutions, and instead emphasizes the importance of an experimental piecemeal approach that takes criticism and local feedback seriously. Easterly is extremely critical of how most aid has been used over the past half century, believing that much of the aid has been wastefully used and that in many cases it has done more harm

³⁶³ Paul Collier, *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It* (New York: Oxford University Press, 2009); Jeffrey D. Sachs, *The End of Poverty: Economic Possibilities for Our Time* (New York: Penguin, 2005); Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York: Basic Books, 2000); Damisa Moyo, *Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa* (New York: Farrar, Straus and Giroux, 2009); Muhammed Yunus, *Banker to the Poor: Micro-lending and the Battle Against World Poverty* (New York: PublicAffairs, 1999); Peter Singer, *The Life You Can Save* (New York: Random House, 2009); William Easterly, *The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good* (New York: Penguin Books, 2006); Abhijit V. Banerjee and Esther Duflo, *Poor Economics: A Radical Rethinking of the Way to Fight Global Poverty* (New York: PublicAffairs, 2011).

³⁶⁴ Easterly.

than good.³⁶⁵ One of the big criticisms of aid is its lack of attention to the needs and wants of the poor. According to Easterly, aid has been generally used in the framework of “pushing” people out of poverty instead of giving them the tools to develop out of poverty.

Sachs, on the other hand, promotes big plans and goals, believing that piecemeal programs are not enough to solve poverty. He argues that the poor are in poverty traps and the use of funds can push them out of it. He favors approaches that attempt to solve structural problems from the top-down and grand schemes to solve certain problems. Sachs criticizes Easterly for understating aid’s actual contribution to development and Easterly’s assertion that the West already has made a significant contribution. Sachs does applaud Easterly for criticizing the use of aid being wasted on certain projects and the political effect upon aid distribution.³⁶⁶ However, Sachs then in his plan wants to create a grand structure for the distribution of aid, consisting of the UN, the World Bank, the IMF, and national aid agencies like USAID.³⁶⁷ Sachs commonly makes excuses when his plans failed, for example in the SFRY and Russia, blaming the actions of politicians. However, he fails to see that his UN plan would give the power of aid distribution to organizations that are strongly impacted by their political benefactors.

Peter Singer takes a similar stance of Sachs that rich countries can and should provide more money for the development of poor countries, but provides a different solution than Sachs. Even though Singer maintains a similar criticism of Easterly, he more correctly emphasizes that Easterly’s focus on the World Bank and the IMF ignores

³⁶⁵ Ibid.

³⁶⁶ Sachs, *Common Wealth: Economic for a Crowded Planet* (New York: Penguin, 2008), 47-8.

³⁶⁷ Easterly, 6.

the real contributions by good NGOs, such as Catholic Relief Services, Oxfam, World Vision, and CARE.³⁶⁸ Singer advocates that individuals from rich country directly give a certain percentage of their income to good aid organizations. This involves individuals in the process so that organizations are held more accountable when aid is distributed poorly.³⁶⁹ This discussion on international development has immense importance to this thesis' case study and provides a good baseline to tease out lessons from this study.

From this case study, I would argue that property restitution made significant progress in Mostar because the IC adopted a unified and interventionist approach, imposing international human rights standards and rule of law on regimes, and the “regional conflict complex” changed. However, the cost of the project was high as many financial and political resources were inefficiently used or wasted. It is important to learn from mistakes made in BiH because most post-conflict situations will not enjoy the same financial and political support.³⁷⁰

In post-conflict situations where significant amounts of aid are funneled into the country, the international aid and intervention effort must be coordinated.³⁷¹ This recommendation goes beyond post-conflict situations and encompasses general development aid situations as well when a country becomes a favored target of many donors. Generally, when there is a large influx of aid and donors into a location, donors' average knowledge base of the local situation and its particular dynamics decreases as many more donors and employees move in with no real knowledge of the location. Also,

³⁶⁸ Singer, 106-10.

³⁶⁹ Ibid., 168.

³⁷⁰ Williams, “The Significance of Property Restitution,” 40.

³⁷¹ Banerjee and Duflo; Robert Neuwirth, *Stealth of Nations: The Global Rise of the Informal Economy* (New York: Anchor Books, 2011).

as Singer points out, many organizations historically measure their effectiveness through input (aid money disburse) instead of output (impact upon recipient) so donors who need to spend out their budgets become too willing to donate to any project when good projects are scarce.³⁷² Therefore, when there is an overabundance of aid and donors in an area with little coordination, local organizations and networks can easily play international organizations against each other to negotiate the most lucrative and least intrusive deal. This significantly reduces local accountability and increasing the chances of people “lining their pockets.”

Also, international organizations need a managing structure in these situations in order to effectively handle the regional context and dynamics that generally funnel money and goods into these regimes. Through an organized structure, the IC can assert pressure that influences both ethnocratic regimes and their regional enablers. A significant advantage of this approach is that it allows for the efficient management of a “regional conflict complex.” The IC must pay attention to and understand the country’s shadow economics in order to dismantle structures that maintain criminal regimes. Mainly, these structures need to be dismantled through the tight control over financial flows that come from international donors, regional powerbrokers, and illegal activities. The IC needs to attempt to stop or seriously obstruct illegal activities that, in more cases than not, fund these regimes, allowing them to operate unhindered. An example in this case study is the raid of Hercegovacka Banka. Particularly, the obstruction of smuggling by reforming and reinforcing customs administration is an important first step to hinder the flow of illicit products and dirty money.

³⁷² Singer, 82-4.

However, this approach should be taken in tandem with efforts to decrease the demand for smuggled goods domestically and abroad. If demand is high enough, but the corresponding supply is not available, informal economies grow to satisfy the demand. Because the IC never fully addressed this second part, ethnocratic regimes have limped along, maintaining their smuggling routes into the present. How to accomplish this second part is beyond the scope of this thesis and I, by no means, intend to imply that accomplishing this second part is a simple task. This is not to argue that economic factors wholly determine the fate of these regimes, especially since ideological sympathies can allow a regime to endure immense hardship, but controlling the financial element can force regimes to cooperate and encourage factions within those regimes to cooperate with the IC as a moderate alternative. The reality of intense donor migration to certain locations creates a situation where the IC can waste money, losing good opportunities and financing the problem. To accomplish this, the IC must deal with these geopolitically entrenched regimes with a united front.

However, this recommendation has a number of problems that were touched upon in this thesis in regard to property restitution and compensation. Even though the IC did not act uniformly early in the process, it did have a plan – the Dayton Peace Agreement. One of the main problems in the Dayton Agreement in regard to property restitution was that Annex 7 obligated two mechanisms for the execution of property restitution: the domestic housing authorities and the CRPC. However, since the CRPC's mandate did not include an enforcement mechanism and domestic housing authorities still had to process and implement claims, the CRPC was largely redundant and its role in the processing of claims was an inefficient use of money. Also, the domestic authorities were mostly

unwilling to process claims so the IC established PLIP, which was successful, but it involved three different agencies to ensure that domestic housing authorities did their jobs, increasing the cost of property restitution. It would have been more useful if the Dayton Agreement made the CRPC work within the administrative structure of domestic housing offices and operate as PLIP did. This would have made domestic housing offices more accountable to the displaced population, but the offices would have been sole target of criticism and pressure.

With a unified interventionist approach by the IC, a major issue becomes who determines policy and the needs and desires of beneficiaries. The IC structure that governs the reconstruction process is less accountable to the local population and there is less opportunity for them to voice their opinion. The IC can easily fall into the trap of imposing their agenda on the people with international aims taking precedent over local needs. One example is that compensation was not developed as an option for IDPs and refugees mainly because the IC believed that compensation implicitly condoned ethnic cleansing. I am not intending to argue that property restitution is not a more favorable result than relocation. However, not providing IDPs and refugees a real choice between return and relocation violated the Dayton Agreement, and it disregarded the true desire of a proportion of the displaced population. Also, not addressing the issue of compensation allowed the CRPC and the IC to avoid effective intervention into the property market. If the CRPC had managed a compensation fund, it would have been forced to develop an appropriate valuation method of property and would have been a stabilizing force in the market. The decision to not offer compensation and the timeframe of property restitution bring the moral stance of the IC's agenda into question. While supporting compensation

and relocation can be viewed as implicitly accepting the violent results of ethnic cleansing, the absence of compensation ignores the possible wishes of the wronged, and the significant length that it took property restitution to be accomplished increased the suffering of the wronged.

As discussed with problems in the real estate market, the argument that IDPs and refugees effectively received compensation when they sold their returned property is shaky at best. Beyond the issues of the formal structure of the market, IDPs and refugees sold their property at cheaper prices because buyers were aware that they would not return so buyers could extort cheaper prices from them. Also, many left Mostar at the beginning of the second siege in 1993 and did not receive their property back until 2001 in most of Mostar, at the earliest, so many waited eight years or more until they could return home. This is neither timely nor fair as argued by members of the IC.³⁷³ If the IC wanted to achieve the recreation of ethnic heterogeneity at the expense of the wishes of a portion of the wronged, the IC should have ensured that these people did not continue to suffer in collective centers and alternative accommodations. However, because the wishes of the locals were ignored, these people waited for an excessive amount of time to do what they possibly wanted to do in the first place.

Instituting a clear, well-documented system of property rights is an important preventative measure against wide-scale, permanent dispossession. IDPs and refugees in BiH were lucky that the possession lists existed, which acted as a safety net against the large informal real estate market that existed in the SFRY. However, if only the land

³⁷³ Pretitore, 14.

books existed, the poor condition of property records in BiH could have created a dire situation where property restitution would have been impossible to implement. Even though this study approaches the importance of property rights from a different angle, this study builds upon Hernando de Soto's argument for formalizing the informal.³⁷⁴ Even though Robert Neuwirth argues against de Soto, stating that privatization and stronger property rights rarely leads to increased financial capacity, Neuwirth also documented how the absence of the legal protection that property rights provide leaves populations open to being permanently and irrevocably dispossessed of hard-earned wealth even in peace time.³⁷⁵ It would be prudent for countries to simplify property systems and create less prohibitive taxation systems, especially since these were the largest deterrents in the SFRY. Property rights are more than a tool for development as elucidated by de Soto. Property rights are a legal protection from antagonistic regimes and groups.

³⁷⁴ de Soto.

³⁷⁵ Neuwirth.

REFERENCES

- <http://www.bhas.ba> (accessed March 5, 2011).
- Amnesty International. "Behind Closed Gates: Ethnic Discrimination in Employment (Including Amendment)." 2006.
- Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. New York: Verso, 2006.
- Andreas, Peter. "The Clandestine Political Economy of War and Peace in Bosnia." *International Studies Quarterly* 48 (2004): 29-51.
- Banac, Ivo. *The National Question in Yugoslavia: Origins, History, Politics*. London: Cornell University Press, 1984.
- Banerjee, Abhijit V., and Esther Duflo. *Poor Economics: A Radical Rethinking of the Way to Fight Global Poverty*. New York: PublicAffairs, 2011.
- Bašić, Enriša, interview by author. Translated by Muhamed Velagić. (September 13, 2012).
- Batalden, Stephen K. "Religious Property Restitution in the Balkans: Denationalization and Resacralization in the Period of Transition." *Modern Studies Yearbook* 14/15 (1998/1999).
- Baučić, Ivo. "Yugoslavia as a Country of Emigration." *Options Méditerranéennes* (International Centre for Advanced Mediterranean Agronomic Studies) 22 (1974): 56-66.
- Bax, Mart. "Planned Policy or Primitive Balkanism: A Local Contribution to the Ethnography of the War in Bosnia-Herzegovina." *Ethnos* 65, no. 3 (2000): 317-340.
- Bax, Mart. "Warlords, priests and the politics of ethnic cleansing: a case-study from rural Bosnia Herzegovina." *Ethnic and Racial Studies* 23, no. 1 (2000): 16-36.
- Bečić, Almedina. "Počinju se rješavati problemi stanara Razvitka (Beginning to Resolve the Problems of Razvitak's Tenants)." *Dnevni List*, March 19, 2011.
- Behililović, Fehim. "Od Teza do Nactra Zakona o Premjeru i Katastru Nekretnina (From the Idea to the Draft of the Law on the Survey and Real Estate Cadastre)." *Geodetski glasnik (Glasilo saveza udruženja građana geodetske struke Bosne i Hercegovine)* (Savez geodetskih inženjera i geometara Bosne i Hercegovine) 17, no. 20 (June 1983): 5-10.

- Bevan, Robert. *The Destruction of Memory: Architecture at War*. London: Reaktion Books Ltd, 2007.
- "Beyond Restraint: Politics & the Policing Agenda of the UN International Police Task Force." *Human Rights Watch*. June 1, 1998.
<http://www.unhcr.org/refworld/docid/3ae6a8340.html> (accessed March 25, 2012).
- Bieber, Florian. "Local Institutional Engineering: A Tale of Two Cities, Mostar and Brčko." *International Peacekeeping* 12, no. 3 (Autumn 2005): 420-433.
- Bing, Judith. "Ideas and Realities: Rebuilding in Postwar Mostar." *Journal of Architectural Education* 54, no. 4 (2001): 238-249.
- Bjelakovic, Nebojsa, and Francesco Strazzari. "The Sack of Mostar, 1992-1994: The Politico-military Connection." *European Security* 8 (1999): 73-102.
- Black, Richard. "Return and Reconstruction in Bosnia-Herzegovina: Missing Link, or Mistaken Priority?" *SAIS Review* 21, no. 2 (Summer-Fall 2001): 177-199.
- Block, Robert. "Killers." *The New York Review of Books*, November 18, 1993.
- Bojić v. the Federation of Bosnia and Herzegovina*. CH/02/12435 (Human Rights Chamber for Bosnia and Herzegovina, December 2003, 2003).
- Bollens, Scott. *Cities, Nationalism and Democratization*. New York: Routledge, 2007.
- Bose, Sumantra. *Bosnia after Dayton: Nationalist Partition and International Intervention*. New York: Oxford University Press, 2002.
- Bosna i Hercegovina Ministarstvo za ljudska prava i izbjeglice: Sekto za ibjeglice iz Bosne i Hercegovine i raseljene osobe u Bosni i Hercegovini. "Usporedni pokazatelji o izbjeglicama, raseljenim osobama i povratnicima, provedbi imovinskih zakona i rekonstrukiji u BiH od 1991. do 20.06.2003. godine." 2003.
- Bovenkerk, Frank. "Organized Crime in former Yugoslavia." In *Global Organized Crime: Trends and Developments*, edited by Dina Siegel, Henk van de Bunt and Damian Zaitch, 46-50. Boston: Kluwer Academic Publishers, 2003.
- Brady, Sheelagh. *Organised Crime in Bosnia and Herzegovina: A silent war fought by an ambush of toothless tigers or a war not yet fought?* Sarajevo: Organized Crime and Corruption Reporting Project, 2012.
- Brashich, Ranko M. *Land Reform and Ownership in Yugoslavia, 1919-1953*. New York: Mid-European Studies Center, 1954.
- Brčić v. Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina*. CH/98/799 (Human Rights Chamber for Bosnia and Herzegovina, May 6, 2002).

- "Briefing Note on UNHCR and Annex 7 in Bosnia and Herzegovina." UNHCR Representation in Bosnia Herzegovina, October 2007.
- Burkey, Ingvild. "OSCE Mission to Bosnia and Herzegovina: Human Rights Officer: October 1997 - December 2000." *Norwegian Centre for Human Rights*. 2001. http://www.jus.uio.no/smr/english/about/programmes/nordem/publications/nordem-report/2001/wp_2001_10.html (accessed February 13, 2013).
- Čabrilo et al v. the Federation of Bosnia and Herzegovina*. CH/00/6428, CH/00/6429, CH/00/6433, CH/00/6445, CH/00/6446, CH/00/6447, CH/00/6452, CH/00/6454, CH/00/6491, CH/00/6492, CH/00/6494, CH/00/6499, CH/00/6501, CH/00/6502, CH/00/6503, CH/00/6504, CH/00/6505, CH/00/6507, CH/00/6508, CH/00/6509, CH/00/6512, CH/00/6515, CH/00/6516, and CH/00/6517 (Human Rights Chamber for Bosnia and Herzegovina, June 6, 2003).
- Cashman, Ray. "Visions of Irish Nationalism." *Journal of Folklore Research* 45, no. 3 (Sep-Dec 2008): 361-381.
- Centar za istraživačko novinarstvo (CIN). *Safet Oručević*. Centar za istraživačko novinarstvo. <http://database.cin.ba/prikaz.php?subjekt=21&jezik=1> (accessed August 9, 2012).
- Chimni, B.S. "From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems." Working Paper No. 2, 1999.
- Collier, Paul. *Economic Causes of Civil Conflict and Their Implications for Policy*. Washington, DC: World Bank, June 15, 2000.
- . *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It*. New York: Oxford University Press, 2009.
- Collier, Paul, and Anke Hoeffler. *Greed and Grievance in Civil War*. Washington, DC: World Bank, October 21, 2001.
- Commission for Real Property Claims of Displaced Persons and Refugees (CRPC). *End of Mandate Report (1996-2003)*. Commission for Real Property Claims of Displaced Persons and Refugees (CRPC).
- Commission for Real Property Claims of Displaced Persons and Refugees. "CRPC Decisions and Property Rights Recognized in Bosnia and Herzegovina." https://www.law.kuleuven.be/web/itl/CRPC_Bosnia/CRPC/new/download/en/decisions/PropertyRightsCRPCDecisionsrev19Feb.pdf (accessed June 28, 2012).
- Commission for Reforming the City of Mostar. "Commission for Reforming the City of Mostar: Recommendations of the Commission Report of the Chairman." Office of the High Representative of Bosnia-Herzegovina, 15 Dec 2003.

- "Communique by the PIC Steering Board." PIC SB Political Directors, 20 October 2006.
- Coward, Martin. "Community as Heterogeneous Ensemble: Mostar and Multiculturalism." *Alternatives* 27, no. 1 (2002): 29-66.
- Cox, Marcus. "The Right to Return Home: International Intervention and Ethnic Cleansing in Bosnia and Herzegovina." *International and Comparative Law Quarterly* 47, no. 3 (1998): 599-631.
- Cox, Marcus, and Madeline Garlick. "Musical Chairs: Property Repossession and Return Strategies in Bosnia and Herzegovina." In *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons*, by Scott Leckie, 65-81. Ardsley, New York: Transnational Publishers, 2003.
- de Soto, Hernando. *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York: Basic Books, 2000.
- Deloitte. "Investment Opportunity: Aluminij d.d., Mostar, Bosnia and Herzegovina." *Agencija za privatizaciju u Federaciji BiH*. 2006.
http://www.apf.com.ba/aktuelna-prod/tenderi/dokumentacija/aluminij/eng/Teaser_Aluminij_Final%20_020307.pdf
 (accessed August 8, 2012).
- Donais, Timothy. *The Political Economy of Peacebuilding in Post-Dayton Bosnia*. New York: Routledge, 2005.
- Donais, Timothy. "The Politics of Privatization in Post-Dayton Bosnia." *Southeast European Politics* 3, no. 1 (June 2002): 3-19.
- Donia, Robert. *Islam Under the Double Eagle: The Muslims of Bosnia and Hercegovina, 1878-1914*. Boulder, CO: East European Monographs, 1981.
- Donia, Robert. "The Origins of Republika Srpska, 1990-1992: A Background Report." International Criminal Tribunal on the Former Yugoslavia, 23 September 2008.
- Donia, Robert. "Thematic Excerpts from the Assembly of Republika Srpska, 1991-96." International Criminal Tribunal on the Former Yugoslavia, 23 September 2008.
- Easterly, William. *The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good*. New York: Penguin Books, 2006.
- Englbrecht, Walpurga. "Property Rights in Bosnia and Herzegovina: The Contributions of the Human Rights Ombudsperson and the Human Rights Chamber Towards Their Protection." In *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons*, by Scott Leckie, 83-142. Ardsley, New York: Transnational Publishers, 2003.

- European Stability Initiative. "Reshaping International Priorities in Bosnia and Herzegovina: Bosnian Power Structures." 1999.
- Faist, Thomas. *The Volume and Dynamics of International Migration and Transnational Social Spaces*. New York: Oxford University Press, 2000.
- Faroqhi, Suraiya, Bruce McGowan, Donald Quataert, and Sevket Pamuk. *An Economic and Social History of the Ottoman Empire*. Edited by Halil Inalcik and Donald Quataert. Vols. II: 1600-1914. II vols. New York: Cambridge University Press, 1994.
- Ferfila, Bogomil Bogo. *The Economics and Politics of the Socialist Debacle: The Yugoslav Case*. Lanham, Maryland: University Press of America, 1991.
- Franz, Barbara. "Returnees, Remittances and Reconstruction: International Politics and Local Consequences in Bosnia." *The Whitehead Journal of Diplomacy and International Relations* 11, no. 1 (January 2010): 49-62.
- Garlick, Madeline. "Protection for Property Rights: A Partial Solution? The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) in Bosnia and Herzegovina." *Refugee Survey Quarterly* 19, no. 3 (2000): 64-83.
- Glenny, Misha. *McMafia: A Journey Through the Global Criminal Underworld*. New York: Vintage, 2008.
- . *The Balkans: Nationalism, War, and the Great Powers, 1804-1999*. New York: Penguin Books, 2000.
- Grandits, Hannes. "The Power of 'Armchair Politicians': Ethnic Loyalty and Political Factionalism among Herzegovinian Croats." In *New Bosnian Mosaic: Identities, Memories and Moral Claims in a Post-War Society*, edited by Xavier Bougarel, Duijzings Ger and Elissa Helms, 101-122. Abingdon: Ashgate Publishing Group, 2007.
- Grodach, Carl. "Reconstituting Identity and History in Post-War Mostar, Bosnia-Herzegovina." *City* 6, no. 1 (2002): 61-82.
- Haider, Huma. "The Politicisation of Humanitarian Assistance: Refugee and IDP Policy in Bosnia and Herzegovina." *The Journal of Humanitarian Assistance*. April 26, 2010. <http://sites.tufts.edu/jha/archives/700> (accessed April 19, 2012).
- Hastings, Lynn. "Implementation of the Property Legislation in Bosnia and Herzegovina." *Stanford Journal of International Law* 37, no. 221 (2001): 221-254.
- Heffernan, Kathryn L. *Reinventing Mostar: The Role of Local and International Organizations in Instituting Multicultural Identity*. Master's Thesis, Nationalism Studies Program, Central European University, 2009.

- Hoare, Attila. "The Croatian Project to Partition Bosnia-Herzegovina, 1990-1994." *East European Quarterly* 31, no. 1 (1997).
- Hondžo v. the Federation of Bosnia and Herzegovina*. CH/98/992 (Human Rights Chamber for Bosnia and Herzegovina, July 3, 2003).
- Horisberger, Jean-Luc. "Land Administration in Bosnia and Herzegovina after the War." *Symposium on Land Administration in Post Conflict Areas*. Geneva, 2004.
- Horvat, Branko. "Yugoslav Economic Policy in the Post-War Period: Problems, Ideas, Institutional Developments." *The American Economic Review* 61, no. 3 (June 1971): 71-169.
- Hromadžić, Azra. "Bathroom Mixing: Youth Negotiate Democratization in Postconflict Bosnia and Herzegovina." *Political and Legal Anthropology Review* 34, no. 2 (2011): 268-289.
- Hromadžić, Azra. "Discourses of Integration and Practices of Reunification at the Mostar Gymnasium, Bosnia and Herzegovina." *Comparative Education Review* 52, no. 4 (November 2008): 541-563.
- Imamović, Jasmin. "Evidencije nekretnina i prava na nekretninama u Bosni i Hercegovini od XV vijeka do danas (Property Records and Rights in Bosnia and Herzegovina from Fifteenth Century until Today)." *Geodetski glasnik (Glasilo saveza udruženja građana geodetske struke Bosne i Hercegovine)* (Savez geodetskih inženjera i geometara Bosne i Hercegovine) 21, no. 24 (1987): 52-56.
- International Crisis Group. "Bosnia's Precarious Economy: Still Not Open for Business." August 7, 2001. <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/115-bosnias-precariou-economy-still-not-open-for-business.aspx> (accessed January 15, 2013).
- . "Building Bridges in Mostar." November 20, 2003. <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/150-building-bridges-in-mostar.aspx>.
- . "Reunifying Mostar: Opportunities for Progress." April 19, 2000. <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/150-building-bridges-in-mostar.aspx>.
- . "Why Will No One Invest In Bosnia and Herzegovina?" April 21, 1999. <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/064-why-will-no-one-invest-in-bosnia-and-herzegovina.aspx> (accessed January 15, 2013).

Ito, Ayaki. "Politicisation of Minority Return in Bosnia and Herzegovina - The First Five Years Examined." *International Journal of Refugee Law* 13, no. 1 and 2 (2001): 98-122.

Izveštaj prema trenutom statusu stambene jedinice - 31.10.2008. godine (Report on the Current Status of Housing Units - 10/31/2008). Bosna i Hercegovina Ministarstvo za ljudska prava i izbjeglice (BiH Ministry of Human Rights and Refugees), 18 November 2008.

Jansen, Stef. "National Numbers in Context: Maps and Stats in Representations of the Post-Yugoslav Wars." *Identities: Global Studies in Culture and Power* 12 (2005): 45-68.

Johnson, A. Ross. *The Transformation of Communist Ideology: The Yugoslav Case, 1945-1953*. London: The MIT Press, 1972.

Jung, Dietrich, ed. *Shadow Globalization, Ethnic Conflicts and New Wars: A Political Economy of Intra-State war*. New York: Routledge, 2003.

Katunarić, Neven, and Marijan Puntarić. "Prlić i Partneri Sada Peru Robu u Cistom Moru Makarske Rivijere (Prlić and Partners Now Wash Goods in the Clean Sea of the Makarska Riviera)." *Slobodna Dalmacija*, September 24, 2001.

—. "Tri Hercegovačka Kralja Nafta (Three Herzegovinian Oil Kings)." *Slobodna Dalmacija*, September 21, 2001.

Kelecija v. the Federation of Bosnia and Herzegovina. CH/99/3407 (Human Rights Chamber for Bosnia and Herzegovina, February 8, 2000).

Klemenčić, Mladen. "Territorial Proposals for the Settlement of the War in Bosnia-Herzegovina." International Boundaries Research Unit, University of Durham, Durham, 1994.

Koshar, Rudy. *From Monuments to Traces: Artifacts of German Memory, 1870-1990*. Los Angeles: University of California Press, 2000.

Kratak prikaz brojnog stanja raseljenih osoba, ostvarenih povrataka i projekata realizovanih na području HNK (Short Report on the Number of Displaced Persons, the Production of Returns and Realized Projects in the Herzegovina-Neretva Canton). Mostar: Uprava za prognanike i izbjeglice (Department for IDPs and Refugees), October 2011.

Krvavac et al v. the Federation of Bosnia and Herzegovina. CH/00/6436 and CH/00/6486 (Human Rights Chamber for Bosnia and Herzegovina, July 3, 2002).

Lampe, John R. *Yugoslavia as History: Twice There was a Country*. 2nd. New York: Cambridge University Press, 2000.

- "Law on Sale of Apartments with Occupancy Right." *FBH Official Gazette*, no. nos. 27/97; 11/98; 22/99; 27/99; 7/00; 32/01.
- "Law on the Cessation of the Application of the Law on Abandoned Apartment." *Official Gazette of the Federation BiH*. Vols. No. 11/98, 38/98, 12/99, 18/99, 27/99, 43/99.
- Lesko, Ivan, interview by author. Translated by Muhamed Velagic. (July 11, 2012).
- Lukić, Vladimir, Mustafa Begić, and Jasmin Imamović. *Teorijski i Praktični: Komentar Zakona o Premjeru i Katastru Nekretnina*. Sarajevo, SFRY: Sid "Struka", 1991.
- Lydall, Harold. *Yugoslav Socialism: Theory and Practice*. New York: Clarendon Press, 1984.
- . *Yugoslavia in Crisis*. Oxford: Clarendon Press, 1989.
- Makaš, Emily Gunzburger. *Representing Competing Identities: Building and Rebuilding in Postwar Mostar, Bosnia-Herzegovina*. PhD Diss, Department of Architecture, Cornell University, 2007.
- Malcolm, Noel. *Bosnia: A Short History*. New York: New York University Press, 1996.
- Malić, Gordan. "Ku su najmoćniji Hrvati (Who are the most powerful Croats)." *Dani*, April 13, 2001.
- Mann, Michael. *The Dark Side of Democracy: Explaining Ethnic Cleansing*. New York: Cambridge University Press, 2004.
- Mićanović, Ivica, Kemal Osmanović, and Michael Wagner. *Feasibility Study on the Use of FLOSS in the Cadastre Sector in Bosnia and Herzegovina*. FAO, 2009.
- Mikelic, Veljko, Torsten Schoen, and Marjolein Benschop. *Housing and Property Rights: Bosnia and Herzegovina, Croatia and Serbia and Montenegro*. Nairobi: UN-HABITAT, 2005.
- Milanovic, Branko. "Patterns of Regional Growth in Yugoslavia, 1952-1983." *Journal of Development Economics* 25 (1987): 1-19.
- Mitrovic, Jelena. "Bridging the Divides - 'Unification' of Mostar." Master's Thesis, Central European University, 2008.
- Moyo, Damisa. *Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa*. New York: Farrar, Straus and Giroux, 2009.

Municipal Council of the Municipality South-West Mostar v. the High Representative. CH/00/4027 and CH/00/4074 (Human Rights Chamber for Bosnia and Herzegovina, March 9, 2000).

Nenadić, Mario, and Nermina Džepar-Ganibegović. *Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement.* Proposal, Sarajevo: Ministry of Human Rights and Refugees of Bosnia and Herzegovina, 2010.

Neuwirth, Robert. *Stealth of Nations: The Global Rise of the Informal Economy.* New York: Anchor Books, 2011.

Office of the High Representative of Bosnia and Herzegovina. "42nd Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations." November 8, 2012. http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=47611 (accessed January 10, 2013).

—. "Decision Enacting the Decision on Establishment of the Spatial Development Institute." December 22, 2006. http://www.ohr.int/decisions/mo-hncantdec/default.asp?content_id=38777 (accessed April 5, 2011).

—. "Decision Enacting the Statute of the City of Mostar." January 28, 2004. http://www.ohr.int/decisions/mo-hncantdec/default.asp?content_id=31707 (accessed April 5, 2011).

—. "Decision Establishing the Commission for Reforming the City of Mostar." September 17, 2003. http://www.ohr.int/decisions/mo-hncantdec/default.asp?content_id=30823 (accessed April 5, 2011).

—. "Decision establishing the Privatisation Monitoring Commission." June 23, 1998. http://www.ohr.int/decisions/econdec/default.asp?content_id=20 (accessed April 5, 2011).

—. "Decision extending until 30 June 2000 the Decision on certain types of socially-owned land of 26 May 1999." December 30, 1999. http://www.ohr.int/decisions/plipdec/default.asp?content_id=210 (accessed January 15, 2013).

—. "Decision on re-allocation of socially owned land, superseding the 26 May 1999 and 30 December 1999 Decisions." April 27, 2000. http://www.ohr.int/decisions/plipdec/default.asp?content_id=213 (accessed January 15, 2013).

—. "Decision on the Recognition and Implementation of CRPC Decisions in the Federation." October 27, 1999.

- http://www.ohr.int/decisions/plipdec/default.asp?content_id=198 (accessed April 5, 2011).
- "Decision removing Ante Jelavic from his position as the Croat member of the BiH Presidency." March 7, 2001.
http://www.ohr.int/decisions/removalssdec/default.asp?content_id=328 (accessed January 15, 2013).
 - "Decision removing Ivan Mandic from his position as Head of Mostar Municipality South-West." January 15, 2002.
http://www.ohr.int/decisions/removalssdec/default.asp?content_id=6729 (accessed June 1, 2012).
 - "Decision removing Mr. Nedžad Behram from his position of Head of Housing Department of Mostar Municipality Old Town." November 29, 1999.
http://www.ohr.int/decisions/removalssdec/default.asp?content_id=272 (accessed June 1, 2012).
 - "Decision removing Mr. Stipe Maric from his position as Mayor of Mostar South West." November 29, 1999.
http://www.ohr.int/decisions/removalssdec/default.asp?content_id=281 (accessed June 1, 2012).
 - "Decision removing Ms. Marina Deronjic from her position of Head of the Housing Department in Municipality Mostar South West." November 29, 1999.
http://www.ohr.int/decisions/removalssdec/default.asp?content_id=275 (accessed June 1, 2012).
 - "Decision suspending the power of local authorities in the Federation and the RS to re-allocate socially-owned land in cases where the land was used on 6 April 1992 for residential, religious, cultural, private agricultural or private business activities." May 26, 1999.
http://www.ohr.int/decisions/plipdec/default.asp?content_id=163 (accessed January 15, 2013).
 - "Property Law Implementation Plan (PLIP): Inter-Agency Framework Document." *OSCE BiH*. October 2000.
http://www.oscebih.org/documents/osce_bih_doc_2000101511402819eng.pdf (accessed March 23, 2012).
 - "Provisional Administrator Announces Conclusions of Her Investigation." December 16, 2002. http://www.ohr.int/other-doc/hb-padmin/default.asp?content_id=28730 (accessed January 3, 2013).
- Official Gazette of the Serb People of Bosnia and Herzegovina*. "The Declaration of Proclamation of the Republic of the Serb People of Bosnia and Herzegovina." January 27, 1992: 13-4.

Pašić, Amir. *Celebrating Mostar: Architectural History of the City, 1452-2004*. Mostar: Grin, 2005.

Petrović v. the Federation of Bosnia and Herzegovina. CH/00/6142 (Human Rights Chamber for Bosnia and Herzegovina, March 6, 2001).

Philpott, Charles. "Though the Dog is Dead, the Pig must be Killed: Finishing with Property Restitution to Bosnia-Herzegovina's IDPs and Refugees." *Journal of Refugee Studies* 18, no. 1 (2005): 1-24.

Phoung, Catherine. "Freely to Return: Reversing Ethnic Cleansing in Bosnia-Herzegovina." *Journal of Refugee Studies* 13, no. 2 (2000): 165-183.

Pielichata, Paulina. "Aluminij Mostar will cut aluminium production by 12.5%." *Metal Bulletin Weekly*, July 30, 2012.

"PLIP Statistics Guidelines." *Property Law Implementation Plan*. 11 25, 2002.
http://www.ohr.int/plip/key-doc/default.asp?content_id=30053 (accessed April 19, 2011).

"PLIP Statistics, April 2004." *Property Law Implementation Plan*, April 2004.

"PLIP Statistics, September 2004." *Property Law Implementation Plan*, September 2004.

Poparić v. Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina. CH/02/11070 (Human Rights Chamber for Bosnia and Herzegovina, October 11, 2002).

"Popis 2013." *BiH Agencija za statistiku (BiH Agency for Statistics)*.
http://www.bhas.ba/?option=com_content&view=category&layout=blog&id=60&Itemid=105&lang=ba (accessed February 4, 2013).

Prettitore, Paul. "The Right to Housing and Property Restitution in Bosnia and Herzegovina: A Case Study." Working Paper, 2003.

"Property Law Implementation Plan (PLIP) Inter-Agency Framework Document." *OSCE BiH*. Office of the High Representative of Bosnia and Herzegovina. October 2000.
http://www.oscebih.org/documents/osce_bih_doc_2000101511402819eng.pdf.

Prosecutor v. Dario Kordic and Mario Cerkez. IT-95-14/2-T (International Criminal Tribunal on the Former Yugoslavia, March 26, 2001).

Prosecutor v. Jadranko Prlic, Bruno Stojic, Slobodan Praljak, Milivoj Petkovic, Valentin Coric and Berislav Pusic. IT-04-74-T (International Criminal Tribunal for the Former Yugoslavia).

- Prosecutor v. Mladen Naletilic, aka "TUTA" And Vinko Martinovic, aka "STELA"*. IT-98-34-T (International Criminal Tribunal on the Former Yugoslavia, March 31, 2003).
- Pugh, Michael. "Postwar Political Economy in Bosnia and Herzegovina: The Spoils of Peace." *Global Governance* 8, no. 4 (2002): 467-482.
- Pugh, Michael. "Rubbing Salt into War Wounds: Shadow Economies and Peacebuilding in Bosnia and Kosovo." *Problems of Post-Communism* 51, no. 3 (2004): 53-60.
- Pugh, Michael, Neil Cooper, and Jonathan Goodhand. *War Economies in a Regional Context: Challenges of Transformation*. Boulder, Col.: Lynne Rienner Publishers, 2004.
- Puntarić, Marijan, and Nijaz Čengić. "Poslovno carstvo Jadranka Prlića i partnera vrijeda tri milijarde dem (Business Empire of Jadranko Prlić and his Partner Worth Three Billion Deutsche Marks)." *Slobodna Dalmacija*, September 19, 2001.
- Rabenhorst, Carol S. *The Real Estate Market in Bosnia-Herzegovina: Current Status and Recommendation for Reform*. The Urban Institute, 2000.
- Ralević v. the Federation of Bosnia and Herzegovina*. CH/99/2595 (Human Rights Chamber for Bosnia and Herzegovina, May 9, 2003).
- Ramet, Sabrina. *The Three Yugoslavias: State-Building and Legitimation, 1918-2005*. Indianapolis: Indiana University Press, 2006.
- Return and Reconstruction Task Force. "OHR RRTF Report April 1997." *Office of the High Representative*. April 30, 1997. http://www.ohr.int/ohr-dept/rrtf/key-docs/reports/default.asp?content_id=5565 (accessed October 26, 2012).
- Riedlmayer, Andrés J. "Destruction of Cultural Heritage in Bosnia-Herzegovina, 1992-1996: A Post-war Survey of Selected Municipalities." Milosevic Trial Public Archive.
- Rosand, Eric. "The Right to Compensation in Bosnia: An Unfulfilled Promise and Challenge to International Law." *Cornell International Law Journal* 33, no. 113 (2000): 113-158.
- Rusinow, Dennison. *The Yugoslav Experiment, 1948-1974*. Los Angeles: University of California Press, 1977.
- Sachs, Jeffrey D. *Common Wealth: Economic for a Crowded Planet*. New York: Penguin, 2008.
- . *The End of Poverty: Economic Possibilities for Our Time*. New York: Penguin, 2005.

- Sahlins, Peter. *Boundaries: The Making of France and Spain in the Pyrenees*. Los Angeles: University of California Press, 1989.
- Scott, James C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Durham, NC: Yale University Press, 1999.
- Sells, Michael. "Crosses of Blood: Sacred Space, Religion, and Violence in Bosnia-Herzegovina." *Sociology of Religion* 64, no. 3 (Autumn 2003): 309-331.
- Sert, Deniz. "Reversing Segregation? The Property Restitution Process in Post-war Bosnia." *Ethnopolitics* 10, no. 2 (2011): 219-233.
- SFOR. "Operation Westar Preliminary Results." *NATO*. December 17, 1999. <http://www.nato.int/sfor/sfor-at-work/opwestar/t991216a.htm> (accessed December 27, 2012).
- Singer, Peter. *The Life You Can Save*. New York: Random House, 2009.
- Stanje raseljenih osoba prijeratnom mjestu prebivališta sa 31.10.2008. godine (The Status of IDPs according to Prewar Place of Residence on 10/31/2008)*. Bosna i Hercegovina Ministarstvo za ljudska prava i izbjeglice (BiH Ministry of Human Rights and Refugees), 18 November 2008.
- Stefansson, Anders H. "Homes in the Making: Property Restitution, Refugee Return, and Senses of Belonging in a Post-war Bosnian Town." *International Migration* 44, no. 3 (2006): 115-139.
- Stuedler, Daniel, Mika Petteri Torhonen, and Gertrude Pieper. *FLOSS in Cadastre and Land Registration: Opportunities and Risks*. FAO, 2010.
- Tanner, Marcus. *Croatia: A Nation Forged in War*. London: Yale University Press, 1997.
- "The General Framework Agreement for Peace in Bosnia and Herzegovina." December 14, 1995.
- Toal, Gerard, and Carl T. Dahlman. *Bosnia Remade: Ethnic Cleansing and Its Reversal*. New York: Oxford University Press, 2011.
- Toal, Gerard, and John O'Loughlin. "After Ethnic Cleansing: Return Outcomes in Bosnia-Herzegovina a Decade Beyond War." *Annals of the Association of American Geographers* 99, no. 5 (December 2009): 1045-1053.
- Tomasevich, Jozo. *Peasants, Politics, and Economic Change in Yugoslavia*. Stanford, Calif.: Stanford University Press, 1955.

- Trklja et al v. the Federation of Bosnia and Herzegovina*. CH/00/6444, CH/00/6506, CH/00/6511, and CH/00/6513 (Human Rights Chamber for Bosnia and Herzegovina, April 11, 2002).
- Turundžić and Frančić v. the Federation of Bosnia and Herzegovina*. CH/00/6143 and CH/00/6150 (Human Rights Chamber for Bosnia and Herzegovina, February 5, 2001).
- UN Sub-Commission on the Promotion and Protection of Human Rights. "The Return of Refugees' or Displaced Persons' Property. Working Paper Submitted by Mr. Paulo Sérgio Pinheiro Pursuant to Sub-Commission Decision 2001/122." E/CN.4/Sub.2/2002/17, 12 June 2002.
- Usporedni pokazatelji o izbjeglicama, raseljenim osobama i povratnicima, provedbi imovinskih zakona i rekonstrukciji u BiH od 1991. do 30.06.2003. godine* (Comparative data on refugees, displaced persons and returnees, property law implementation and reconstruction in BiH from 1991 to 06/30/2003). Bosna i Hercegovina Ministarstvo za ljudska prava i izbjeglice (BiH Ministry of Human Rights and Refugees), 2003.
- Uvalić, Milica. *Investment and Property Rights in Yugoslavia: The Long Transition to a Market Economy*. New York: Cambridge University Press, 1992.
- Vetters, Larissa. "The Power of Administrative Categories: Emerging Notions of Citizenship in the Divided City of Mostar." *Ethnopolitics* 6, no. 2 (2007): 187-209.
- "Washington Agreement." March 1, 1994.
- Waters, Timothy William. "The Naked Land: The Dayton Accords, Property Disputes, and Bosnia's Real Constitution." *Harvard International Law Journal* 40, no. 2 (Spring 1999): 517-593.
- Williams, Rhodri C. "Post-Conflict Property Restitution and Refugee Return in Bosnia and Herzegovina: Implications for International Standard-Setting and Practice." *NYU Journal of International Law and Politics* 37 (2004-2005): 441-553.
- Williams, Rhodri C. "The Significance of Property Restitution to Sustainable Return in Bosnia and Herzegovina." *International Migration* 44, no. 3 (2006): 39-61.
- Winichakul, Thongchai. *Siam Mapped: A History of the Geo-Body of a Nation*. Honolulu, HI: University of Hawai'i Press, 1994.
- Woodward, Susan. *Socialist Unemployment*. Princeton, NJ: Princeton University Press, 1995.

Yarwood, John. *Rebuilding Mostar: Urban Reconstruction in a War Zone*. Liverpool: Liverpool University Press, 1999.

Yunus, Muhamemed. *Banker to the Poor: Micro-lending and the Battle Against World Poverty*. New York: PublicAffairs, 1999.

"Zakon o agrarnoj reformi i kolonizaciji u narodnoj republici Bosni i Hercegovini (Law on Agrarian Reform and Colonization in the People's Republic of Bosnia and Herzegovina)." *Sluzbeni list NRBiH*. Vols. br. 2/46, 18/46, 20/47, 29/47, 37/49, 14/51, 41/67.

APPENDIX A
TIMELINE

1463 – The Kingdom of Bosnia fell to the Ottoman Empire

1566 – Ottoman Sultan Suleiman the Magnificent ordered Stari Most to be built

1580 – The Ottoman Empire established the Eyalet of Bosnia

1859 – The Ottoman Empire passed the Safer Decree

1864 – Administrative reform transformed the Eyalet of Bosnia into the Vilayet of Bosnia

1877-1878 – The Russo-Turkish War

1878 – Austro-Hungary occupied the Vilayet of Bosnia and established it as a condominium

13 September 1904 – The Austro-Hungarian administration instituted the land registry law

1886-1911 – Implementation of the land books in the entirety of BiH

7 October 1908 – Austro-Hungarian officially annexed the Condominium of BiH

1 December 1918 –The Kingdom of Serbs, Croats and Slovenes is formed

28 June 1921 – Vidovdan Constitution is passed

6 January 1929 – Constitution is abolished and King Alexander became dictator

3 October 1929 – The kingdom is renamed the Kingdom of Yugoslavia

1930 – The Austro-Hungarian dual registration land system is expanded to the rest of Yugoslavia

6 April 1941 – Axis Powers invaded Yugoslavia

1945 – The Socialist Federal Republic of Yugoslavia is established and the Socialist Republic of Bosnia and Herzegovina is established as a constitutive republic

1948 – Yugoslav-Soviet Split

1963 – The Third Yugoslav Constitution is passed

1965 – Reforms of 1965 are passed

1974 – The Fourth Yugoslav Constitution is passed

4 May 1980 – Josip Broz Tito died

1984 – Cadastre and Real Estate Law is passed in the Socialist Republic of BiH

18 November 1991 – Croatian Community of Herceg-Bosna is established

April 1992 – The Bosnian War began

3 April 1992 – The First Siege of Mostar began

14 April 1993 – The Croat-Bosniak Civil War began

9 May 1993 – The Second Siege of Mostar began

14 August 1993 – Croatian Republic of Herceg-Bosna is proclaimed

9 November 1993 – Stari Most destroyed

1 March 1994 – The Washington Agreement is signed between the Croatian Republic of Herceg-Bosna and the Republic of Bosnia and Herzegovina and the FBiH is formed

5 May 1994 – Geneva Memorandum of Agreement on Mostar is signed, establishing the EUAM

14 December 1995 – Dayton Peace Agreement is signed and Carl Bildt is named the first High Representative

18 February 1996 – Rome Agreement is signed

30 June 1996 – Mostar held its first post-Dayton elections, after which the EUAM is replaced by the OSEM

1 January 1997 – The OHR regional office in Mostar is established.

January 1997 – The OHR and UNHCR formed the RRTF

10 February 1997 – Liska Street incident occurred

18 June 1997 – Carlos Westendorp became High Representative

14 September 1997 – Second postwar elections occurred in Mostar

December 1997 – Bonn powers granted to the OHR

4 April 1998 – Law on the Cessation of the Application of the Law on Abandoned Apartments, Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens and Law on Taking over the Law on Housing Relations are passed

23 June 1998 – Privatization Monitoring Commission is established

18 August 1999 – Wolfgang Petritsch became High Representative

14 October 1999 – Operation WESTAR conducted

27 October 1999 – Law on Implementation of the Decisions of the Commission for Real Property Claims of Displaced Persons and Refugees is imposed

29 November 1999 – OHR removed Stipe Marić (Mayor of Mostar-Southwest Municipality, Marina Deronjić (Head of Mostar-Southwest Municipality's Housing Department), and Nedžad Behram (Head of Mostar-Stari Grad's Housing Department) from office.

18 April 2001 – SFOR raided Hercegovačka Bank

15 January 2002 – OHR removed Ivan Mandić (Head of Southwest Mostar Municipality) from office

27 May 2002 – Paddy Ashdown became High Representative

November 2002 – FBiH Law on Land Registry was adopted

2003 – The Commission for Reforming the City of Mostar is established

23 July 2004 – Reconstructed Stari Most is inaugurated

31 January 2006 – Christian Schwarz-Schilling became High Representative

APPENDIX B

LIST OF DOCUMENTATION ACCEPTED BY THE CRPC

Note: Everything in this appendix is quoted from the CRPC's Books of Regulations.

Documentation accepted to confirm an occupancy right:

- a.) Contract on apartment usage; or
- b.) Contract on apartment exchange; or
- c.) Court decision confirming the occupancy right (with the clause of validity); or
- d.) Decision of a competent administrative body replacing the contract on apartment usage with the clause of validity; or
- e.) Excerpt from official records of holders of occupancy rights which indicates the holder of the occupancy right on 1 April 1992.
- f.) Decision on apartment usage (decision on allocation of apartment);
- g.) Decision on apartment rent;
- h.) Apartment rent slip;
- i.) Decision by which an apartment is declared abandoned;
- j.) Decision by which an apartment is allocated to another person for his/her temporary usage;
- k.) Certificate of place of residence at claimed apartment;
- l.) Utility bills; or
- m.) other appropriate evidence.

The types of evidence for confirming an ownership right are:

- (1) property book extracts confirming an ownership right to the claimed real property, with the situation as of 01.04.1992 ; or
- (2) real property cadastre extracts confirming an ownership right to the claimed real property with the situation as of 01.04.1992 for cadastre municipalities where the real

property cadastre came into effect prior to 1.4.1992 by the decision of the competent authority;

(3) real property cadastre extracts confirming ownership to the claimed real property, issued after 01.04.1992, for areas where the real property cadastre has not entered into force or where it entered into force after 01.04.1992, provided that the competent authority has confirmed that the recorded status is identical to the status as of 01.04.1992.

For municipalities where the Property Book is not in existence, the types of evidence for confirming an ownership right are:

(1) property book extracts issued before 01.04.1992; or

(2) court decisions allowing the presentation of documents with the aim of acquiring ownership over the claimed real property; or

(3) legally valid contracts of sale or legally valid gift contracts of the claimed real property concluded prior to 1.4.1992, if the person who acquired rights to the claimed real property is found to be registered in the cadastral records valid for 1.4.1992; or

(4) legally valid contract on transfer of real property from social ownership concluded before 01.04.1992. if the buyer of the claimed real property is found to be registered in the cadastral records valid for 01.04.1992.; or

(5) inheritance decisions, made prior to 1.4.1992, which include the clause of validity; or

(6) court decisions on ownership rights to the claimed real property, made prior to 1.4.1992, which include the clause of validity; or

(7) valid decisions made before 1.4.1992 in administrative procedures on the basis of which agrarian based ownership (usurpation, redistribution of land, redistribution of fields and others) is acquired.

The types of evidence for confirming lawful possession of real property are:

(1) cadastral records (transcript of the possession document) for the claimed real property which indicate the state of facts on 1.4.1992;

In cases where the evidence referred to in the previous paragraph is not available, lawful possession may be confirmed on the basis of the following:

(2) building permits issued prior to 1.4.1992; or

(3) usage permits issued prior to 1.4.1992; or

(4) urbanistic agreement issued prior to 01.04.1992. for reconstruction, additional building and other works on objects that already exist as well as for legalization of objects which were built without a building permit; or

(5) contracts on current maintenance of joint premises concluded prior to 1.4.1992 in the building where, according to the statement of the claimant, there is ownership by floors of an apartment; or

(6) decisions on presentation of real property and determining right to the real property, issued prior to 1.4.1992, for cadastral municipalities for which the real property cadastre did not come into effect prior to 1.4.1992; or

(7) court decisions on inheritance prior to 1.4.1992, with the clause of validity; or

(8) other court decisions establishing the right to real property prior to 1.4.1992, with the clause of validity; or

(9) decisions made prior to 1.4.1992 in administrative procedures on the basis of which agrarian based ownership (usurpation, redistribution of land, redistribution of fields and others) is acquired; or

- (10) decisions of administrative organs related to the claimed real property, made before 1.4.1992; or
- (11) property book extracts issued before 1.4.1992, confirming the right of use of the claimed city construction land; or
- (12) legally valid contracts on sale or legally valid contracts on gift of the claimed real property concluded prior to 1.4.1992; or
- (13) legally valid contract on transfer of the claimed real property from social ownership, concluded prior to 01.04.1992; or
- (14) records on payment of tax on transfer of real property, income tax from real property, or tax on real property itself and other taxes; or
- (15) copies of possession lists related to the claimed real property issued prior to 1.4.1992; or
- (16) copies of cadastral plans with complete data on the real properties and their users issued prior to 1.4.1992.
- (17) real property cadastre extracts confirming the right to use city construction land, issued after 01.04.1992, for areas where the real property cadastre has not entered into force or where it entered into force after 01.04.1992, provided that the competent authority has confirmed that the recorded status is identical to the status as of 01.04.1992
- (18) copy of possession list referring to the claimed real property issued after 01.04.1992. which, in combination with other evidence, confirms that the claimant was lawful possessor of the claimed real property on 01.04.1992.

APPENDIX C
PLIP STATISTICS ON MOSTAR

Notes: These statistics are a compilation of PLIP statistics maintained at:
<http://www.ohr.int/plip/>. Two months are missing from the website and from tables included herein: February 2001 and March 2001. Negative decisions were not included in the statistics until November 2003 so the column called “Number of Decisions” transforms into “Number of Positive Decisions” from November 2003 onwards even though it is not explicitly stated. Sometimes updates were not sent from the municipal housing offices to PLIP headquarters for months at a time so the true progress of property restitution is not always illustrated. Also, municipal housing offices did not consistently post correct statistics so a number of adjustments are noticeable from the tables.

Southwest Municipality															
Year	Month	Socially-Owned Property				Private Property				Total					
		No of Claims	No of Decisions	Negative Decisions	Reposse-ssions	No of Claims	No of Decisions	Negative Decisions	Reposse-ssions	No of Claims	No of Decisions	Negative Decisions	Reposse-ssions	Decision Ratio	Implementation Ratio
2000	May	3633	65	N/A	7	256	3	N/A	0	3889	68	N/A	7	1.75%	0.18%
	June	3633	108	N/A	68	256	3	N/A	0	3889	111	N/A	68	2.85%	1.75%
	July	3633	164	N/A	77	257	8	N/A	0	3890	172	N/A	77	4.42%	1.98%
	Aug.	3633	251	N/A	111	260	11	N/A	0	3893	262	N/A	111	6.73%	2.85%
	Sept.	3633	270	N/A	142	257	12	N/A	0	3890	282	N/A	142	7.25%	3.65%
	Oct.	3633	270	N/A	142	257	12	N/A	0	3890	282	N/A	142	7.25%	3.65%
	Nov.	3801	579	N/A	298	298	43	N/A	22	4099	622	N/A	320	15.17%	7.81%
	Dec.	3801	670	N/A	333	302	46	N/A	22	4103	716	N/A	355	17.45%	8.65%
2001	Jan.	3801	670	N/A	333	302	46	N/A	22	4103	716	N/A	355	17.45%	8.65%
	Feb.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	March	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	April	3801	1047	N/A	552	305	64	N/A	40	4106	1111	N/A	592	27.06%	14.42%
	May	3801	1130	N/A	617	305	69	N/A	47	4106	1199	N/A	664	29.20%	16.17%
	June	3801	1239	N/A	685	305	74	N/A	50	4106	1313	N/A	735	31.98%	17.90%
	July	3801	1322	N/A	767	305	81	N/A	57	4106	1403	N/A	824	34.17%	20.07%
	Aug.	3801	1417	N/A	877	305	83	N/A	63	4106	1500	N/A	940	36.53%	22.89%
	Sept.	3801	1538	N/A	975	305	85	N/A	68	4106	1623	N/A	1043	39.53%	25.40%
	Oct.	3801	1685	N/A	1096	305	97	N/A	72	4106	1782	N/A	1168	43.40%	28.45%
	Nov.	3801	1778	N/A	1184	305	102	N/A	76	4106	1880	N/A	1260	45.79%	30.69%
	Dec.	3801	1847	N/A	1258	305	105	N/A	79	4106	1952	N/A	1337	47.54%	32.56%
2002	Jan.	3801	1988	N/A	1385	305	107	N/A	80	4106	2095	N/A	1465	51.02%	35.68%
	Feb.	3801	2101	N/A	1492	305	117	N/A	81	4106	2218	N/A	1573	54.02%	38.31%
	March	3801	2227	N/A	1597	305	120	N/A	86	4106	2347	N/A	1683	57.16%	40.99%
	April	3801	2400	N/A	1724	305	127	N/A	92	4106	2527	N/A	1816	61.54%	44.23%
	May	3801	2520	N/A	1851	305	131	N/A	97	4106	2651	N/A	1948	64.56%	47.44%
	June	3801	2612	N/A	1945	305	135	N/A	104	4106	2747	N/A	2049	66.90%	49.90%
	July	3801	2740	N/A	2080	305	139	N/A	106	4106	2879	N/A	2186	70.12%	53.24%
	Aug.	3801	2823	N/A	2202	305	146	N/A	112	4106	2969	N/A	2314	72.31%	56.36%
	Sept.	3801	2916	N/A	2317	305	168	N/A	120	4106	3084	N/A	2437	75.11%	59.35%

2003	Oct.	3801	3019	N/A	2408	305	182	N/A	131	4106	3201	N/A	2539	77.96%	61.84%	
	Nov.	3572	3088	N/A	2741	305	208	N/A	210	3877	3296	N/A	2951	85.01%	76.12%	
	Dec.	3572	3149	N/A	2828	305	222	N/A	222	3877	3371	N/A	3050	86.95%	78.67%	
	Jan.	3478	3181	N/A	2890	475	239	N/A	239	3953	3420	N/A	3129	86.52%	79.16%	
	Feb.	3478	3252	N/A	2983	476	264	N/A	264	3954	3516	N/A	3247	88.92%	82.12%	
	March	3478	3304	N/A	3038	476	270	N/A	270	3954	3574	N/A	3308	90.39%	83.66%	
	April	3478	3352	N/A	3125	476	359	N/A	355	3954	3711	N/A	3480	93.85%	88.01%	
	May	3478	3378	N/A	3182	482	375	N/A	366	3960	3753	N/A	3548	94.77%	89.60%	
	June	3478	3406	N/A	3238	482	385	N/A	387	3960	3791	N/A	3625	95.73%	91.54%	
	July	3478	3436	N/A	3287	482	399	N/A	398	3960	3835	N/A	3685	96.84%	93.06%	
	Aug.	3473	3457	N/A	3324	482	401	N/A	400	3955	3858	N/A	3724	97.55%	94.16%	
	Sept.	3473	3485	N/A	3362	482	412	N/A	402	3955	3897	N/A	3764	98.53%	95.17%	
	Oct.	3572	3572	N/A	3285	494	494	N/A	476	4066	4066	N/A	3761	100.00%	92.50%	
	Nov.	3572	3370	202	3338	497	487	10	487	4069	3857	212	3825	94.79%	94.00%	
	Dec.	3572	3336	164	3241	497	480	10	480	4069	3816	174	3721	93.78%	91.45%	
	2004	Jan.	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%
		Feb.	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%
		March	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%
		April	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%
		May	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%
		June	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%
		July	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%
		Aug.	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%
		Sept.	3411	3241	169	3241	497	480	10	480	3908	3721	179	3721	95.21%	95.21%

West Municipality															
Year	Month	Socially-Owned Property				Private Property				Total					
		No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	Decision Ratio	Implementation Ratio
2000	May	2218	49	N/A	13	132	9	N/A	7	2350	58	N/A	20	2.47%	0.85%
	June	2218	62	N/A	14	132	9	N/A	7	2350	71	N/A	21	3.02%	0.89%
	July	2218	76	N/A	20	132	9	N/A	7	2350	85	N/A	27	3.62%	1.15%
	Aug.	2218	140	N/A	46	132	9	N/A	9	2350	149	N/A	55	6.34%	2.34%
	Sept.	2218	140	N/A	46	132	9	N/A	9	2350	149	N/A	55	6.34%	2.34%
	Oct.	2443	219	N/A	157	132	9	N/A	9	2575	228	N/A	166	8.85%	6.45%
	Nov.	2442	219	N/A	157	132	9	N/A	9	2574	228	N/A	166	8.86%	6.45%
Dec.	2442	364	N/A	249	132	12	N/A	12	2574	376	N/A	261	14.61%	10.14%	
2001	Jan.	2442	470	N/A	297	132	20	N/A	20	2574	490	N/A	317	19.04%	12.32%
	Feb.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	March	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	April	2442	606	N/A	389	139	20	N/A	20	2581	626	N/A	409	24.25%	15.85%
	May	2442	787	N/A	487	141	25	N/A	20	2583	812	N/A	507	31.44%	19.63%
	June	2442	802	N/A	529	141	25	N/A	20	2583	827	N/A	549	32.02%	21.25%
	July	2443	863	N/A	603	145	25	N/A	20	2588	888	N/A	623	34.31%	24.07%
	Aug.	2443	945	N/A	672	145	25	N/A	21	2588	970	N/A	693	37.48%	26.78%
	Sept.	2443	1070	N/A	732	145	25	N/A	21	2588	1095	N/A	753	42.31%	29.10%
	Oct.	2443	1169	N/A	829	145	25	N/A	21	2588	1194	N/A	850	46.14%	32.84%
2002	Jan.	2446	1290	N/A	1005	146	25	N/A	21	2592	1315	N/A	1026	50.73%	39.58%
	Feb.	2457	1358	N/A	1078	167	25	N/A	21	2624	1383	N/A	1099	52.71%	41.88%
	March	2457	1404	N/A	1145	169	25	N/A	21	2626	1429	N/A	1166	54.42%	44.40%
	April	2457	1465	N/A	1229	169	25	N/A	21	2626	1490	N/A	1250	56.74%	47.60%
	May	2460	1521	N/A	1307	169	25	N/A	47	2629	1546	N/A	1354	58.81%	51.50%
	June	2460	1571	N/A	1381	169	25	N/A	47	2629	1596	N/A	1428	60.71%	54.32%
	July	2460	1630	N/A	1481	169	25	N/A	47	2629	1655	N/A	1528	62.95%	58.12%

	Aug.	2460	1670	N/A	1549	169	25	N/A	47	2629	1695	N/A	1596	64.47%	60.71%	
	Sept.	2397	1722	N/A	1614	169	25	N/A	47	2566	1747	N/A	1661	68.08%	64.73%	
	Oct.	2397	1758	N/A	1671	169	25	N/A	47	2566	1783	N/A	1718	69.49%	66.95%	
	Nov.	2332	1791	N/A	1725	169	25	N/A	58	2501	1816	N/A	1783	72.61%	71.29%	
	Dec.	2332	1818	N/A	1754	169	25	N/A	58	2501	1843	N/A	1812	73.69%	72.45%	
	2003	Jan.	2280	2007	N/A	1787	120	104	N/A	93	2400	2111	N/A	1880	87.96%	78.33%
		Feb.	2280	2024	N/A	1807	121	105	N/A	94	2401	2129	N/A	1901	88.67%	79.18%
		March	2280	2052	N/A	1823	123	106	N/A	96	2403	2158	N/A	1919	89.80%	79.86%
		April	2280	2073	N/A	1846	128	106	N/A	96	2408	2179	N/A	1942	90.49%	80.65%
		May	2280	2103	N/A	1859	128	108	N/A	99	2408	2211	N/A	1958	91.82%	81.31%
		June	2280	2120	N/A	1870	128	108	N/A	99	2408	2228	N/A	1969	92.52%	81.77%
		July	2189	2076	N/A	1935	129	109	N/A	99	2318	2185	N/A	2034	94.26%	87.75%
Aug.		2189	2082	N/A	1945	129	116	N/A	102	2318	2198	N/A	2047	94.82%	88.31%	
Sept.		2189	2128	N/A	1958	129	124	N/A	109	2318	2252	N/A	2067	97.15%	89.17%	
Oct.		2189	2182	N/A	1978	132	130	N/A	115	2321	2312	N/A	2093	99.61%	90.18%	
Nov.		2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
Dec.		2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
2004	Jan.	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
	Feb.	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
	March	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
	April	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
	May	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
	June	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
	July	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
	Aug.	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	
	Sept.	2156	1907	249	1901	139	121	18	119	2295	2028	267	2020	88.37%	88.02%	

South Municipality															
Year	Month	Socially-Owned Property				Private Property				Total					
		No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	Decision Ratio	Implementation Ratio
2000	May	21	1	N/A	0	115	13	N/A	0	136	14	N/A	0	10.29%	0.00%
	June	21	1	N/A	0	115	13	N/A	0	136	14	N/A	0	10.29%	0.00%
	July	21	1	N/A	0	115	13	N/A	0	136	14	N/A	0	10.29%	0.00%
	Aug.	21	2	N/A	0	144	39	N/A	7	165	41	N/A	7	24.85%	4.24%
	Sept.	21	2	N/A	0	154	45	N/A	14	175	47	N/A	14	26.86%	8.00%
	Oct.	21	8	N/A	0	157	53	N/A	20	178	61	N/A	20	34.27%	11.24%
	Nov.	21	19	N/A	0	161	57	N/A	22	182	76	N/A	22	41.76%	12.09%
	Dec.	21	19	N/A	0	161	57	N/A	22	182	76	N/A	22	41.76%	12.09%
2001	Jan.	21	19	N/A	0	168	63	N/A	30	189	82	N/A	30	43.39%	15.87%
	Feb.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	March	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	April	21	19	N/A	0	186	74	N/A	36	207	93	N/A	36	44.93%	17.39%
	May	21	19	N/A	0	186	74	N/A	36	207	93	N/A	36	44.93%	17.39%
	June	21	19	N/A	0	194	99	N/A	36	215	118	N/A	36	54.88%	16.74%
	July	21	19	N/A	0	202	112	N/A	44	223	131	N/A	44	58.74%	19.73%
	Aug.	21	19	N/A	0	209	139	N/A	46	230	158	N/A	46	68.70%	20.00%
	Sept.	21	19	N/A	0	209	139	N/A	46	230	158	N/A	46	68.70%	20.00%
	Oct.	21	19	N/A	0	214	156	N/A	49	235	175	N/A	49	74.47%	20.85%
	Nov.	21	19	N/A	0	217	161	N/A	51	238	180	N/A	51	75.63%	21.43%
	Dec.	21	20	N/A	0	218	167	N/A	52	239	187	N/A	52	78.24%	21.76%
2002	Jan.	21	20	N/A	0	221	171	N/A	57	242	191	N/A	57	78.93%	23.55%
	Feb.	23	20	N/A	0	268	186	N/A	59	291	206	N/A	59	70.79%	20.27%
	March	24	20	N/A	0	280	222	N/A	61	304	242	N/A	61	79.61%	20.07%
	April	24	20	N/A	0	281	236	N/A	64	305	256	N/A	64	83.93%	20.98%
	May	0	0	N/A	0	125	108	N/A	70	125	108	N/A	70	86.40%	56.00%
	June	0	0	N/A	0	128	113	N/A	75	128	113	N/A	75	88.28%	58.59%
	July	0	0	N/A	0	136	105	N/A	80	136	105	N/A	80	77.21%	58.82%

2003	Aug.	0	0	N/A	0	138	106	N/A	84	138	106	N/A	84	76.81%	60.87%
	Sept.	0	0	N/A	0	137	106	N/A	87	137	106	N/A	87	77.37%	63.50%
	Oct.	0	0	N/A	0	128	108	N/A	84	128	108	N/A	84	84.38%	65.63%
	Nov.	0	0	N/A	0	131	115	N/A	87	131	115	N/A	87	87.79%	66.41%
	Dec.	0	0	N/A	0	133	118	N/A	88	133	118	N/A	88	88.72%	66.17%
	Jan.	0	0	N/A	0	133	118	N/A	88	133	118	N/A	88	88.72%	66.17%
	Feb.	1	0	N/A	0	104	101	N/A	99	105	101	N/A	99	96.19%	94.29%
	March	1	1	N/A	1	105	105	N/A	101	106	106	N/A	102	100.00%	96.23%
	April	2	2	N/A	1	106	106	N/A	101	108	108	N/A	102	100.00%	94.44%
	May	2	2	N/A	1	106	106	N/A	102	108	108	N/A	103	100.00%	95.37%
	June	2	2	N/A	1	109	107	N/A	103	111	109	N/A	104	98.20%	93.69%
	July	2	2	N/A	1	109	107	N/A	103	111	109	N/A	104	98.20%	93.69%
Aug.	2	2	N/A	1	109	109	N/A	105	111	111	N/A	106	100.00%	95.50%	
Sept.	2	2	N/A	1	109	109	N/A	105	111	111	N/A	106	100.00%	95.50%	
Oct.	2	2	N/A	2	110	109	N/A	109	112	111	N/A	111	99.11%	99.11%	
Nov.	2	2	0	2	110	109	0	109	112	111	0	111	99.11%	99.11%	
Dec.	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%	
2004	Jan.	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%
	Feb.	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%
	March	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%
	April	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%
	May	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%
	June	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%
	July	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%
	Aug.	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%
	Sept.	2	2	0	2	109	109	0	109	111	111	0	111	100.00%	100.00%

Old Town (Stari Grad) Municipality															
Year	Month	Socially-Owned Property				Private Property				Total					
		No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	Decision Ratio	Implementation Ratio
2000	May	1533	299	N/A	91	601	214	N/A	154	2134	513	N/A	245	24.04%	11.48%
	June	1533	299	N/A	91	601	214	N/A	154	2134	513	N/A	245	24.04%	11.48%
	July	1533	299	N/A	91	601	214	N/A	154	2134	513	N/A	245	24.04%	11.48%
	Aug.	1540	299	N/A	64	802	214	N/A	64	2342	513	N/A	128	21.90%	5.47%
	Sept.	1540	317	N/A	79	802	255	N/A	72	2342	572	N/A	151	24.42%	6.45%
	Oct.	1540	354	N/A	101	819	295	N/A	92	2359	649	N/A	193	27.51%	8.18%
	Nov.	1541	395	N/A	121	819	331	N/A	118	2360	726	N/A	239	30.76%	10.13%
	Dec.	1541	428	N/A	138	850	360	N/A	132	2391	788	N/A	270	32.96%	11.29%
2001	Jan.	1550	468	N/A	167	877	410	N/A	141	2427	878	N/A	308	36.18%	12.69%
	Feb.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	March	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	April	1550	579	N/A	254	923	459	N/A	188	2473	1038	N/A	442	41.97%	17.87%
	May	1550	627	N/A	284	930	471	N/A	200	2480	1098	N/A	484	44.27%	19.52%
	June	1555	660	N/A	319	951	496	N/A	207	2506	1156	N/A	526	46.13%	20.99%
	July	1555	686	N/A	355	970	513	N/A	210	2525	1199	N/A	565	47.49%	22.38%
	Aug.	1555	725	N/A	385	943	536	N/A	216	2498	1261	N/A	601	50.48%	24.06%
	Sept.	1556	808	N/A	422	958	575	N/A	239	2514	1383	N/A	661	55.01%	26.29%
	Oct.	1556	872	N/A	476	978	603	N/A	270	2534	1475	N/A	746	58.21%	29.44%
	Nov.	1556	926	N/A	517	996	657	N/A	292	2552	1583	N/A	809	62.03%	31.70%
	Dec.	1557	950	N/A	548	1008	672	N/A	305	2565	1622	N/A	853	63.24%	33.26%
2002	Jan.	1558	1027	N/A	582	1012	738	N/A	327	2570	1765	N/A	909	68.68%	35.37%
	Feb.	1575	1066	N/A	618	1028	788	N/A	345	2603	1854	N/A	963	71.23%	37.00%
	March	1579	1150	N/A	666	1033	849	N/A	366	2612	1999	N/A	1032	76.53%	39.51%
	April	1548	1203	N/A	719	1076	913	N/A	381	2624	2116	N/A	1100	80.64%	41.92%
	May	1424	1123	N/A	771	1049	929	N/A	404	2473	2052	N/A	1175	82.98%	47.51%
	June	1432	1143	N/A	802	1053	949	N/A	420	2485	2092	N/A	1222	84.19%	49.18%
	July	1435	1170	N/A	869	1068	982	N/A	440	2503	2152	N/A	1309	85.98%	52.30%

	Aug.	1436	1192	N/A	912	1073	985	N/A	457	2509	2177	N/A	1369	86.77%	54.56%	
	Sept.	1436	1211	N/A	947	1079	1014	N/A	486	2515	2225	N/A	1433	88.47%	56.98%	
	Oct.	1436	1238	N/A	972	1079	1053	N/A	524	2515	2291	N/A	1496	91.09%	59.48%	
	Nov.	1436	1249	N/A	1149	758	1093	N/A	501	2194	2342	N/A	1650	106.75%	75.21%	
	Dec.	1436	1265	N/A	1186	760	1117	N/A	530	2196	2382	N/A	1716	108.47%	78.14%	
	2003	Jan.	1436	1273	N/A	1203	763	1119	N/A	545	2199	2392	N/A	1748	108.78%	79.49%
		Feb.	1437	1294	N/A	1217	765	765	N/A	558	2202	2059	N/A	1775	93.51%	80.61%
		March	1437	1307	N/A	1232	0	0	N/A	0	1437	1307	N/A	1232	90.95%	85.73%
		April	1437	1314	N/A	1247	773	773	N/A	579	2210	2087	N/A	1826	94.43%	82.62%
		May	1437	1321	N/A	1257	777	777	N/A	590	2214	2098	N/A	1847	94.76%	83.42%
		June	1437	1329	N/A	1262	779	778	N/A	598	2216	2107	N/A	1860	95.08%	83.94%
		July	1437	1332	N/A	1270	779	779	N/A	605	2216	2111	N/A	1875	95.26%	84.61%
Aug.		1437	1337	N/A	1277	779	779	N/A	610	2216	2116	N/A	1887	95.49%	85.15%	
Sept.		1437	1346	N/A	1296	783	783	N/A	647	2220	2129	N/A	1943	95.90%	87.52%	
Oct.		1438	1361	N/A	1306	789	789	N/A	659	2227	2150	N/A	1965	96.54%	88.24%	
Nov.		1439	1251	118	1313	790	790	0	671	2229	2041	118	1984	91.57%	89.01%	
Dec.		1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
2004	Jan.	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
	Feb.	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
	March	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
	April	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
	May	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
	June	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
	July	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
	August	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	
	Sept.	1397	1319	78	1319	734	693	30	693	2131	2012	108	2012	94.42%	94.42%	

North Municipality															
Year	Month	Socially-Owned Property				Private Property				Total					
		No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	Decision Ratio	Implementation Ratio
2000	May	77	33	N/A	33	630	181	N/A	338	707	214	N/A	371	30.27%	52.48%
	June	77	33	N/A	33	690	184	N/A	338	767	217	N/A	371	28.29%	48.37%
	July	77	33	N/A	33	690	184	N/A	338	767	217	N/A	371	28.29%	48.37%
	Aug.	77	33	N/A	33	690	184	N/A	338	767	217	N/A	371	28.29%	48.37%
	Sept.	77	33	N/A	33	690	184	N/A	338	767	217	N/A	371	28.29%	48.37%
	Oct.	77	33	N/A	33	690	184	N/A	338	767	217	N/A	371	28.29%	48.37%
	Nov.	77	33	N/A	33	690	184	N/A	338	767	217	N/A	371	28.29%	48.37%
	Dec.	77	33	N/A	33	690	184	N/A	338	767	217	N/A	371	28.29%	48.37%
2001	Jan.	77	33	N/A	33	690	184	N/A	338	767	217	N/A	371	28.29%	48.37%
	Feb.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	March	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	April	69	52	N/A	2	1104	373	N/A	197	1173	425	N/A	199	36.23%	16.97%
	May	69	52	N/A	2	1135	394	N/A	212	1204	446	N/A	214	37.04%	17.77%
	June	69	54	N/A	2	1148	406	N/A	220	1217	460	N/A	222	37.80%	18.24%
	July	69	54	N/A	2	1180	435	N/A	235	1249	489	N/A	237	39.15%	18.98%
	Aug.	69	54	N/A	2	1212	450	N/A	259	1281	504	N/A	261	39.34%	20.37%
	Sept.	69	54	N/A	2	1252	469	N/A	271	1321	523	N/A	273	39.59%	20.67%
	Oct.	69	54	N/A	2	1279	501	N/A	302	1348	555	N/A	304	41.17%	22.55%
	Nov.	69	54	N/A	22	1295	569	N/A	350	1364	623	N/A	372	45.67%	27.27%
	Dec.	69	54	N/A	22	1310	600	N/A	376	1379	654	N/A	398	47.43%	28.86%
2002	Jan.	69	54	N/A	22	1332	635	N/A	406	1401	689	N/A	428	49.18%	30.55%
	Feb.	76	56	N/A	22	1480	678	N/A	493	1556	734	N/A	515	47.17%	33.10%
	March	76	58	N/A	22	1513	755	N/A	580	1589	813	N/A	602	51.16%	37.89%
	April	76	58	N/A	22	1538	792	N/A	666	1614	850	N/A	688	52.66%	42.63%
	May	76	58	N/A	22	1550	878	N/A	699	1626	936	N/A	721	57.56%	44.34%
	June	76	59	N/A	22	1569	927	N/A	760	1645	986	N/A	782	59.94%	47.54%
	July	76	59	N/A	22	892	454	N/A	437	968	513	N/A	459	53.00%	47.42%

	Aug.	76	59	N/A	22	864	498	N/A	479	940	557	N/A	501	59.26%	53.30%	
	Sept.	76	60	N/A	22	834	535	N/A	497	910	595	N/A	519	65.38%	57.03%	
	Oct.	76	62	N/A	22	1606	571	N/A	536	1682	633	N/A	558	37.63%	33.17%	
	Nov.	76	64	N/A	22	1614	622	N/A	564	1690	686	N/A	586	40.59%	34.67%	
	Dec.	76	62	N/A	22	1618	672	N/A	584	1694	734	N/A	606	43.33%	35.77%	
	2003	Jan.	10	7	N/A	3	758	701	N/A	684	768	708	N/A	687	92.19%	89.45%
		Feb.	10	7	N/A	4	760	706	N/A	694	770	713	N/A	698	92.60%	90.65%
		March	10	7	N/A	4	738	707	N/A	703	748	714	N/A	707	95.45%	94.52%
		April	10	7	N/A	4	743	708	N/A	710	753	715	N/A	714	94.95%	94.82%
		May	10	7	N/A	4	743	709	N/A	716	753	716	N/A	720	95.09%	95.62%
		June	10	7	N/A	6	748	717	N/A	720	758	724	N/A	726	95.51%	95.78%
		July	10	7	N/A	6	750	719	N/A	721	760	726	N/A	727	95.53%	95.66%
Aug.		10	7	N/A	6	754	721	N/A	721	764	728	N/A	727	95.29%	95.16%	
Sept.		10	7	N/A	6	751	726	N/A	726	761	733	N/A	732	96.32%	96.19%	
Oct.		10	7	N/A	6	753	729	N/A	733	763	736	N/A	739	96.46%	96.85%	
Nov.		9	7	0	6	751	742	0	739	760	749	0	745	98.55%	98.03%	
Dec.		9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
2004	Jan.	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
	Feb.	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
	March	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
	April	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
	May	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
	June	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
	July	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
	Aug.	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	
	Sept.	9	7	1	7	751	751	0	751	760	758	1	758	99.74%	99.74%	

Southeast Municipality															
Year	Month	Socially-Owned Property				Private Property				Total					
		No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	Decision Ratio	Implementation Ratio
2000	May	3	8	N/A	4	193	257	N/A	30	196	265	N/A	34	135.20%	17.35%
	June	3	0	N/A	0	218	265	N/A	36	221	265	N/A	36	119.91%	16.29%
	July	3	0	N/A	0	218	265	N/A	36	221	265	N/A	36	119.91%	16.29%
	Aug.	3	0	N/A	0	207	150	N/A	82	210	150	N/A	82	71.43%	39.05%
	Sept.	3	0	N/A	0	232	158	N/A	83	235	158	N/A	83	67.23%	35.32%
	Oct.	3	0	N/A	0	240	166	N/A	88	243	166	N/A	88	68.31%	36.21%
	Nov.	3	0	N/A	0	240	166	N/A	88	243	166	N/A	88	68.31%	36.21%
	Dec.	3	0	N/A	0	257	170	N/A	92	260	170	N/A	92	65.38%	35.38%
2001	Jan.	3	0	N/A	0	283	175	N/A	94	286	175	N/A	94	61.19%	32.87%
	Feb.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	March	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	April	3	0	N/A	0	329	206	N/A	100	332	206	N/A	100	62.05%	30.12%
	May	3	0	N/A	0	329	206	N/A	100	332	206	N/A	100	62.05%	30.12%
	June	3	0	N/A	0	372	218	N/A	104	375	218	N/A	104	58.13%	27.73%
	July	3	0	N/A	0	372	218	N/A	104	375	218	N/A	104	58.13%	27.73%
	Aug.	3	0	N/A	0	372	218	N/A	104	375	218	N/A	104	58.13%	27.73%
	Sept.	3	0	N/A	0	428	285	N/A	235	431	285	N/A	235	66.13%	54.52%
	Oct.	3	0	N/A	0	428	285	N/A	235	431	285	N/A	235	66.13%	54.52%
2002	Jan.	3	1	N/A	0	469	402	N/A	289	472	403	N/A	289	85.38%	61.23%
	Feb.	3	1	N/A	0	620	429	N/A	261	623	430	N/A	261	69.02%	41.89%
	March	3	1	N/A	0	620	429	N/A	261	623	430	N/A	261	69.02%	41.89%
	April	3	1	N/A	0	641	470	N/A	278	644	471	N/A	278	73.14%	43.17%
	May	3	1	N/A	0	643	501	N/A	290	646	502	N/A	290	77.71%	44.89%
	June	3	1	N/A	0	648	549	N/A	317	651	550	N/A	317	84.49%	48.69%
	July	3	1	N/A	0	650	557	N/A	331	653	558	N/A	331	85.45%	50.69%

2003	Aug.	3	1	N/A	0	653	583	N/A	360	656	584	N/A	360	89.02%	54.88%
	Sept.	3	1	N/A	0	661	649	N/A	395	664	650	N/A	395	97.89%	59.49%
	Oct.	7	7	N/A	0	364	364	N/A	295	371	371	N/A	295	100.00%	79.51%
	Nov.	0	0	N/A	0	366	323	N/A	301	366	323	N/A	301	88.25%	82.24%
	Dec.	0	0	N/A	0	370	402	N/A	313	370	402	N/A	313	108.65%	84.59%
	Jan.	1	1	N/A	1	371	363	N/A	351	372	364	N/A	352	97.85%	94.62%
	Feb.	1	1	N/A	1	371	371	N/A	356	372	372	N/A	357	100.00%	95.97%
	March	1	1	N/A	1	372	371	N/A	356	373	372	N/A	357	99.73%	95.71%
	April	1	1	N/A	1	373	371	N/A	363	374	372	N/A	364	99.47%	97.33%
	May	1	1	N/A	1	372	371	N/A	356	373	372	N/A	357	99.73%	95.71%
	June	1	1	N/A	1	373	372	N/A	366	374	373	N/A	367	99.73%	98.13%
	2004	July	1	1	N/A	1	375	372	N/A	366	376	373	N/A	367	99.20%
Aug.		1	1	N/A	1	375	374	N/A	366	376	375	N/A	367	99.73%	97.61%
Sept.		1	1	N/A	1	375	374	N/A	371	376	375	N/A	372	99.73%	98.94%
Oct.		1	1	N/A	1	375	375	N/A	375	376	376	N/A	376	100.00%	100.00%
Nov.		1	1	0	1	341	341	0	341	342	342	0	342	100.00%	100.00%
Dec.		1	1	0	1	341	341	0	341	342	342	0	342	100.00%	100.00%
Jan.		1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%
Feb.		1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%
March		1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%
April		1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%
May		1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%
June		1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%
July	1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%	
Aug.	1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%	
Sept.	1	1	0	1	341	340	1	340	342	341	1	341	99.71%	99.71%	

Central Zone															
Year	Month	Socially-Owned Property				Private Property				Total					
		No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	No of Claims	No of Decisions	Negative Decisions	Repossession	Decision Ratio	Implementation Ratio
2000	May	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	June	452	186	N/A	1	75	1	N/A	1	527	187	N/A	2	35.48%	0.38%
	July	452	192	N/A	3	77	3	N/A	2	529	195	N/A	5	36.86%	0.95%
	Aug.	452	198	N/A	7	77	3	N/A	2	529	201	N/A	9	38.00%	1.70%
	Sept.	452	198	N/A	7	77	3	N/A	2	529	201	N/A	9	38.00%	1.70%
	Oct.	468	228	N/A	12	71	4	N/A	4	539	232	N/A	16	43.04%	2.97%
	Nov.	468	36	N/A	16	76	5	N/A	4	544	41	N/A	20	7.54%	3.68%
	Dec.	466	36	N/A	17	77	5	N/A	5	543	41	N/A	22	7.55%	4.05%
2001	Jan.	468	38	N/A	19	80	7	N/A	7	548	45	N/A	26	8.21%	4.74%
	Feb.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	March	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	April	484	60	N/A	28	85	10	N/A	12	569	70	N/A	40	12.30%	7.03%
	May	484	65	N/A	29	85	13	N/A	13	569	78	N/A	42	13.71%	7.38%
	June	228	66	N/A	60	87	13	N/A	15	315	79	N/A	75	25.08%	23.81%
	July	485	331	N/A	71	88	20	N/A	17	573	351	N/A	88	61.26%	15.36%
	Aug.	485	334	N/A	83	89	23	N/A	20	574	357	N/A	103	62.20%	17.94%
	Sept.	486	347	N/A	85	89	27	N/A	21	575	374	N/A	106	65.04%	18.43%
	Oct.	486	361	N/A	85	90	31	N/A	21	576	392	N/A	106	68.06%	18.40%
2002	Jan.	492	391	N/A	100	94	35	N/A	27	586	426	N/A	127	72.70%	21.67%
	Feb.	499	401	N/A	111	99	43	N/A	28	598	444	N/A	139	74.25%	23.24%
	March	506	429	N/A	117	103	50	N/A	28	609	479	N/A	145	78.65%	23.81%
	April	510	445	N/A	121	106	53	N/A	37	616	498	N/A	158	80.84%	25.65%
	May	514	461	N/A	125	107	68	N/A	37	621	529	N/A	162	85.19%	26.09%
	June	521	469	N/A	128	109	76	N/A	39	630	545	N/A	167	86.51%	26.51%
	July	521	476	N/A	128	109	81	N/A	39	630	557	N/A	167	88.41%	26.51%

2001	2002	Aug.	523	487	N/A	129	110	83	N/A	39	633	570	N/A	168	90.05%	26.54%
		Sept.	525	494	N/A	130	113	84	N/A	39	638	578	N/A	169	90.60%	26.49%
		Oct.	525	506	N/A	130	119	84	N/A	39	644	590	N/A	169	91.61%	26.24%
		Nov.	530	524	N/A	130	119	85	N/A	39	649	609	N/A	169	93.84%	26.04%
		Dec.	530	530	N/A	130	119	85	N/A	39	649	615	N/A	169	94.76%	26.04%
	2003	Jan.	530	530	N/A	130	119	85	N/A	39	649	615	N/A	169	94.76%	26.04%
		Feb.	190	158	N/A	154	42	42	N/A	42	232	200	N/A	196	86.21%	84.48%
		March	190	158	N/A	154	42	42	N/A	42	232	200	N/A	196	86.21%	84.48%
		April	190	158	N/A	154	42	42	N/A	42	232	200	N/A	196	86.21%	84.48%
		May	190	158	N/A	158	42	42	N/A	42	232	200	N/A	200	86.21%	86.21%
		June	190	158	N/A	158	42	42	N/A	42	232	200	N/A	200	86.21%	86.21%
		July	167	167	N/A	166	42	42	N/A	42	209	209	N/A	208	100.00%	99.52%
		Aug.	167	167	N/A	166	42	42	N/A	42	209	209	N/A	208	100.00%	99.52%
		Sept.	167	167	N/A	166	42	42	N/A	42	209	209	N/A	208	100.00%	99.52%
		Oct.	167	167	N/A	167	42	42	N/A	42	209	209	N/A	209	100.00%	100.00%
		Nov.	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
		Dec.	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
	2004	Jan.	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
		Feb.	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
		March	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
		April	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
		May	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
		June	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
		July	167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%
Aug.		167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%	
Sept.		167	167	0	167	42	42	0	42	209	209	0	209	100.00%	100.00%	

