



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Bosnia and Herzegovina

Planning Year: 2006

BOSNIA AND HERZEGOVINA 2006 COUNTRY OPERATIONS PLAN

1. Protection and socio-economic operational environment

November 2005 will mark the 10th anniversary of the signing of the General Framework Agreement for Peace (GFAP), better known as the Dayton Peace Agreement, that brought an end to the war in BiH. It is indisputable by now that real and tangible progress has been achieved over the decade in the return of refugees and internally displaced persons to and within the country. It is estimated that 2.2 million persons were displaced, either as refugees or within BiH, as a result of the war. The one millionth returnee was recorded in July 2004, a figure few would have imagined possible only three years ago. The BiH Ministry for Human Rights and Refugees has targeted the end of 2006 as the time frame within which the chapter of displacement in BiH can be largely completed. At the same time, it is estimated that, as of January 2006, there will be some 150,000 persons remaining in a situation of internal displacement in BiH and some 50,000 BiH citizens remaining as refugees in Serbia and Montenegro.

The Office of the High Representative (OHR) continues to provide economic and political direction in BiH. The term in office of Paddy Ashdown, the current High Representative, is due to end in November 2005. The future role of OHR office is linked to the significant progress Bosnia and Herzegovina (BiH) needs to make towards responsible self-government for its smooth and peaceful transition and eventual integration of into Euro-Atlantic Structures, including the European Union and NATO. International armed forces remain in place in BiH, though in steadily declining numbers. At the end of 2004, NATO's peacekeeping role was replaced by the European Union Force (EUFOR) of some 7,000 troops. The European Union Police Mission (EUPM) will remain active in BiH with its primary mandate of upgrading the standards and practices of the domestic police forces.

Under pressure to reform by the international community, BiH continues to experience challenging times in coping politically and economically. Parties with nationalist histories remain in power. Unemployment is estimated to be between 20% (IMF) and 40% (official figure). Socially, there is a general perception that citizens are much worse off than their European neighbours. There exists a distinct element of pessimism about the future in the general population. According to the PRSP for BiH, returnees and displaced persons in BiH constitute a disproportionate number of the poor in the country. Several micro-credit NGOs remain active as is the Bosnia and Herzegovina Women's Initiative (BHWI), which is becoming increasingly independent of UNHCR funding.

Civil society is in a nascent stage in BiH. UNHCR has contributed to strengthening the role of domestic actors and civil society by, *inter alia*, consolidating a BiH-wide legal aid network under the umbrella of a national NGO, *Vasa Prava* ("Your Rights" – Legal Aid Network). *Vasa Prava*, with UNHCR financial support and guidance, has expanded its mandate beyond assisting displaced persons (DPs) and returning refugees to providing free legal aid and information services also to asylum seekers, refugees and victims of trafficking in BiH. In 2004, the Ministry of Security and *Vasa Prava* signed a Protocol formalizing the role of *Vasa Prava* in providing legal counseling to asylum-seekers and refugees. Its work is recognised not only by the destitute of the country but also international actors.

By mid 2005, some 11,000 refugees and asylum seekers were registered in BiH. The overriding majority of refugees in Bosnia and Herzegovina are from neighbouring Croatia, while the second largest group are refugees from Serbia and Montenegro/Kosovo, residing in BiH under temporary admission. Some 454 individual asylum seekers are also registered in BiH. Key legislation, in the form of the *Law on Movement and Stay of Aliens and Asylum* was passed in 2003, enshrining the rights of asylum seekers and refugees in BiH. State legislation in the same year identified the newly created Ministry of Security (MoS) as the State body responsible for matters related to asylum. In mid 2004, MoS assumed responsibility for refugee status determination procedures for new claims, while UNHCR continued to adjudicate claims presented prior to 1 July 2004. By the end of 2004, MoS and UNHCR had signed the *Protocol on The Handover of Refugee Status Determination and Other Asylum Related Responsibilities from UNHCR to the Ministry of Security of Bosnia and Herzegovina*. While clearly progress has been made, much remains to be done to ensure that refugees and asylum seekers in BiH are able to freely access their rights. In the summer of 2005, new legislative initiatives on asylum threaten to weaken the nascent asylum regime in BiH. This initiative is under close scrutiny of UNHCR and its international allies.

During 2006, UNHCR will continue to work towards the substantial completion of its obligations under Annex VII of the GFAP. While the number of returns is expected to be modest when compared with those of the earlier years of the decade, among those who do choose to return inevitably will be some of the most socially disadvantaged of the displaced population. Single female-headed-households, the war-traumatised and those languishing in sub-standard collective facilities, including the handicapped and elderly, will require legal advice and basic assistance in their search for durable solutions. As the number of agencies prepared to provide such assistance to the vulnerable returnee population is ever dwindling, UNHCR's continued attention, albeit with reduced human and financial resources, to these populations will remain critical. Additionally, geographic focus for such assistance will be placed on those areas where minority returns began only in recent years, and where returnees did not receive assistance that was more readily available in the earlier years of the return (e.g. in Eastern Republika Srpska). Apart from providing assistance to the most vulnerable of the returning population, UNHCR staff will continue to be active in the field, monitoring the overall return and reintegration process and intervening, where appropriate, in protection related matters.

A joint Strategy for the Implementation of Annex VII was developed by the Ministry for Human Rights and Refugees, UNHCR and OHR and endorsed by the BiH Council of Ministers in 2003, and foresees the substantial completion of the Annex VII of the GFAP in BiH by the end of 2006. The "Strategy" serves as a roadmap for the transfer of responsibilities from the international community to the BiH Government for the coordination of the return process. The State Commission for Refugees and Displaced Persons (SCRDP), whose membership includes senior representatives of the State, Entity and Brcko District Governments is a central construct of the "Strategy", whereby domestic authorities meet on a regular basis to consider return related issues and arrive at recommendations for action to be taken to facilitate the completion of returns to and within the country, within the stated timeframe. Legislative amendments based on the "Strategy" also established a "Return Fund" where State and Entities contribute to a substantial pool of funds to be used country-wide for reconstruction and sustainability projects benefiting returnees. UNHCR actively participates in the SCRDP as an observer, advocating for a concerted and sustained effort on the part of the local authorities in all aspects of return. As

UNHCR responsibly phases down from its involvement with the return process in BiH, the SCRDP takes on an increasingly important role in local ownership and responsibility for the eventual closure of the chapter of forced population displacement in BiH. The “Strategy” also called for the establishment of four “Regional Centres” with MHRR staff serving a monitoring and advisory function in return related interventions. UNHCR field offices will continue to cooperate closely with these Regional Centres as they assume an increasingly prominent role in the final stages of returns to and within BiH. In 2004, UNHCR successfully advocated that a Council of Europe Development Bank (CEB) loan be made available to BiH in support of the most difficult return and reintegration challenges. The CEB loan was approved and implementation of reconstruction and reintegration projects, under the auspices of the SCRDP, is expected to begin by mid-2005 and continue until at least the end of 2006. In this important project, UNHCR is tasked with actively participating, in cooperation with the Regional Centres and municipal authorities in the selection of beneficiaries.

To advance the search for durable solutions for refugees from Croatia, who are mainly displaced in the northern Republika Srpska (RS), will require concerted efforts on the part of the BiH and Croatian governments. While over 4,000 persons repatriated in 2002 and 2003 with the assistance of UNHCR and IOM, only some 564 returned under this programme in 2004. In 2005, the question of returns to Croatia is increasingly linked to the access to rights. The majority of Croatian refugees in BiH have not been able to repossess their pre-war homes in Croatia and are living in difficult circumstances in BiH, while questions over their possible local integration and eventual acquisition of BiH citizenship remain unresolved. In 2004, the principals of the European Commission, OSCE and UNHCR from Bosnia and Herzegovina, Croatia and Serbia and Montenegro met on several occasions to discuss outstanding regional return issues, prominent among them being the plight of Croatian refugees in BiH and SCG. In late January 2005, this initiative resulted in a ministerial level conference with the participation of senior policy makers from the three concerned countries as well as the three Agency representatives from each country. While it is hoped that these developments will lead to a climate more conducive to the voluntary repatriation of Croatian refugees in BiH during the course of 2005, it is expected that a sizeable number of this group will require the continued attention of UNHCR in 2006.

The return trend, so promising in the first years of the decade, declined drastically in 2003 and 2004. In 2005, it is expected that some 17,500 people will still return from internal displacement or refuge abroad, with likely a similar number in 2006. By the end of 2006, it can be assumed that the great majority of those who wish to return from situations of refuge or internal displacement will have exercised that right, while others will have identified alternative solutions.

In 2006, UNHCR will further deepen its efforts at building the capacity of MoS staff in managing all aspects of the asylum process, and towards implementation of the new asylum legislation. Funding from the European Commission for capacity building provided on-the-job-training as well as a series of training activities to upgrade the knowledge and skills of MoS staff in issues related to asylum. More EU support to extend this programme is forthcoming, allowing intensive training of MoS to continue well into 2006. Additionally, again with EU support, UNHCR, in cooperation with the Swedish Migration Board, embarked in 2004 on a two-year regional programme aimed at fostering a degree of harmony

and shared understanding of asylum issues among responsible authorities throughout the region. This regional programme is managed from the UNHCR Sarajevo office.

The Temporary Admission (TA) status accorded to those who fled from Kosovo to BiH since 1998 was extended again in June. It is clear that voluntary repatriation remains a distant prospect for many of those who are not ethnic Albanian, and the time may have come to explore other durable solutions for this population who are mostly Roma. The uncertain future faced by this population group makes their stay in UNHCR supported "Reception Centres" increasingly difficult. UNHCR is in discussions with the responsible BiH Ministries to identify solutions that go beyond the one year extension of TA status for this group and allows for a regularization of their stay in BiH especially for those most unlikely to repatriate to Kosovo for protection related reasons. UNHCR has been providing legal advice and guidance to the BiH authorities on the issue of naturalisation of refugees and statelessness prevention.

UNHCR is providing financial and other support for the management of three temporary Reception Centres (RCs) in BiH, housing some 820 persons. Most of the residents of the RCs are Roma from Kosovo. Until such time as BiH is in a position to make funds available to financially support RCs for vulnerable asylum seekers, UNHCR will have to continue to provide funds to ensure that adequate protection and assistance is available to the residents in the RCs. Considering the fact that the RCs were constructed as temporary facilities and the need for a permanent centre to accommodate asylum seekers is widely recognized, UNHCR is working with the Ministry of Security to establish a permanent asylum centre in the vicinity of Sarajevo during 2006. In addition, UNHCR will assist recognized refugees in private accommodation to meet their needs and become self-reliant.

2. Operational goals and potential for durable solutions

Derived from UNHCR's Global strategic objectives and the Europe Bureau's strategy, the following are the overall strategic goals of the 2006 UNHCR programme in Bosnia and Herzegovina:

- In cooperation with other international agencies, advocate for the establishment of conditions more conducive to the safe and dignified voluntary repatriation of Croatian refugees in Bosnia and Herzegovina;
- Through advocacy and support, enhance the capacity and credibility of local authorities in coordinating the final stages of the return process;
- Ensure, through field monitoring and intervention activities, that by the end of 2006, it can confidently be reported that UNHCR's obligations enshrined in Annex VII of the GFAP have been largely and successfully met;
- Ensure that protection of and assistance to refugees and asylum seekers in BiH is provided, including that no refoulement occurs, care and maintenance assistance is available for those eligible and in need, legal assistance and information services are available, and voluntary repatriation is facilitated, where appropriate;
- Continue to work with national counterparts to ensure the further development of a functioning national asylum system;

- Broaden the programme aimed at refugee/asylum seeker independence through providing incentives for refugee residents of UNHCR funded Reception Centres to live in private accommodation and encourage efforts towards self-reliance;
- Further combatting the occurrence of sexual and gender based violence among the refugee/asylum seeker population through expanding and extending awareness raising programmes;
- Identify durable solutions for the most vulnerable of those displaced persons and refugees still wishing to exercise their right to return through enhancing of the capacity of local authorities to perform their return and reconstruction responsibilities;
- Deepen linkages within the United Nations Country Team in line with UNHCR's 4Rs strategy with the objective of having a seamless transition to development oriented interventions, as UNHCR BiH increasingly phases down its involvement with the populations displaced by the war;
- Continue to support the national network of legal aid centres (*Vasa Prava*) in its work to remove the obstacles to sustainable return and in its efforts at becoming increasingly more financially independent of UNHCR funding;
- Ensure that the staff of implementing partners of UNHCR conduct themselves in a manner consistent with the UNHCR Code of Conduct or related inter-agency instruments mandating ethical conduct; and
- Actively seek to raise funds for UNHCR in BiH through regular meetings, both formal and informal, with representatives of the donor community.

Durable Solutions:

It is expected that, by the end of 2006, UNHCR will be in a position to conclude that its mandate under Annex VII of the GFAP will have been largely accomplished. The great majority of those displaced who wish to return will have exercised their right to do so. It is expected that the domestic authorities will by that time be sufficiently equipped to assist "residual" cases. By working in close coordination with the Ministry for Human Rights and Refugees in the implementation of the Council of Europe Development Bank (CEB) loan as well as with other implementing and operational partners, durable solutions for the most needy of the displaced should be realized during the course of 2005 and 2006.

Durable solutions will also be sought for refugees in BiH. For refugees from SCG, former residents of Kosovo, presently resident in BiH under "Temporary Admission", the prospects for voluntary repatriation in the near term are practically non-existent. UNHCR will work closely with the concerned BiH authorities to identify a more permanent status for those who can not return in the foreseeable future. Third country resettlement for the most vulnerable of this population group has been exhausted, save perhaps for a small group of especially deserving cases. The plight of Croatian refugees in Bosnia will continue to be addressed by the Office with voluntary repatriation or local integration the primary options