



# **COUNTRY OPERATIONS PLAN**

**Executive Committee Summary**

**Country: Bosnia and Herzegovina**

**Planning Year: 2005**

## **Part I: Executive Committee Summary**

### (a) Context and Beneficiary Population(s)

More than eight years after the signing of the General Framework Agreement for Peace (GFAP) brought an end to the war in Bosnia and Herzegovina (BiH), real and tangible progress has been achieved in the return of refugees and IDPs to and within the country. In July 2004, BiH recorded its one millionth returnee from among the estimated 2.2 million displaced by the conflict. Although an estimated 440,000 persons remain displaced either as IDPs within the country (314,000) or as refugees in the region (approx. 100,000) and a lesser number in host countries in Western Europe, the implementation of Annex VII of the GFAP guaranteeing the right to return to refugees and IDPs is expected to reach substantial completion by latest the end of 2006.

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 expected to end in November 2005, coinciding with the 10<sup>th</sup> anniversary of the GFAP. It is considered essential that significant progress towards responsible self-government has been achieved prior to the eventual completion of the mandate of the Office of the High Representative to ensure a smooth and peaceful transition and eventual integration of BiH into EURO-Atlantic Structures, including the European Union and NATO. International armed forces remain in place in BiH, though in steadily declining numbers. During the first half of 2004, the NATO contingent in BiH was approximately 12,000 multinational forces. Even after the NATO-led Stabilization Force (SFOR) will be taken over by a European Force of some 7,000 armed forces by the end of 2005, NATO will retain a presence in Bosnia with the establishment of a regional headquarters in Sarajevo. The European Union Police Mission (EUPM) will remain active in BiH with its primary mandate of upgrading the standards and practices of the BiH police force.

Aspirations for stability in the region have seen a number of recent setbacks. In March 2003, Prime Minister Zoran Djindjic of Serbia and Montenegro (SCG) was assassinated in Belgrade. The President of Macedonia, Boris Trajkovski, died in a plane crash in early March 2004 en route to an investment conference in Mostar, southern BiH. Community tensions in Kosovo, since five years under UNMIK administration, erupted in wide scale rioting in March 2004. While the Djindjic assassination subsequently led to the arrest of hundreds of suspected criminals, the Kosovo riots led to speculation that old community tensions, could re-emerge if they remained unchecked. The reaction of senior religious and political leaders of all persuasions in BiH to these events has been encouraging, as they called for calm and restraint among their communities. Nevertheless, these events serve as a reminder that progress towards peaceful co-existence of national communities in BiH and elsewhere in the Balkans should not be taken for granted at this point in time.

As far as asylum is concerned, key legislation, i.e. the *Law on Movement and Stay of Aliens and Asylum*, was adopted and entered into force during 2003. UNHCR provided direct assistance in the drafting of this legislation, replacing the 1999 *Law on Immigration and Asylum*, which had faced major implementation difficulties.

Legislation was passed in late 2003 identifying the newly formed Ministry for Security (MOS) as the State body responsible for matters related to asylum. In April 2005, important by-laws were passed with extensive assistance by UNHCR. In 2005, UNHCR will continue and deepen its efforts at building the capacity of Ministry staff in managing all aspects of the asylum process, and towards implementation of the new asylum legislation. In 2003, UNHCR secured funding from the European Commission in support of a two-year project designed to enhance the asylum management capacities of the Ministry of Security. This project consists of on-the-job training as well as a series of training activities to upgrade the knowledge and skills of MoS staff in all issues related to asylum. Additionally, again with EC support, UNHCR, in cooperation with the Swedish Migration Board, has 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.

In July 2004, some 22,300 asylum seekers and refugees were registered as residing in Bosnia and Herzegovina. The majority of refugees in Bosnia and Herzegovina are from Croatia (84%), while the second largest group are refugees from Serbia and Montenegro/Kosovo (13%), enjoying temporary protection in BiH. It is notable that unconfirmed reports by local authorities suggest the number of Croatian refugees could be in excess of 30,000. Some 500 asylum seekers are registered by UNHCR in Bosnia and Herzegovina.

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. In 2002 and 2003, some 4,130 persons from among this population voluntarily repatriated with assistance from UNHCR and IOM. During the first six months of 2004, the pace of voluntary repatriation remained disappointing with only some 200 persons returning. 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 acquisition of BiH citizenship remain unresolved. It is expected that this group of refugees will require the continued attention of UNHCR in 2005.

The temporary protection accorded to those fleeing from Kosovo to BiH in 1998 and 1999 expired in mid-2004. UNHCR was successful in encouraging the BiH authorities to extend the TP regime for an additional year. Considering the prevailing situation in Kosovo, very few of this population group have indicated an interest in voluntary repatriation. UNHCR will work closely with the BiH authorities to identify durable solutions for this group.

Until such time that BiH is in a position to make funds available to support Reception Centres (RCs) for vulnerable asylum seekers, UNHCR will continue to ensure that adequate protection and assistance is provided to some 850 residents of the RCs.

Civil society is in a nascent stage in BiH. UNHCR has contributed to strengthening the role of domestic actors and civil society by consolidating the UNHCR BiH-wide legal aid network under the umbrella of a newly-created national NGO, *Vasa Prava* ("*Your Rights*" – *Legal Aid Network*). *Vasa Prava*, with UNHCR financial support

and guidance, is expanding its mandate beyond internally displaced persons (IDPs) and returning refugees to provide free legal aid and information services also to asylum seekers and refugees in BiH.

Of the estimated 2.2 million persons forcibly displaced during the war, either within or outside the country, over 1 million have returned to their places of origin by July 2004. Following three successive years of ever increasing numbers of returns, 2003 saw a decrease to less than half the returns recorded in 2002, a trend that continued in 2004 with a further decline by more than half of recorded returns by end July (15,470 as opposed to 32,967 during the same period in 2003). Through strict enforcement of the Property Law Implementation Plan (PLIP), more than 92 percent of claims for war-vacated housing claims had been resolved by the beginning of 2004. It is, however, clear that the reclamation of property in itself is insufficient to ensure the sustainability of returns. It is anticipated that both 2004 and 2005 will see relatively low numbers of new returns despite the fact that an estimated 314,000 persons remain displaced in BiH alone. A re-registration exercise begun in 2004 will yield a clearer picture of the number of those still displaced who wish to return. The huge gap between housing reconstruction needs and available resources, coupled with a debilitating unemployment rate and the lowest GDP per capita earnings in the South East Europe region are among the key factors militating against larger scale returns to and within BiH.

During 2005, UNHCR will continue working 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 earlier years, among those who do choose to return inevitably will be some of the most vulnerable of the displaced. 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 be critical. Additionally, geographic focus for such assistance will be placed on those areas where minority returns began only in recent years and 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 albeit with reduced human and financial resources, monitoring the overall return and reintegration process and intervening in critical 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. 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 members of the State and Entity Governments, is a central construct of the Strategy where local 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. 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. 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 continues to responsibly phase 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 on displacement in BiH. The expansion of the role of the SCRDP is demonstrated by allocations not only of BiH government funds into returnee housing reconstruction through the newly established Return Fund, but also through attracting grants and loans from international donor/banks which received a major boost in September 2004 with the adoption by the SCRDP of an 8 MEURO loan by the Council of Europe Development Bank (CEB) and the allocation of a 4 MEURO grant by the EC through its CARDS programme.

**(b) Selected Programme Goals and Objectives**

Name of Beneficiary Population/Theme: #1 <b>Refugees and Asylum Seekers in Bosnia and Herzegovina</b>	
Main Goal(s): <ul style="list-style-type: none"> <li>Continued work towards the development of a functioning national asylum system;</li> <li>Protection of and assistance to refugees and asylum seekers in Bosnia and Herzegovina including care and maintenance, legal assistance and repatriation.</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>All asylum-seekers have access to the territory.</li> </ul>	<ul style="list-style-type: none"> <li>Law enforcement and border officials trained in refugee law and rights of asylum seekers.</li> </ul>
<ul style="list-style-type: none"> <li>All asylum-seekers have access to a fair, efficient and effective RSD procedure.</li> </ul>	<ul style="list-style-type: none"> <li>Government officials and the judiciary responsible for RSD trained in international protection standards;</li> <li>The legal aid network provides counselling on the RSD procedure and rights of refugees and asylum-seekers to all who require the service.</li> </ul>
<ul style="list-style-type: none"> <li>Refugees and asylum-seekers benefit from national legislation conforming to international standards.</li> </ul>	<ul style="list-style-type: none"> <li>Technical assistance in implementing the national legislation provided by UNHCR.</li> </ul>
<ul style="list-style-type: none"> <li>Provision of protection, reception and, on a needs basis, accommodation in collective facilities for asylum seekers and refugees in Bosnia and Herzegovina.</li> </ul>	<ul style="list-style-type: none"> <li>Regular monitoring and follow up of arising protection and programme issues undertaken;</li> <li>Material assistance provided.</li> </ul>
<ul style="list-style-type: none"> <li>Assistance in voluntary repatriation to countries of origin.</li> </ul>	<ul style="list-style-type: none"> <li>Beneficiaries opting for organised voluntary repatriation well informed about the return procedure and aware of the consequences their decision entails;</li> <li>Transportation is provided;</li> <li>Repatriation grants distributed in a timely manner.</li> </ul>

<ul style="list-style-type: none"> <li>• Identification of durable solutions to refugees.</li> </ul>	<ul style="list-style-type: none"> <li>• Refugees make informed decisions on durable solutions.</li> </ul>
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<p>Name of Beneficiary Population/Theme: #2  <b>Refugees and Displaced Persons in the process of return to and within Bosnia and Herzegovina</b></p>	
<p>Main Goal(s):</p> <ul style="list-style-type: none"> <li>• Find durable solutions for displaced persons and refugees through the enhancement of the capacity of the local authorities to perform their return and reconstruction responsibilities;</li> <li>• Develop linkages within the United Nations Country Team in line with UNHCR's 4Rs strategy;</li> <li>• Enhance the capacity of the national network of legal aid centres in seeking the removal of obstacles to sustainable return.</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Returning refugees and displaced persons find sustainable and safe conditions upon return.</li> </ul>	<ul style="list-style-type: none"> <li>• Selected vulnerable groups of returnees and displaced persons in the process of return receive multi-sectoral quick impact assistance for reintegration and legal assistance;</li> <li>• Return trends and the security of returnees regularly monitored and analysed;</li> </ul>
<ul style="list-style-type: none"> <li>• Local authorities fulfil their return and reconstruction responsibilities and find durable solutions for displaced persons and refugees, including local integration.</li> </ul>	<ul style="list-style-type: none"> <li>• Guidance and technical assistance provided to municipal return and reconstruction commissions, the regional centres of the Ministry for Human Rights and Refugees and the State Commission for Refugees and Displaced Persons;</li> <li>• Assistance and advice provided to the competent authorities on legislative amendments and regulations affecting displaced persons, returnees and refugees.</li> </ul>
<ul style="list-style-type: none"> <li>• Legal Aid Centres (<i>Vasa Prava</i>) assist displaced persons and refugees in removing legal obstacles to return.</li> </ul>	<ul style="list-style-type: none"> <li>• Training and guidance provided to <i>Vasa Prava</i> on return issues;</li> <li>• Guidance provided to <i>Vasa Prava</i> in monitoring the implementation of return-related legislation to ensure non-discriminatory access to rights by displaced persons and returnees.</li> </ul>