

# Bosnia and Herzegovina

## Main objectives

UNHCR's objectives in 2005 were to work towards a functioning national asylum system, namely refugee status determination (RSD) legislation compatible with international and European Union standards and principles; protect and assist refugees and asylum-seekers where needed, especially those with special needs; increase local authorities' capacity to adhere to the 4Rs strategy regarding durable solutions for internally displaced persons (IDPs) and refugees from Croatia and Kosovo (Serbia and Montenegro); provide limited and flexible humanitarian assistance to the neediest returning refugees and displaced persons; develop partnerships and engage development actors in integrated planning, implementation, and resource mobilization; facilitate the local integration and naturalization of refugees and displaced persons who decided not to return to their places of origin; boost the capacity of the national network of legal aid centres to accelerate the removal of obstacles to sustainable return; and support the relevant national authorities to conduct a refugee status re-registration exercise for refugees from Croatia.

## Impact

- In 2005, the national authorities started to carry out RSD after UNHCR began its handover at the end of 2004. A referral mechanism, which also included asylum-seekers, was set up by the State Coordinator on Anti-Trafficking. UNHCR supported the drafting of by-laws (e.g. the Law on Movement and Stay of Aliens and Asylum), while UNHCR's *Country Progress Report* for Bosnia and Herzegovina (BiH) was adopted by the Council of Ministers in December 2005 as BiH's official policy alignment strategy for asylum.
- In April 2005, the Ministry of Security assumed responsibility for the management and maintenance of the Rakovica reception centre. UNHCR continued to assist refugees and asylum-seekers residing in three reception centres with particular attention to the protection and assistance of people with special needs. Through the Durable Solutions for Residents of Collective Centres programme, UNHCR rehabilitated and/or constructed the houses of displaced people with special needs. In conjunction with this, economic sustainability packages helped their integration within the communities.
- The UNHCR-supported national legal aid network expanded its credentials, and advised and counselled more than 52,000 individuals in 2005, including a significant number of returnees, refugees and IDPs.
- There were more than 6,400 returns to BiH in 2005 (fewer than in 2004). More than 5,100 were IDP returns, while almost 1,300 were movements from abroad.
- The harmonization of the IDP legislation, led by the Ministry of Human Rights and Refugees, was completed at the Entity level. A federal law on displaced



persons, returnees and refugees entered into force on 24 March 2005. The Republika Srpska Law on Displaced Persons, Returnees and Refugees entered into force on 4 May 2005. The Return Fund, to which the State and Entities contributed a substantial amount of money to fund reconstruction projects for returnees, became operational in 2005. A cost-sharing agreement between the European Commission, UNDP and the Return Fund was signed for the implementation of the second phase of the Sustainable Transfer to Return-related Authorities programme. The objective of this programme is to enable the local authorities to take ownership of the return process.

- UNHCR continued to implement awareness raising activities on sexual and gender-based violence for reception centre residents and managers. Psychosocial support groups in all reception centres flourished as a result of the participation of women. All adults and adolescents in the reception centres benefited from the training of peer educator groups set up by UNFPA to tackle reproductive health issues, including awareness and prevention of HIV/AIDS.

## Working environment

### The context

In 2005, Bosnia and Herzegovina marked the tenth anniversary of the Dayton Peace Agreement and commemorated the passage of ten years since the Srebrenica massacre. A decade on, the Office of the High Representative (OHR) still provides political and economic support to BiH. The European Force (EUFOR) was further reduced, while NATO maintained its presence in BiH, with the establishment of its regional headquarters in Sarajevo. The European Union Police Mission (EUPM) retained its mandate to upgrade the standards and practices of the law enforcement units. With the political, economic and social support of the international community in place, the representatives of the three major

ethnic groups in BiH endorsed a draft law to form a united, multi-ethnic army and a State-level defence ministry. There was also agreement on the restructuring of the united police forces. In November, the leaders of the political parties agreed to negotiations on constitutional reform to strengthen the authority of the State Government and to streamline Parliament and the Office of the President. These positive developments led the European Union to officially open the Stabilization and Association Agreement negotiations seen as the beginning of the transition from the "Dayton process" to the "Brussels process" of membership of the European Union.

Ten years after the Dayton Peace Agreement, displacement continues to be a significant problem in BiH. While over one million refugees and internally displaced persons have returned to their pre-war locations, considerable numbers of people are still displaced or have decided to settle locally. Supported by UNHCR, both the Federation of Bosnia and Herzegovina and Republika Srpska conducted a re-registration of internally displaced persons. The number of applications that were received for the re-registration exercise showed a decline of 40 per cent, with a corresponding reduction in the total number of IDPs from close to 309,000 to approximately 183,000 at the end of December 2005. There are in all between 6,000 and 7,000 IDPs still living in collective accommodation facilities in BiH.

At the end of 2005, there were still close to 7,500 refugees from Croatia, compared to more than 19,200 in 2000. The second-largest group, of 3,100 refugees, was from Kosovo (Serbia and Montenegro). At the end of the year, there were also more than 100 asylum-seekers in BiH, most of them from Serbia and Montenegro. Close to 1,300 BiH citizens returned in 2005. A small number of these returnees had special needs and continued to be temporarily accommodated in a transit centre supported by UNHCR pending suitable permanent arrangements.

Persons of concern					
Type of population	Origin	Total in country	Of whom UNHCR assisted	Per cent female	Per cent under 18
IDPs		183,000	52,000	52	21
Returnees (IDPs)		5,200	2,200	52	-
Returnees (refugees)	Various	1,300	100	50	-
Refugees	Croatia	7,500	2,800	50	18
	Serbia and Montenegro	3,100	600	51	32
Asylum-seekers	Serbia and Montenegro	100	-	43	40





The reconstructed Mostar bridge - a reference point against which to measure progress in reconciliation and tolerance in Bosnia and Herzegovina. UNHCR / V. Winter

## Constraints

Complex political structures and inefficient administrative practices at national and regional level are hampering political progress and development. It is primarily the lack of economic opportunities for returnees – against a backdrop of declining donor interest – which continues to keep sustainable returns at a disappointingly low level. In 2005, one fifth of the population was living below the absolute poverty line (16 per cent in the Federation and 25 per cent in Republika Srpska). The fact that most of these people are returnees and IDPs raises serious questions about the nature and sustainability of return.

In 2005, there were some arrests of individuals indicted for war crimes. However, two former high-ranking military figures remained at large. This situation had important implications for the country's aspirations to join Euro-Atlantic institutions. The presence of alleged war criminals and the failure to arrest and prosecute them constitute an obstacle to return. Despite the presence of EUFOR and EUPM there was a considerable increase in the number of security incidents. In 2005 there were 221 such incidents, compared to 136 in the previous year monitored by UNHCR: 112 took place in the Republika Srpska, 106 in the Federation and three in

Brcko District. Of these incidents, 24 were related directly to return, while 84 were related to ethnicity and 70 to religion.

## Funding

Further to overall funding shortfalls and subsequent budget cuts, certain projects and activities anticipated under the successful Quick Support Fund were curtailed. Weakening of the national currency further compounded this situation. UNHCR found itself unable to purchase basic humanitarian non-food items originally intended for distribution to IDPs with special needs.

## Achievements and impact

### Protection and solutions

UNHCR provided training on the evaluation of evidence and national RSD procedure for Ministry of Security officials, judges, the national legal aid network, the State Border Service (SBS), and professors of international law, within the context of the European Commission's Community Assistance for Reconstruction, Development and Stabilization (CARDS) programme.

UNHCR's Quick Support Fund prioritized returnee groups requiring special support such as households headed by single women or the elderly, as well as those with serious protection problems and/or suffering from post-traumatic stress disorder and related problems. The Durable Solutions for Collective Centre Residents programme targeted families or individuals with special needs living in collective centres. Its integrated approach provided not merely reconstruction of communal infrastructure but aimed at sustainability through psychosocial assistance and community involvement.

Despite the slow pace of progress made by the "3x3 Initiative" and the unresolved challenge of former tenancy rights in Croatia, more than 570 Croatian refugees repatriated voluntarily in 2005. Well over 400 people received voluntary repatriation grants and over 100 were transported to their places of origin.

The national authorities extended temporary protection for refugees from Kosovo for the sixth consecutive year. The results of the re-registration exercise indicated that 75 per cent of these returnees were able to move into private accommodation. UNHCR assisted the most vulnerable who were living in the three reception centres.

## Activities and assistance

**Community services:** In 2005, more than 2,200 people benefited from 67 projects in agriculture, community development, rehabilitation of damaged infrastructure and income generation activities.

The Bosnia and Herzegovina Women's Initiative undertook community services activities for more than 700 refugees and asylum-seekers staying at reception centres. Almost 94 per cent of the children in reception centres were enrolled in primary schools and completed the 2004/2005 academic year. UNHCR's educational initiatives for children or adults covered, as appropriate, topics such as sex education, HIV/AIDS, human trafficking, children's rights, domestic violence, and the importance of hygiene.

**Domestic needs and household support:** The most vulnerable categories of returnees received household items such as beds, plastic sheeting, mattresses, and stoves, to assist them in their return. In April 2005, UNHCR started a pilot project to provide monthly living allowances for a limited period to encourage recognized refugees to leave reception centres.

**Food:** More than 750 asylum-seekers and refugees living in the three UNHCR-funded reception centres, and a further 30 returnees in a transit centre, received basic food items. Pregnant women, children, older people and

others with special needs received supplementary food items due to their vulnerability.

**Health and nutrition:** Thirty-seven asylum-seekers and refugees received individual medical assistance in reception centres. Primary health care was offered at reception centres and the transit centre in Sarajevo, including the provision of small quantities of first-aid medication. Those showing signs of TB and hepatitis were provided with medical assistance.

**Legal assistance:** UNHCR helped the State Ministry of Security register new claims for asylum, interview asylum-seekers and draft decisions on refugee status. UNHCR's efforts focused on adequate reception arrangements and necessary safeguards throughout the asylum procedure. UNHCR monitored asylum-seekers' access to the territory; trained State Border Services; and provided legal advice or opinions on various asylum-related issues, including the acquisition of BiH citizenship for those with refugee status, the application of several articles of the Law on Movement and Stay of Aliens and Asylum, access to rights for temporarily protected persons in BiH and the registration of children born to asylum-seekers and refugees. Throughout the reporting period, UNHCR supported the State Ministry of Security in the process of drafting a by-law on the access of recognized refugees to their rights, to be adopted in early 2006.

Several protection-related documents were translated into the local languages to support stakeholders collecting relevant country-of-origin information. These documents included *UNHCR's Guidelines on International Protection* and relevant instruments from the EU *acquis*. In addition, The State Ministry for Human Rights and Refugees, Sarajevo University and the BiH Court of Justice subscribed to UNHCR's *RefWorld*.

**Operational support (to agencies):** UNHCR strove to build up the competencies and resources of its national partners. A seminar for journalists on refugees and the role of the media was organized for World Refugee Day. In the National Gallery of BiH, a photo exhibition entitled *After the War Was Over* commemorated the tenth anniversary of the Dayton Peace Agreement.

**Shelter and infrastructure:** A reconstruction and small-scale repair project assisted 31 extremely vulnerable families. The beneficiaries also received economic start-up assistance. UNHCR provided support to the Government in running three reception centres and one transit centre; however the Office's funding of the transit centre ended in 2005.

**Transport and logistics:** Amongst the most vulnerable returnees, some 98 families and their belongings were transported to their reconstructed pre-war homes.



## Organization and implementation

### Management

During 2005, the Representation in Sarajevo managed three sub-offices in Banja Luka, Tuzla and Mostar. At the end of 2005 there were 85 UNHCR staff in the BiH operation, including 13 international, five JPOs, and 67 national staff.

### Working with others

UNHCR worked with 12 implementing partners: three BiH government ministries, and three national and five international NGOs. It participated in the High Representative's Board of Principals and worked with OSCE, EUPM, EUFOR, the UN Country Team, the World Bank, the European Union and other multilateral and bilateral agencies to render returns sustainable and the asylum system more viable. UNHCR retained its observer status in the State Commission for Refugees and Displaced Persons, which comprised the State Ministry for Human Rights, the Federal Ministry of Displaced Persons and Refugees, and the Republika Srpska Ministry for Refugees and Displaced Persons.

### Overall assessment

UNHCR worked towards the substantial completion of its obligations under Annex VII of the Dayton Peace Agreement. The Office's programmes targeted the most vulnerable and disadvantaged and boosted communities' reintegration capacity. The challenge of ensuring sustainability of returns remained high on UNHCR's agenda. National and international partners and other actors paid particular attention to the economic and social sustainability components of their programmes. With its mandate and multi-sectoral expertise, the Office contributed substantially to the international community's efforts to address a complex range of issues, from full respect for the law on reconstruction of properties to non-discriminatory access for all to health, education, employment opportunities and social services in the course of local integration and returns.

The handover of the RSD procedure to the State Ministry for Security was completed in 2005. National asylum legislation, compatible with EU asylum, immigration and visa management standards, was further developed with the adoption of complementary by-laws and regulations. The national network of legal aid centres was managed by a national partner who took significant steps towards achieving financial independence from UNHCR.

#### Offices

Sarajevo  
Banja Luka  
Mostar  
Tuzla

#### Partners

##### Governmental

Federal Ministry of Displaced Persons and Refugees  
Ministry for Refugees and Displaced Persons of Republika Srpska  
State Ministry for Human Rights and Refugees  
State Ministry for Security

##### NGOs

*Bosanski Humanitarni Logisticki Servis*  
Bosnian and Herzegovina Women's Initiative  
Catholic Relief Services  
*Hilfswerk Austria*  
International Refugee Committee  
*Malteser Hilfsdienst*  
Mercy Corps International  
*Vasa Prava*

##### Others

Council of Europe Development Bank

## Budget, income and expenditure (USD) Annual programme budget

Final budget	Income from contributions <sup>1</sup>	Other funds available <sup>2</sup>	Total funds available	Total expenditure
12,165,483	2,276,215	8,362,353	10,638,568	10,638,568

<sup>1</sup> Includes income from contributions earmarked at the country level.

<sup>2</sup> Includes allocations by UNHCR from unearmarked or broadly earmarked contributions, opening balance and adjustments.

## Financial Report (USD)

Expenditure breakdown	Current years' projects	Prior years' projects
	Annual Programme Budget	Annual and supplementary Programme Budgets
Protection, monitoring and coordination	3,467,045	0
Community services	978,567	313,184
Domestic needs and household support	264,155	95,972
Food	247,204	141,093
Health and nutrition	53,261	14,176
Legal assistance	1,442,451	296,782
Operational support (to agencies)	470,952	11,395
Shelter and infrastructure	832,513	372,232
Transport and logistics	356,233	37,283
Instalments with implementing partners	140,878	(1,282,117)
<b>Sub-total operational</b>	<b>8,253,259</b>	<b>0</b>
Programme support	2,385,309	0
<b>Total expenditure</b>	<b>10,638,568</b>	<b>0</b>
<b>Cancellation on prior years' expenditure</b>		<b>(132,967)</b>
<b>Instalments with implementing partners</b>		
Payments made	4,064,255	
Reporting received	(3,923,377)	
<b>Balance</b>	<b>140,878</b>	
<b>Prior years' report</b>		
<b>Instalments with implementing partners</b>		
Outstanding 1 January		1,277,619
Reporting received		(1,282,117)
Refunded to UNHCR		(10,556)
Adjustments		15,054
<b>Balance</b>		<b>0</b>