

COUNTRY OPERATIONS PLAN

Country: Bosnia and Herzegovina Planning Year 2003

Part I: Executive Committee Summary

Context and Beneficiary Population(s)

General elections, scheduled for October 2002, are expected to reduce the influence of nationalistic parties and give further impetus to the return process in BiH. The climate for political dialogue and harmonisation of State institutions and common policies between the two entities and neighbouring countries is expected to improve. However, the perceived instability caused by three standing armies, a very fragile economic situation, the high unemployment rate and continued attention to war crimes issues will play an important role in the general atmosphere of the country and could impact on return related issues.

During 2003, the return trends in Bosnia and Herzegovina (BiH) are expected to expand and become more diversified. It is anticipated that the momentum of returns, which accelerated dramatically in 2001 and is showing a comparable rate in early 2002, will continue throughout 2003. This is particularly true for ethnic Serb displaced persons (DPs) from Republika Srpska Entity (RS) and ethnic Serb refugees in Serbia and Montenegro (Serb/Mont) to the Federation Entity. Such an optimistic forecast is directly linked with current efforts to strengthen recently created State institutions now in place in BiH, as well as with the steady progress in the implementation of the Dayton Peace Agreement. Consistent and stricter implementation of the property laws in BiH is another decisive factor indicating that these trends are irreversible. With the political situation being relatively stable in the region and with the continuous development of bilateral relations with neighbouring countries, it is anticipated that cross border returns to BiH will increase from Croatia as well as Serb/Mont. It should be noted that the volume of cross border returns from Serb/Mont and Croatia to BiH is likely to continue to be dependent upon the improvement of the economic situation in BiH. Refugee returns from BiH to Croatia may also increase due to property repossession implementation and related developments in BiH. Should general elections, scheduled for October 2002, lead to a further weakening of nationalistic parties' influence, the return process will be given further impetus.

Migration issues will remain high on the International Community's agenda in BiH in 2003. The country will likely continue to be one of the main routes for irregular migrants trying to reach Western Europe, as well as for criminal human trafficking. Despite the efforts and measures undertaken in previous years by UNHCR and other actors, the asylum system of BiH is still at a nascent stage. Considerable support will have to be provided to the Government of BiH to fully assume the responsibility for refugee management and to cope with the phenomenon of transit migration. UNHCR will continue to be extensively involved in the development of a functioning national asylum system to ensure that the national system becomes effective and, eventually, independent of external support.

Under Annex 7 of the Dayton Agreement, UNHCR is responsible for ensuring the early, peaceful, orderly and phased return of refugees and displaced persons (DPs) to their homes of origin. One of the persistent problems preventing return, especially to urban areas, is the issue of repossession of socially or private owned property. As a result of concerted efforts by agencies in BiH involved in the property legislation implementation plan (PLIP), the percentage of resolved claims increased to 41% in 2001 from 21% in 2000. The process will continue in 2002 and 2003. Through its field presence, UNHCR will continue to monitor the situation of returnees, and will undertake preventive measures as appropriate in order to ensure the safety and dignity of return and reintegration.

Approximately 23,400 refugees from Croatia continue to find refuge in the Republika Srpska (RS). The actual number is likely to be higher, as a number of Croatian Serbs reportedly have not registered. Durable solutions, preferably repatriation to Croatia, will continue to be identified and promoted. BiH continues to host a number of refugees from Serb/Mont, many of whom arrived in 1998 and 1999. While the majority had repatriated by the end of 1999, an estimated 9,100 remain in BiH. As of end-July 2002, some 1400 refugees and asylum seekers were accommodated in Refugee/Asylum Centres (RACs), administered by the Government of BiH. The remainder is living in private accommodation in various parts of the country.

Since the year 2000, substantial numbers of migrants from other parts of the world have transited through BiH. While many of them entered BiH legally, they became illegal migrants as they crossed into neighbouring countries, (Croatia in particular) as they attempted to make their way to Western

European countries. A limited number of the cases have approached UNHCR. As the BiH Government is not in a position as yet to carry out the Refugee Status Determination procedure (RSD), that task continues to be fulfilled by UNHCR. UNHCR will continue working closely with the Ministry for Human Rights and Refugees (MHRR) on the development of the legal framework and the Ministry's capacity to deal with asylum-related issues. UNHCR will train the staff of key actors to instil understanding of and respect for basic refugee law principles. In monitoring the situation of populations in the Refugee and Asylum Centres (RACs) and Collective Centres (CCs), special attention will be paid to the situation of women and young girls with a view to preventing any occurrence of sexual abuse or exploitation.

Given the anticipated decline in operational resources in 2003, UNHCR's interventions for returnees will focus on timely legal and material assistance during the initial phase of their reintegration. Through the local, regional and national Return and Reconstruction Task Forces (RRTFs), UNHCR will advocate for bilateral, multilateral NGO and local government support to continue reintegration assistance beyond the initial phase. In addition to protection-related interventions and negotiations with host communities and local authorities, UNHCR assistance consists of transportation of refugees, delivery of domestic items to the most vulnerable and the provision of appropriate material assistance through the Quick Support Fund (QSF) mechanism. QSF interventions are targeted to enhance the sustainability of returns or to facilitate return in breakthrough areas.

The main co-ordination fora in which UNHCR actively participates are: the cabinet (formerly known as the "Principles' Meeting"), the Return and Reconstruction Task Force (RRTF), the Institution Building Task Force (IBTF), the Rule of Law task Force (RoLTF), the Property Law Implementation Plan (PLIP) and the Resident Co-ordinator's Group. Chaired by the High Representative (OHR), the Cabinet is the policy setting group of the senior-most representatives of the international community in BiH. Other members include the Heads of OSCE, SFOR and UNMIBH. The Cabinet, in its weekly meetings, reviews and decides on the course of action on all policy and administration issues affecting the implementation of the Dayton Peace Agreement. Throughout 2003, UNHCR, as the lead humanitarian agency, will continue to participate as an active and important member in this forum. The RRTF is co-chaired by UNHCR and OHR and provides a valuable venue for the co-ordination among international agencies and the representatives of BiH government ministries. It is the senior consultative body of the international community in BiH for the consideration of refugee and displaced person issues and sustainable return. The IBTF and the RoLTF were created in 2002. They serve as the international community's main co-ordination and consultative bodies regarding (a) the creation of self-sustainable and effective institutions in BiH and (b) the consideration of matters pertaining to law enforcement, judicial and legal reform as well as human rights. UNHCR participates in these fora on an issue-specific basis. Following the imposition of return-oriented property legislation, the International Community developed during 2000 the Property Law Implementation Plan (PLIP). Its objective is to ensure that all outstanding claims by refugees and displaced persons to repossess their properties are resolved. In 2003, the follow-up on the authorities' implementation of the property law will remain one of the key activities for UNHCR, OHR, UNMIBH, CRPC and OSCE, both at the central and field levels. Under the Property Law Implementation Plan (PLIP), Organisations collect and share information and monitor implementation by municipal authorities. The Resident Co-ordinator's Group consists of UN development agencies. In 2003, UNHCR's role will ensure that issues concerning displaced persons and returnees are taken into consideration in the development activities of the other UN Organisations. Bearing in mind the need to bridge the gap between relief and development and the phasing down of UNHCR material assistance, UNHCR will intensify its efforts to engage UN development agencies in undertaking longer term development interventions in returnee impacted areas.

UNHCR is also a key member of working groups on legal issues, property implementation, employment, utilities, education, health and the National Commission on DPs and refugees. One Working Group on Immigration and Asylum, includes OHR, UNHCR, UNMIBH, UNHCHR, IOM as well as the competent Ministry. Ad hoc meetings are also held among international actors to discuss, *inter alia*, migration and asylum related issues, in the Inter-Agency Policy Group. UNHCR will continue to participate in the UNCT Theme Group on HIV/AIDS as well as provide financial assistance to jointly support the salary of the co-ordinator of this Group.

UNHCR BiH will continue to work with UNHCR Croatia and UNHCR Serb/Mont in order to find durable solutions for refugees in the region. In particular, UNHCR will facilitate the return to BiH of refugees in Croatia and Serb/Mont, and the return to Croatia of the remaining refugees in the Republika Srpska. For Croatian refugees the possibility of local integration will also be explored where this would not obstruct the return of minorities to their homes in the RS. In view of the fact that many BiH citizens sought asylum or temporary protection in countries in Western Europe, UNHCR will continue to

provide regular protection updates on persons in continued need of international protection, as well as country of origin information highlighting the remaining obstacles to sustainable return.

Related to the capacity and presence of implementing partners, UNHCR within its Post-Dayton programme will focus on those local NGOs which will be self-sustainable in the future. One of the goals would be to strongly support the networking of the national Legal Aid Centres and identification or establishment of a local structure capable to take over the LAIC network by end 2003, without UNHCR support. Additionally, UNHCR will provide its expertise and intensify its activities in capacity and institution building of the government in the implementation of the asylum laws and legislation related to DPs and returnees. There are two implementing partners working with the Serb/Mont refugees and other asylum seekers. Save the Children US provides community services to refugees (still be required in 2003). The Ministry for Human Rights and Refugees (MHRR) will continue to be assisted and advised in developing systems and standards for refugee related matters. Capacity building with respect to national authorities will be enhanced through seminars, regular consultations, distribution of guidelines and data-processing training.

While the political climate in the country has improved, security concerns in many areas of BiH continue. Some areas are known to harbour hard-line nationalist elements. Tensions and occasional violence have been reported in these areas. Recent SFOR operations, aimed to arrest indicted war criminals, may create new tensions in the eastern part of the RS.

Overview of each beneficiary population

Post Dayton: At the end of 2001, there were some 438,253 DPs and 23,389 Croatian Serb refugees in BiH and another 209,000 refugees from BiH are assumed to remain abroad. The prominent trends are:

- (1) since early 2000 the rate of minority returns has significantly increased and all indications are that the return pace will continue in 2003;
- (2) improved implementation of the Property Law will further facilitate return to urban areas; and
- (3) an overall decrease in the funding for reconstruction projects will exacerbate the existing wide gap between resources and needs throughout the country.

While inter-Entity returns are progressing, return within the Federation continues to lag behind. As of end-April 2002, some 5056 persons remained in the Collective Centres, living often in difficult conditions. The cross-border return of Croatian Serb refugees to Croatia remains slow, despite an improvement in the return procedure but is expected to improve further. UNHCR will continue to promote the sustainable return of DPs and refugees. At the same time, UNHCR will pursue the local integration of the especially vulnerable among the displaced, who can not return to their pre-war homes. In 2003, UNHCR will continue protection monitoring of returnees, through its field presence in strategic locations. Legal assistance and advice will continue to be provided by national Legal Aid and Information Centres and the strengthened network among these centres.

Serb/Mont refugees and asylum seekers: In March 2002, this refugee population in BiH is estimated at some 8,900 persons, of whom 46% are women and 45 % are children. Two per cent of the beneficiaries are persons over 60 years of age. Women and children together are estimated at over 70% of the refugee population. Demographic information for the refugee population in the Reception/Asylum Centres (RACs) shows that 54% are Roma. UNHCR is planning a re-registration exercise of all Serb/Mont refugees in 2002 to assist also with the identification of durable solutions. UNHCR provides direct assistance to refugees from Serb/Mont and asylum seekers from third countries accommodated in the five RACs.

Mandate Refugees: Pending the establishment of a functioning national asylum system, UNHCR will continue to determine the refugee status of asylum seekers in BiH and to seek durable solutions for this group. In 2003 UNHCR will assist the MHRR in identifying durable solutions also for Serb/Mont refugees remaining in BiH. Voluntary repatriation will be the most preferable durable solution to be promoted among Serb/Mont and Croatian refugees, depending on developments in the country of origin.

(a) Selected Programme Goals and Objectives

<p>Name of Beneficiary Population BiH Displaced Persons, Refugees and Displaced Persons in the process of return and Croatian Serbs refugees in Bosnia and Herzegovina</p>	
<p>Main Goal(s): Enhance the sustainable return of Displaced Persons and refugees to their places of origin; Support voluntary return of Croatian Serb refugees to their Country of Origin.</p>	
<p>Principal Objectives</p>	<p>Related Outputs</p>
<ul style="list-style-type: none"> • Displaced Persons and refugees in the process of return and returnees find sustainable conditions upon return; • The implementation of the related legislation is facilitating the return and the re-integration of DPs and refugees in their home of origin; • For Croatian-Serb refugees in BiH, the repatriation process is, to the extent possible, facilitated in the pre-return phase. 	<ul style="list-style-type: none"> • Displaced Persons and refugees in the process of return and returnees received multi-sectoral quick impact assistance; • The recently adopted legislation aimed to facilitate the return has been adequately implemented throughout the Country; • Relevant information on the repatriation and reintegration in Croatia is disseminated through UNHCR and other agencies on the ground.

<p>Name of Beneficiary Population Refugees from Serbia and Montenegro and other Asylum Seekers</p>	
<p>Main Goal(s): Protection of and assistance to refugees from Serb/Mont and asylum seekers in the Reception/Asylum Centres including care and maintenance, legal assistance and repatriation.</p>	
<p>Principal Objectives</p>	<p>Related Outputs</p>
<ul style="list-style-type: none"> • Refugees from Serb/Mont and other asylum seekers receive adequate protection and material assistance; • Durable solutions counselling for refugees and assistance in voluntary repatriation intensifies. 	<ul style="list-style-type: none"> • Regular monitoring and follow up on arising protection and programme issues and provision of material and community / social services assistance has taken place; • Continuous counselling of refugees and assistance in voluntary repatriation has led to an increase in durable solutions.