

CIVIL INITIATIVES IN INTEGRATION AND CONFIDENCE-BUILDING IN MOSTAR

Association of Citizens for Human Rights Protection (ZGP), Mostar
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1. Introduction

This study presents the Association of Citizens for Human Rights Protection (ZGP), Mostar, in Bosnia and Herzegovina. The association is a nongovernmental and nonpartisan organization, with headquarters in downtown Mostar. After a short introductory description of the environment in which the association operates, we focus on an in-depth description of the city of Mostar and an analysis of the interethnic relations and social and political problems which characterize the town today. Then, in the main part of the study, we deal with civil initiatives aimed at reestablishing interethnic tolerance and confidence, implemented to help overcome the formidable legacies of war. We address this issue by analyzing our work as ZGP in Mostar. First, we sum up the basic reasons that motivated a group of citizens of Mostar to found the Association for Human Rights Protection. We also examine the scope of the association's activities. Finally, there is an analysis of the results and achievements of the association in the realization of the goals it set for itself.

In view of the high degree of public awareness about the situation in Bosnia and Herzegovina, we can generalize the substance of this analysis, seeing it as indicative of problems facing other organizations and individuals struggling to overcome ethnic intolerance and segregation resulting from the war and ethnic cleansing.

2. Bosnia and Herzegovina

Bosnia and Herzegovina became an independent state after the referendum held in 1992. The country covers 51,129 square kilometers. Before the war, it was home to 4,340,000 residents of thirty-one nationalities. The consequences of the war were disastrous. 270,000 citizens of Bosnia and Herzegovina were killed. War damages are estimated at one billion USD. More than one million residents fled; they are refugees throughout Europe and all over the world. According to government reports, the unemployment rate is estimated to be about 45 percent of the population fit for work, or approximately 650,000 citizens. Over 50 percent of the population are women.

* ZGP is the abbreviation of the original Bosniak-language name of this Association. The Association as a whole figures as the author of the case study.

The cataclysm that befell the state of Bosnia and Herzegovina should never have happened. Throughout the tempestuous history of this region, tolerance, respect and coexistence were cherished and developed not by way of mutual agreements, conventions or legislation, but simply because such principles were seen as the essence of normal and natural life. They never clashed or oppressed each other. The overlapping and intermixing of different cultures and religions in the territory formed by Bosnia and Herzegovina have never been a source of dispute and conflict, as is often misconstrued. On the contrary, their differences complemented and enriched each other, and the state of Bosnia and Herzegovina was able to function on the basis of mutual tolerance and understanding, while certainly differing from many countries in terms of its particulars and multiethnic character.

Although these facts seem inconceivable from today's perspective, there is no doubt that categories of coexistence and mutual respect, in their most essential form, have been an integral part of the existence and life of Bosnia and Herzegovina and its citizens for centuries.

Due to Bosnia and Herzegovina's geostrategic position and the fact that it is surrounded by the mother countries of its two constituent peoples (Croatia and Serbia), warring parties have often attempted to conquer or divide it. These are the reasons for the most recent bloody war. Today, with the war behind us, the Bosnia and Herzegovina in which we live is characterized by the presence of divisions and mutual mistrust at every level, in spite of the enormous postwar efforts made to alleviate them.

The mere fact of the mass of information within the legal and political framework created by the Dayton Agreement attests to the seriousness and complexity of the current situation: Bosnia and Herzegovina is a state with thirteen constitutions. Most often, agreement cannot be reached on even the most trivial issues, and if solutions are somehow found, the adopted regulations are, in many cases, neither complied with nor applied. Bosnia and Herzegovina public institutions function poorly or do not function at all. It is highly uncertain whether the present situation will return to normal in the near future or whether preconditions will be met for the state to obtain the attributes of a modern European state.

3. Mostar and the War

Prior to the war, 127,000 residents lived in Mostar.

– Bosniaks	43,000
– Croats	42,000
– Serbs	23,000
– Yugoslavs	15,000
– Others	4,000

Before the war, Mostar was known for its beauty, splendid blossoms, the wonderful Neretva river, cultural monuments and bridges that had linked people on opposite sides of the river for centuries. It was a city of light, a truly cosmopolitan center, whose citizens could be thankful to be lucky enough to live there. It used to be a model of coexistence, tolerance and mutual understanding among members of different peoples and religions.

During the war, Mostar saw extremely heavy fighting and, today, it is one of the most devastated cities in the state of Bosnia and Herzegovina. Vicious warfare destroyed all of its beauty, brought down its bridges, separated its riverbanks and broke all the ties among its people. During the war, more than 40,000 residents left Mostar due to property damage and ethnic cleansing. These people are now refugees throughout Europe and elsewhere in the world. Bosniaks and Serbs constitute the highest percentage of the refugee population.

In April 1992 the war began in Mostar, as in other parts of Bosnia and Herzegovina when former JNA (Yugoslav People's Army) and paramilitary forces attacked. Passing a decision—organizing and carrying out a referendum on secession from Yugoslavia by forming the independent and sovereign state of Bosnia and Herzegovina—preceded the beginning of the warfare. The aggression came suddenly. It was brutal and ruthless and had horrible consequences. There was a large number of casualties and a huge amount of property damage. The intensification of the fighting brought the demolition of economic facilities, infrastructure and housing. Many citizens of Bosnia and Herzegovina of all nationalities were expelled—ethnically cleansed.

In May 1993 in Mostar and other parts of Bosnia and Herzegovina (primarily central Bosnia), bloody fighting broke out between the Croatian Council of Defense (HVO) and the Army of Bosnia and Herzegovina. In Mostar, HVO launched an attack on the Army of Bosnia and Herzegovina. During this phase of the war, casualties, property damage and further ethnic cleansing continued. In the wider Mostar area and within the whole city zone, bloody battles waged day and night from May 1993 to April 1994.

When the Washington Agreement was signed and military operations ceased in the state of Bosnia and Herzegovina, the war ended in Mostar as well. However, the city was divided into eastern and western parts in accordance with the line of demarcation established during the war. In the eastern part of the city most of the population are Bosniaks; in the western part most are Croats.

The Dayton Peace Accords contain a separate annex concerning Mostar, according to which Mostar is organized into a central district and six municipalities: three with a Bosniak and three with a Croat majority. The central district is the administrative responsibility of the city. It could not be divided on an ethnic basis. The district is also responsible for certain, major infrastructure (hydroelectric plants on the Neretva river, the railway, the bus station, the airport and the springs Radobolja and Studenac).

The reorganization of the city and municipalities is, for the most part, legally regulated. City and municipality statutes were passed. City and municipality councils as well as executive and judicial bodies were elected, but, due to obstruction, their functioning is very poor and even nonexistent. This is related to the fact that institutions are operating with Bosniak authorities governing the eastern part and Croat authorities governing the western part. The processes needed to restore everyday life are proceeding with great difficulty. The basic needs of citizens are being insufficiently met, especially for returnees and refugees, particularly those within the city. Needs that are lacking due attention are accommodation, employment, education, the payment of pensions, health care and social problems, which have accumulated as a result of the war.

Prior to the war, Mostar was a major economic center of Herzegovina, where production facilities ran at full capacity. There were numerous factories that employed a huge number

of workers. Today, these economic facilities mostly do not operate, leaving terrible unemployment and a troubled social situation to rule the city.

Now, around 30,000 refugees live in the eastern part of the city, accommodated in houses and apartments and collective, temporary shelters. Most refugees are Bosniaks expelled from the western part of the city and eastern Herzegovina. In the western part of the city there are 10,000 refugees, most of them Croats from central Bosnia.

In accordance with the Dayton Accords, Mostar is the center of the Herzegovina-Neretva Canton. This is a specifically designated canton—a so-called mixed canton with special leadership. The only other canton that was declared as such is the Central Bosnia Canton. Regions within these cantons are, at lower levels, partially under the control of Bosniak authorities, with the support of the Army of Bosnia and Herzegovina, and of Croat authorities, supported by the Croatian Council of Defense. The establishment of the special status of these cantons is intended to ensure the equality of the ruling partners. All relevant decisions are passed by consensus. Unfortunately, this good idea is often misused so that the process of coming to agreement goes on infinitely, resulting in the absence of many significant activities in the cantons at the expense of citizens.

As a response to certain national factors and accumulated divisiveness in every sphere, the European Union Administration was established over the city of Mostar after the war. However, despite enormous efforts over many years and numerous binding agreements that were signed in order to normalize the situation, there was no major improvement. In addition to the fact that Mostar is a city suffering the most severe postwar consequences, it has long been the focus of media attention as the city with the highest incidence of crime, blackmail, robbery, eviction from apartments and various acts of violence committed against peaceful citizens. Today, Mostar is known as a city with the deepest schisms because it is still divided with two completely separate systems of government functioning. Though it is hard to admit, it is highly uncertain when the city of Mostar is going to become a normal, European city.

4. The Association for Human Rights Protection (ZGP), Mostar

4.1. *Why the Association Was Established*

The current situation is terrible for us, as citizens who are not burdened by ethnic hatred, because of the deep love we have for our homeland and our city. We have nowhere else to go. Mostar and all other cities in the state of Bosnia and Herzegovina are our present and future. They are our destiny. Our roots are here. We were born here and our children were born here.

The question at hand is painful and difficult: How can we find a way to rectify the present situation, which is characterized by a heritage of hatred, mistrust and the degrading conditions in which refugees live? Despite being ordinary citizens, we want to help our city and country overcome these exceedingly adverse circumstances. We actively participate in integration processes such as activities promoting respect for principles of tolerance and coexistence and assisting the removal of barriers between people and the reestablishment of broken ties among them. We want to participate in the realization and

strengthening of the rule of law, since we are deeply aware that only a democratic state and a strong civil society can secure a happy life for all. We want to make our modest contribution to the reintegration of the city of Mostar, as well as to our country's integration into the contemporary community of civilized states. We believe that a large number of residents of Mostar and Bosnia and Herzegovina deserve this.

It is necessary to devote equal attention and patience to every individual of Bosnia and Herzegovina by offering assistance selflessly without differentiating between or making exceptions due to the age, sex, ethnicity, religion or other background of the recipients. By fostering mutual respect and understanding, by respecting differences and refusing to let them be walls between us, we want to show that living together is possible in our country, destroyed, as it has been, by war.

4.2. Nongovernmental Activities Preceding the Foundation of the Association

The formation of the Association of Citizens for Human Rights Protection was preceded by many years of rich activity undertaken by its members in the very complex working conditions in Mostar. Immediately after the end of fierce fighting, we assisted in activities with international organizations that contributed to normalization, despite putting ourselves in personal physical jeopardy.

As previously mentioned, the European Union Administration was set up in Mostar to address specific and accumulated problems. Since we were sure that the best way to express our objectives and desires was through the work of impartial institutions, we first took an active role as experts in a multiethnic team of lawyers with the Housing Department of the European Union. In our group, members of the three constituent peoples in the state of Bosnia and Herzegovina—Serbs, Bosniaks and Croats—were equally represented. We handled the most sensitive activities in the housing and property field immediately following the end of the war. Many people had lost their personal property and their homes; evictions of citizens from their apartments was a pressing issue.

Ethnic divisions were clearly present everywhere in the city after the war. Institutions in both parts of the city were exclusively for one national background or the other. We distinguished ourselves by our multiethnic composition. Possibly, due to precisely this fact—plus our endless patience, our responsiveness to people's concerns and our objective, professional approach to solving their problems—we gained the trust and recognition of many citizens.

The work of the European Union Administration in Mostar ended and its duties were taken over and expanded by the Office of the High Representative for Bosnia and Herzegovina. We continued performing daily activities within the UNHCR Legal Center, keeping in touch with citizens and offering them professional or any other kind of assistance in exercising their fundamental human rights. During this period we were in contact with about 15,000 families that requested our assistance. On a daily basis we conducted professional meetings to discuss the issues that arose in the course of our practical work. By keeping in touch with citizens from various places and of different ethnic backgrounds, we were able to ensure that we had reliable and thorough information in every discussion. Also, we met with the representatives of many domestic and international organizations,

familiarized them with the most pressing problems in the area and, for the benefit of all citizens, asked them to take part in solving problems.

We are deeply aware of the burden on our town and country: difficult social problems, accumulated mistrust and an enormous number of refugees and displaced persons with very basic unresolved issues, i.e., not possessing their property. Also extremely problematic is the fact that nationally recognized ethnicities are not seen as equal constituents but as minorities in each part of the country. As such, they are disadvantaged by the consequences of minority status. That is why today's imperative is to put an end to human rights violations, ensure the return of all people to their homes and restore their confidence so that people can learn to live together again in mutual respect and tolerance.

As a result of our significant work experience, before and after the war, we became deeply aware of the need for our activities and that our team had reached a point where it was necessary to reorganize. We had been facing a number of difficulties for years. In part these stemmed from our team's unchanging composition. By reorganizing we could at last find the most efficient way to operate and achieve our common just and humane aims, and all who received our assistance could be served with equal effectiveness.

Since citizens who are guided by the principles of tolerance, respect for diversity and equality have been unable to find a place in the bodies of the authorities, we founded the nongovernmental organization Association of Citizens for Human Rights Protection. We were guided by a strong desire to help overcome the existing situation and the belief that the association was the best way to express and accomplish our invaluable aims. Despite numerous difficulties, we persevere and make efforts every day toward the rehabilitation and protection of human rights for all citizens who can benefit from it.

4.3. Objectives and Areas of Activity of the Association

The Association of Citizens for Human Rights Protection (ZGP), Mostar, is an independent, nongovernmental organization. It began operations on January 1, 1997. The association is a multiethnic organization whose work involves members of all three constituent peoples (Bosniaks, Croats and Serbs) in the state of Bosnia and Herzegovina. The gender and professional backgrounds of our activists shows that the idea of coexisting differences is still deeply present in all strata of the population of Bosnia and Herzegovina. The association's headquarters are in the central district of Mostar, though we operate equally in the eastern and western parts of town and insist on overcoming all artificially created barriers in Mostar and divisions among its people.

In the beginning, in striving toward impartiality in the realization of all activities, we registered with the Federal Ministry of Justice in Sarajevo rather than with either of the partisan governmental bodies in Mostar where the procedure would have been considerably faster and easier. Our work targeted the two, abovementioned cantons, which are under special governance within the Federation of Bosnia and Herzegovina.

The basic principles of our work are summarized by the following guidelines:

- Our services are mostly free of charge, so that impoverished citizens from Mostar and the entire territory of the state of Bosnia and Herzegovina can make full use of them;

- Through various activities, we try to support all the processes of the normalization of life by contributing our own ideas and solutions for tangible change;
- We deal with concrete work in the field. We have built a comprehensive database which contains information ranging from facts on the general social conditions in the country and the legal framework of rights to the specific instruments necessary for the implementation and protection of specific rights. Thus we are able to address a full range of essential issues, to deal with different partners and to offer professional knowledge, directions and specific help for handling different problems.

Our main objectives and activities can generally be broken down into education and specific actions targeting accumulated problems (although it should be noted that, in practice, action in this area can be extremely relative). Our educational activities comprise raising awareness of the need to protect human rights, activities in the struggle for democratization and the strengthening of democratic institutions and civil society. In our actions, we especially insist on supporting the rebuilding of confidence among members of different nationalities. When addressing concrete problems, we try to monitor and bring attention to all forms of fundamental human rights violations, demanding their cessation and that their consequences be addressed. We are additionally engaged in helping refugees to solve social status dilemmas, struggling for the definitive return of refugees to their homes and giving legal aid to all who request it.

As an expert team composed of professionals, we would like to assist all citizens in exercising their human rights and to do what we can to strengthen the rule of law, the creation of a democratic Bosnia and Herzegovina and a unified Mostar. Our aim is to channel help to the most disadvantaged groups of the population: refugees, displaced persons, victims of war, members of minority groups, children, youth and women. The return of citizens to their prewar homes receives the most attention in our work.

We must note that the struggle for the realization of our aims requires a lot of sacrifice and effort. It is very hard to deal with these issues in the current environment. Although we stress and explain the importance of existence of organizations such as ours, we often came up against a lack of understanding and good will, even on the part of many international organizations. We are thankful to the following international organizations for providing their support and assistance to our organization to start and continue operating: USAID, the Soros Foundation, the Canadian Embassy–Sarajevo, NPA (Norwegian People's Aid), DRC (Danish Refugee Council) and the Council of Europe.

At present, as a local partner of the Council of Europe, we are implementing the Human Rights Protection, Democratization and Confidence-building Measures program.

5. Results and Achievements

Immediately after the end of the war, our organization took an active role in addressing very complex issues, which citizens, and especially minority groups, face in everyday life. In view of this, we feel that we are qualified to judge the situation concerning results up to now. Visible results were achieved thanks to the efforts of the international community and domestic bodies and organizations, particularly in the following fields:

- the establishment of a stable security situation,
- freedom of movement,
- the repair of houses and apartments,
- the return of refugees,
- the establishment of mutual confidence and tolerance,
- the organization of governmental bodies,
- the establishment of the rule of law, etc.

In truth, there are a lot of unsolved or insufficiently solved problems in each of these fields. Considering the extent of destruction the war brought to the area, perhaps it is unrealistic to expect the process of solving these issues to be more expedient. However, by its work and attitude towards the citizens, our organization has contributed considerably to what has been accomplished. Through direct contact with citizens, we have tried to build mutual tolerance and make people feel able to solve their problems and exercise their rights, even in cases when they are not members of the majority group in a certain region. This was not easy in the divided town of Mostar, with its notorious line of separation—on both sides of which residents of the town were killed. We offered those who came to our organization the respect and acceptance they deserve as human beings, which is a rarity these days. Many citizens were delighted by this and grateful for it.

From the start our organization has operated in the district (the central zone under the jurisdiction of the town of Mostar), allowing all citizens free access, regardless of where they live and what nationality they are. Often two or more clients from different sides of the city, of different nationalities, and who knew each other before the war met in our office. At first, people would be wary of one another, but, after engaging in conversation, they would establish enough dialogue and contact for a friendly chat, which would lead to inquiries about common acquaintances and unanimous agreement that individuals from all warring parties were to blame for the conflict.

In the work of our organization we have tried to help people protect their human and civil rights by providing legal aid, educating, consulting, etc. There is a range of examples that show our success in this. The biggest difficulties facing citizens have to do with property issues regarding the rights of refugees and displaced persons to repossess their houses and apartments. A whole range of difficulties centers around inappropriate legal regulations in this area. Initially, legal rules dealing with property issues were lacking. This was followed by enactment of internally inconsistent legislation, and made additionally worse by frequent and chaotic revisions of these regulations. The outcome was the lack of the necessary minimum of legal certainty in this area, which made it difficult to define and follow a rational approach to the existing problems. Nevertheless, it can be noted that the condition in this area has recently significantly improved. In 1998, and especially 1999, the process of refugee and displaced person return really got underway. We believe the process is working satisfactorily in the villages and outskirts of the city of Mostar, but return to the city center is proceeding slowly and with difficulty. Our organization has been quite involved with these problems. Initially, we try to help citizens comply with all formal requirements, such as filing claims with governing bodies and institutions, so that they do not lose any of their rights. We have also taken part in the phase of realization of those rights.

We have been directly involved in organizing the return of citizens to their prewar residences. While their houses and apartments undergo repair, we have been frequently organized temporary accommodation centers for individuals. These centers are located in Željuša and Vrapčići, Municipality of Mostar–North; Raštani, Municipality of Mostar–West; Hodbina, Municipality of Mostar–South; Dabrica and Ljubljénica, Municipality of Berkovići and Republika Srpska.

On returning, citizens are faced with a number of problems they are unable to solve on their own. These problems occur when the returnees are members of minority groups, as most returnees are.

The greatest number of returns so far have been the result of self-organization of returnees. This process was supported and assisted by the UNHCR, IPTF and other international organizations. But both international organizations and local authorities failed to take the necessary steps concerning solving the multiple problems citizens had to face upon their return. This is where our association has assumed an important role. We have been engaged in improving the living conditions in collective centers, solving problems in the field of pensions and health insurance, helping citizens obtain identification and other documents such as evidence of property ownership for the purpose of reconstruction of houses, signing contracts on the reconstruction of houses, etc. In these efforts we are more often than not confronted with the complete lack of readiness for cooperation on the part of local authorities. The only positive exception in this regard we can offer is the conduct of the authorities of the Municipality of Mostar–North. Returnees of this municipality, by and large, do not have serious problems because the local authorities have exerted a reasonable amount of effort in assisting them.

We mentioned that the return of citizens to their homes in the center of the town is not progressing easily. However, some progress has been made recently. As an illustration, we present the case of Mrs. Z.G., a Croat with a Serb husband. She owns a house in the eastern part of Mostar where Bosniaks constitute the majority. Some time ago she returned to her house after spending four years filing various claims, undergoing legal proceedings and fulfilling all the required legal and administrative requirements. In this case, in addition to our expert assistance, Mrs. Z.G.'s persistence was the most important factor in success. Such individual examples are rather useful for creating a climate in which citizens can start to believe in the possibility that, through the ability to realize of long-denied rights, there will be improvement in situation. Our organization has given special attention to publicizing all examples of success and to inform and educate citizens about their rights and the most efficient ways to solve their problems and realize their rights through the media, roundtables, tribunals, etc.

We believe that the year 2000 will be decisive for the return of refugees. Legal procedure concerning the repossession of apartments and property has finally been completed and is quite clear, which is one of the basic preconditions for the process of return. Also, the overall situation and atmosphere are more favorable for such processes today than in the recent past.

Though the situation is ripe for the large-scale return of refugees, we should not overlook the problems refugees face in the actual return home. It is often believed that return is accomplished by merely returning, but this is not so in practice. Returnees have difficulty adjusting and fitting into their previous environment. They are faced with the

extremely complicated task of securing employment. As an illustration of this, before the war 55,000 workers were employed in Mostar; today, there are less than 15,000. This jeopardizes the existence of returnees and impoverishes people. The international community, through various organizations, is making efforts to improve this situation by offering credits to small-scale businesses, donating seed for agriculture and donating cattle. These programs are very helpful, but they are not enough. Steps must be taken at all levels in order to create conditions for returnees to start normal life and remain in their homes.

6. Conclusions

Regardless of the difficulties and slow progress of activities aimed at normalizing life, we in the association are optimistic. We believe that we shall see quality changes, to which we hope we can contribute. In an environment where fundamental human rights have been violated, where ties among people have been broken, the work of this kind of organization serves an exceptionally valuable function for civil society. It can do what the state is not able to and forms a secure foothold for the future democratic state. Through our work, we try to show that we must respect each other. By the example of our peaceful attitude, we hope to contribute to the climate of mutual confidence and tolerance. Guided by humanistic values, we make no distinctions between the people we help because of the undeniable right of all human beings to be treated equally and with dignity. Our hopes and efforts are directed to finding like-minded individuals in our country and all over the world and erasing artificially created borders. The assistance of the international community is necessary in the reconstruction of the war-devastated state of Bosnia and Herzegovina so that the state and its citizens can rejoin the civilized community of democratic societies.