

**GOVERNMENT OF THE REPUBLIC OF SERBIA**

**NATIONAL STRATEGY  
FOR RESOLVING THE PROBLEMS OF REFUGEES  
AND INTERNALLY DISPLACED PERSONS**

Belgrade, 30 May 2002

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## **FOREWORD**

*The National Strategy for Resolving the Problems of Refugees and the Internally Displaced Persons represents an integral part of the long-term state policy and asserts the commitment of the country to reforms. Successful implementation of the National Strategy in ensuring conditions for local integration and repatriation calls for establishment of concrete mechanisms, instruments and measures at the republican, federal and local levels. It also requires more intensive cooperation with the international agencies and donors and numerous solutions in respect of organisational, legal and financial issues. This daunting task shall be coordinated by the Committee for Refugees, War Affected and Internally Displaced Persons of the Government of the Republic of Serbia headed by the Vice President Dr Nebojsa Covic. The first results are to be expected in the course of 2002. In view of the enormous costs thereof, the National Strategy shall be presented to the representatives of the international community.*

Numerous NGOs, representatives of refugee associations and local communities participated in preparation of the National Strategy. We wish to extend our special gratitude to UNHCR, UNDP and OCHA for their significant assistance and support in preparation of the National Strategy



## 1. MAIN AIMS AND PLAN OF ACTION

There are almost 700,000 registered refugees, war affected and internally displaced persons (IDPs) in Serbia today who fleeing wars, persecution and discrimination arrived in the territory of our country in waves<sup>1</sup>. In comparison to the other countries in the region Serbia hosts the largest number of refugees.

By adopting the National Strategy, the Government of the Republic of Serbia confirms its firm determination and political will to offer, in cooperation with other state agencies, its assistance and concrete solutions to all the refugees and IDPs. A comprehensive and transparent policy will also help them reach, by themselves, the best decision regarding their future.

Following the results of the 2001 census, 227,500 (60%) of the 377,000 registered refugees opted for local integration. The main strategic orientation of Serbia in respect of 230,000 internally displaced persons from Kosovo and Metohija is provision of assistance and necessary guarantees for return and life in safety.

This situation clearly suggests two main, parallel directions of implementation of the National Strategy, giving the possibility to refugees and the internally displaced persons to choose the most favourable durable solution freely.

The **first** group of activities is aimed at **ensuring conditions for repatriation** of refugees and internally displaced persons requiring greater efforts by both our state and the international community. This primarily relates to creation of efficient mechanisms of return of property and their rights such as security and legal safety of potential returnees. This refers especially to voluntary and safe return of IDPs to Kosovo and Metohija to the places of their habitual residence.

The **second** direction of activities relates to the **provision of conditions for local integration**, meaning the durable resolution of the essential existential problems of refugees and internally displaced persons as well as their families. The basic aim of local integration is helping refugees achieve self-sufficiency, a financially and socially equal position as that of the other citizens of the country.

Adoption of the "National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons" also means that a separate document "Program of Implementation of the National Strategy for Resolving the Problems of Refugees" has been accepted. That document proposes concrete measures and activities for their return to Bosnia and Herzegovina and Croatia as well as detailed programs and costs of their integration. Proposed are the institutional and legal solutions, mechanisms and measures towards resolving the housing problems of refugees, employment, durable accommodation of refugees affected by closure of collective centres as well as improvement of their property and legal status. Most of the solutions are relevant for the internally displaced persons. The integration programs also provide for also the local population, especially so the vulnerable categories. Concrete local integration

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<sup>1</sup> There are 377,431 registered refugees in Serbia and 14,400 in Montenegro. At the same time, Serbia hosts 230,000 internally displaced persons and 75,000 war affected persons. Unlike the refugees, the war affected persons and the internally displaced persons are the citizens of FR Yugoslavia. The term "war-affected persons" is used for the former members of the Yugoslav National Army (JNA) and government employees deployed in former Yugoslav republics who fled these territories in 1991. For the purposes of this document "refugees" are both refugees and the war-affected persons.

related activities shall be set down and coordinated with representatives of local self governments, taking into account socio-economic, demographic and ethnic characteristics of local communities.

A "Program of Return of Internally Displaced Persons to Kosovo and Metohija" which is currently being prepared shall form an integral part of the National Strategy.

Over the past ten years Serbia and Yugoslavia, i.e. its citizens bore the heaviest burden of accommodation of refugees and displaced persons. The abrupt increase of the number of citizens by almost 10% requires great efforts to resolve their existential problems. Also needed is the expansion of economic and social infrastructure. Therefore, the proceeds expected from donors are not to be used only for resolution of these problems but will bear an expressly integrative, social and developmental aspect.

## **2. PROMOTION OF RETURN**

### **2.1 CREATING CONDITIONS FOR RETURN TO CROATIA AND BOSNIA AND HERZEGOVINA**

#### **1. CURRENT SITUATION AND AIMS**

The process of repatriation directly depends on creation of conditions for return in the countries of origin (Bosnia and Herzegovina and the Republic of Croatia). It is the question of internal legislation, economic programs and other circumstances prevailing in those countries. In view of that, the role of the Republic of Serbia boils down to assistance in implementing numerous programs directed at creation of conditions conducive to repatriation which are implemented in the countries of origin (e.g. reconstruction in the Republic of Croatia, where the Commissioner for Refugees already significantly supported the submission of applications for return of refugees living on the territory of the Republic of Serbia).

The creation of conditions for protection of the acquired rights of refugees currently living in the Republic of Serbia is relevant not only in respect of sustainable returns but for all other durable solutions. The role of the Republic of Serbia in this process is informing refugees and assisting them to exercise the rights acquired in the countries of origin. In order to help refugees make an informed decision on the preferred durable solution, informing of refugees is of paramount importance.

Conditions of return to BiH and Croatia differ essentially in the extent to which refugees are able to exercise their pre-war rights. The presence of the international community in BiH brought about a much more favourable repatriation climate, which in turn resulted in the number of refugees from BiH in Yugoslavia decreasing by 43% (143,500). On the other hand, legal framework defining repatriation to Croatia is founded on bilateral agreements and Croatian laws which, thus far, rendered unsatisfactory results. In the period from 1996-2001 the number of refugees from Croatia decreased by 17% only i.e. from 297,500 to 246,000.<sup>2</sup>

A conclusion follows that the repatriation conditions are much brighter in Bosnia and Herzegovina than in the Republic of Croatia (thanks to the international presence in the former). Namely, in Bosnia and Herzegovina the High Representative passed a number of property related laws thus completely protecting the rights of the pre-war owners and the holders of tenancy rights (regardless of the cases of occasional temporary occupancy of apartments by other IDPs from BiH). These laws stipulate the inalienable right of the owners and do not condition the provision of alternative accommodation to temporary occupant before the owner can repossess his property. It must be noted that in this way not only was the repossession of private property legalized but of the tenancy rights as well. The latter group was given the possibility to purchase apartments immediately after re-acquiring tenancy rights. Thereby their status was made equal to that of private owners. The process of property laws implementation has reached the average 32% as in October 2001.

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<sup>2</sup> This percentage is unrealistically high in view of the significant differences in data Croatia and the Republican Commissioner for Refugees have (27,000 persons of the 60,000 whose names are on the list of returnees to Croatia are registered as refugees by the Republican Commissioner for Refugees).

Unlike in Bosnia and Herzegovina, the process of property repossession in Croatia is governed by the Program of Return of the Republic of Croatia (from 1998) and the Law on Areas of Special State Concern. Repossession of property in these areas is conditioned by provision of permanent accommodation to temporary occupants, whose right to accommodation is *de facto* above that of the owner. In the areas which are not of special state concern repossession is happening pursuant to housing and property relations laws. However, too often the problem of inefficiency of courts is mentioned. Also the situation is further complicated by non-recognition of tenancy rights of former holders, so that currently the option of repatriation does not apply to urban population.

The situation is somewhat better in respect of the damaged property, for the Law on Reconstruction of the Republic of Croatia stipulates the right of all returnees to reconstruction. The Government of Croatia imposed a deadline for submission of reconstruction requests (31 December 2001)<sup>3</sup>. UNHCR and the Republican Commissioner for Refugees in cooperation with the Ministry of Public Works, Reconstruction and Construction of the Republic of Croatia, received 17,000 requests for reconstruction of property in Croatia. Since the individual request refers to one residential building only, the total number of persons included in these requests exceeds 50,000. Since repatriation is one of the main preconditions for receiving reconstruction assistance, all the persons whose property is to be reconstructed must return and continue to live there. If they fail to do so they will be asked to compensate for the reconstruction costs.

Unlike in the Republic of Croatia, in Bosnia and Herzegovina there is no organised reconstruction ongoing. Most resources are allocated to municipalities and non-governmental organizations for direct distribution. The condition for receiving reconstruction assistance is that one resides on the territory of Bosnia and Herzegovina.

Other impediments to repatriation of refugees to Croatia are arrests and criminal persecution of returnees as well as arrest warrants issued by the Croatian authorities. The absence of reliable information as to that and the ignorance of legal procedures increase the fear in potential returnees.

## **2. MEASURES AND ACTIVITIES IN PROMOTING REPATRIATION**

1. In regards to the issues related to **repatriation to the Republic of Croatia, the Strategy** proposes:
  - Intensification of bilateral and trilateral cooperation with participation of the international community within the framework of the Stability Pact;
  - Sending a request to the Federal Ministry of Foreign Affairs to analyze the work of the Yugoslav side in the Yugoslav-Croatian Committee for Implementation of Agreement on Normalization; to propose to the Croatian side establishment of subcommittee for monitoring the implementation of the Protocol on Organized Returns;
  - Sending a request to the Croatian side to change the Protocol and establish a concrete mechanism conducive to permanent and sustainable returns, the result of which would be withdrawal of refugee status in FRY and recognition of returnee

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<sup>3</sup> This deadline should be extended. The Federal Ministry of Foreign Affairs of FRY should intervene with the Croatian authorities.



status in the Republic of Croatia. A possibility of submission and resolving return of private property, tenancy rights and reconstruction should also be provided therein.

- The holders of tenancy rights should have their apartments back or be adequately compensated for them. This principle is widely recognized in the international law, and by the Republic of Croatia and confirmed in the joint document signed by the OSCE missions in Croatia, BiH and FRY;
- Within the framework of the Protocol a concrete and specific mechanism should be established to assist the returnees from FRY who were charged with war crimes in Croatia to have a fair trial with international supervision. FRY is ready to resume consultations on these issues with the Government of Croatia and all the relevant international actors.

2. In issues related to return to **Bosnia and Herzegovina, the Strategy** proposes:

- Establishing full cooperation with the BiH authorities in the process of promoting the Property Legislation Implementation Plan and informing the refugee population in FRY about the results.
- Organizing visits of the high officials of the two countries as well as restoration of confidence between the refugees and authorities of the country of origin;
- Establishment of mechanisms of de-registration of refugees who returned from FRY to Bosnia and Herzegovina.

## **2.2 PROMOTION OF RETURN TO KOSOVO AND METOHIJA**

### **1. CURRENT SITUATION AND PROBLEMS**

The majority of the 230,000 internally displaced persons who have been living in Serbia and Montenegro for three years now wish to return to their homes in Kosovo and Metohija. It is up to the international community to ensure they return in safety. So far only a small number of internally displaced persons returned, the main reason for this being an inconsistent implementation of the UNSC Resolution 1244, particularly the part relating to "PROVISION OF SAFE RETURN OF ALL REFUGEES AND INTERNALLY DISPLACED PERSONS TO THEIR HOMES IN KOSOVO AND METOHIJA". The discrepancy between the return of Albanian refugees and the return of Serbs, Montenegrins, Muslims, Roma and members of other non-Albanian communities is huge.

An enormous problem for all those who left their homes is the unresolved property issue. In the majority of cases the property has been illegally occupied, or damaged, burned or otherwise destroyed. The decisions of UNMIK regarding the establishment of Housing and Property Directorate and the Commission for Resolving Housing and Property Requests have so far rendered but minimal results.

A separate problem is the property of Serbs in Kosovo and Metohija. At the same time the state property and the property of other institutions has not been protected against illegal usurpation.

The multi-ethnic and multi-cultural Kosovo and Metohija is a concept not being realized in practice. Over 170,000 Serbs and members of other non-Albanian communities live in Kosovo and Metohija in isolated enclaves, without freedom of

movement, economic support nor access to public services. Thus, Kosovo and Metohija were divided into an Albanian ethnic territory and the mosaic of rural ethnically clean enclaves including one urban enclave in the northern part of Kosovska Mitrovica.

The organisation of return at the level of pilot projects involving several settlements, although providing for a symbolic return into rural areas exclusively rendered but minimum results.

Lastly, since the deployment of KFOR and UNMIK in Kosovo and Metohija a large number of cultural monuments were mined and destroyed adding more pressure on the Serbs to give up on return.

## **2. MEASURES AND ACTIVITIES AIMED AT CREATING CONDITIONS FOR RETURN**

The Federal Government and the Government of the Republic of Serbia wishing to solve the problems in Kosovo and Metohija as efficiently as possible, decided (on 2 August 2001) to establish the Coordinating Centre for Kosovo and Metohija. One of the main tasks of the Centre is coordination of state actors and agencies in resolving the problems of Kosovo and Metohija with full observance of the Resolution 1244 and insisting on consistent implementation of the Joint UNMIK-FRY document signed in November 2001.

This approach and the beginning of implementation of the Joint document of UNMIK and FRY resulted in improved communication between UNMIK and the FRY state agencies in respect of return of internally displaced persons and provision of all necessary conditions and implementation of the following aims and activities:

**Protection of national and state interests of FRY and the Republic of Serbia** shall be ensured by active participation, with UNMIK in the process of building of peace, democracy and stability with concurrent involvement of Serbs and members of other non-Albanian communities into the institutions of provisional local government in Kosovo and Metohija. The implementation of these tasks shall be pursued by the competent republican ministries at the initiatives and proposals of the Coordinating Centre and Serb representatives in the provisional assembly of Kosovo and Metohija.

**Preservation of the Serb ethnic community and other non-Albanian communities in Kosovo and Metohija** by estagblishing full safety, freedom of movement, right to employment, health care, education, right to participate in all levels of public life, equal access to public services and their active participation in the institutions of provisional government. The competent ministries of the Republic of Serbia shall pursue these aims at the initiative and proposals of Coordinating Centre and representatives of Serbs in the provisional assembly of Kosovo and Metohija.

**Creation of an efficient legal mechanism for protection and repossession of private property.** Real estate and movables remaining in the places of habitual residence of IDPs must, pursuant to the international legal regulations, be protected from destruction, arbitrary and illegal usurpation, occupation or utilization. Exercise of property and other acquired rights is as significant for the process of return and for the process of local integration. Property rights implementation has not yet been ensured (or not to a sufficient degree) by the efficient legal mechanism. The exercise

of these rights, enshrined in numerous international legal documents also binds the civil administration in Kosovo and Metohija.

The Republican Ministry of Justice shall through HPD and the Commission for Resolving Housing and Property Requests within UNMIK insist on repossession of movables and real estate the IDPs left behind. Where this is not possible, adequate compensation must be ensured.

**Denationalization of property** entailing return to the Church of its land and property. The Ministry of Justice in cooperation with UNMIK shall work towards realisation of this aim.

**Upon return** IDPs should be protected from discrimination. Conditions must be put in place for their unimpeded and equal participation in the public life at all levels by ensuring full security, freedom of movement, right to work, health care, education, access to public services, free and unimpeded practice of culture, religion and customs. This important task shall be implemented by UNMIK in cooperation with the provisional bodies of executive authority in Kosovo and Metohija.

**The damaged property shall be reconstructed** by putting in place a functional mechanism enabling potential returnees to submit a request for repossession and reconstruction of property. The funds for reconstruction need to be ensured on the same principles as those applied in the case of Albanian population.

**Multiethnic judiciary in Kosovo and Metohija** shall be established on the basis of the Joint document of UNMIK and FRY and obligations undertaken by UNMIK. The aim is to appoint the judges and prosecutors from amongst the Serbs from Kosovo and Metohija as soon as possible and give them guarantees of security so that they can perform their duty efficiently. This task shall be executed through cooperation of the Republican Ministry of Justice and the competent departments of UNMIK whereby the Republican Ministry shall provide expert assistance to UNMIK.

**Economic revival and assistance in opening new businesses entails:**

- Creation of favourable development environment and reintegration of economic trends on the basis of fiscal and other measures of economic policy.
- Adjustment of the regime of operation of big infrastructural systems ensuring participation of public companies of Serbia in adequate public services of UNMIK.
- Support to Serb communities in Kosovo and Metohija for independent development and integration into the trends of the Province, Serbia and the region through creation of local infrastructural preconditions and stimulation of business activities.
- Reexamination and resolution of ownership of companies in Kosovo and Metohija by collecting documents for participation in UNMIK controlled privatization process.

The implementation of the above tasks shall be the responsibility of the Coordinating Centre and the ministries of finance, economy and privatization, traffic and telecommunications, health, education and social welfare all in coordination with the competent offices of UNMIK.

Preservation of cultural heritage shall be ensured pursuant to the relevant provisions of the Hague Convention and by involving the Office for Protection of Monuments of Culture of Serbia in Kosovo and Metohija. The Ministry of Culture and the competent offices of UNMIK shall jointly work towards achieving this aim.

### 3. CREATING CONDITIONS FOR LOCAL INTEGRATION

#### 3.1 HOUSING

##### 1. MAIN AIMS AND EXPECTED RESULTS

The most important precondition of local integration of refugees and their families is their own housing. Thus far, only a minority has resolved their housing problems. Some 90,000 refugee families and 60,000 IDP families continue to live in rented accommodation, with friends and relatives.<sup>4</sup> The below results may be achieved subject to implementation of the proposed programs, establishment of the new institutions, the new legal regulations and the anticipated funding methods:

- A permanent resolution of the housing problem of the extremely socially vulnerable refugees and IDPs, part of the able-bodied families and a part of vulnerable local population.
- The concept and mechanisms of affordable and social housing at the Republican level by the newly -established institutions and the new legal framework.
- The accelerated housing construction should render significant direct and indirect effects in increase of the rate of employment and overall economic activity in the country.

##### 2. BENEFICIARIES

- Currently only 18% of refugees own the apartments/houses they live in. The remaining living either in rented accommodation (44%), with friends and relatives (30%), collective centres (5%) and social institutions (3%). The majority of refugees live in Vojvodina (50%) and Belgrade (30%). As for the internally displaced population only 7.6% secured their own accommodation while 39.8% live with family and friends, 40.7 % rent the apartments they live in and 6.9% have been accommodated in collective centres. Out of the total number of internally displaced persons, 94.2% live in Central Serbia and 5.8% in Vojvodina.<sup>5</sup>
- In view of the limited funding resources, the National Strategy provides for the possibility of raising funds through international donations, loans with favourable repayment terms and the state funds. In the first phase the problem of extremely socially vulnerable families and individuals and part of the able-bodied families would be solved. The program also targets a certain number of socially vulnerable citizens.

##### 3. PROGRAMS OF DURABLE ACCOMMODATION

Two main ways of resolving housing problems have been defined in the National Strategy: the first - **affordable housing**, providing for a possibility of purchase and construction of housing with bank loans that would be more favourable than those

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<sup>4</sup> The number of refugee and IDP families was calculated on the basis of the last conducted registrations (2000 and 2001)

<sup>5</sup> Data taken from the "Registration of Internally Displaced Persons from Kosovo and Metohija" conducted jointly by UNHCR and the Commissioner for Refugees of the Republic of Serbia.

prevailing at the market (apartments owned by beneficiaries); the second - **social housing**, i.e. state-owned apartments for accommodation of the extremely vulnerable persons and accommodation in social welfare/health care institutions.

- **Housing programs – privately owned apartments**

- Construction of apartments in residential buildings situated in urban areas – suburbs and towns;
- Self-help construction of individual, semi-detached and other buildings ('growing' house) in villages and towns;
- Combined construction (1<sup>st</sup> phase – construction works and 2<sup>nd</sup> phase – final works within the self-help construction) of apartments in residential buildings to accommodate several families and individual buildings in all residential areas;
- Purchase of old houses with gardens located in de-populated areas and smaller towns and assistance in construction materials for their reconstruction;
- Assistance in construction of houses that the owners began building but interrupted due to the lack of funds;
- Acquisition of housing space (gardens and agricultural land) through contracts on life sustenance.

- **Accommodation in institutions of medical and social welfare**

- Construction of lower category \* social (state) apartments in less urbanized areas of suburbs and towns;
- Reconstruction of collective centres or other vacant public facilities into temporary or permanent homes for the elderly;
- Extension of the existing capacity of specialized social welfare institutions for the extremely vulnerable and the handicapped;
- Extension of the existing capacity of specialized health care institutions for the medically the most vulnerable individuals/handicapped.

#### **4. INSTITUTIONAL AND LEGAL SUPPORT, MEASURES AND ACTIVITIES OF THE GOVERNMENT OF SERBIA**

In order to implement the programs of durable accommodation of refugees and vulnerable citizens, the Republican Government shall establish new institutions and adopt new legislature.

- **The Task Force for monitoring the implementation of the National Strategy and the ongoing programs of assistance to refugees, expellees and the internally displaced persons** (hereinafter: *Task Force for Monitoring the Implementation of the National Strategy*) – an inter-ministerial working group established by the decision of the Government of the Republic of Serbia of 10 July 2001. The Task Force shall be comprised of the representatives of: Ministry of Social Welfare, Ministry for Foreign Economic Relations, Commissioner for Refugees, Ministry for Urban Planning and Construction, Ministry of Interior, Ministry of Finance and Economy, Ministry of Labour and Employment, FRY Ministry of Foreign Affairs, Coordinating Centre of FRY and the Republic of Serbia for Kosovo and Metohija. Should there be donations, a donor representative shall also take part in the operation of the Task Force. The Task Force shall adopt proposed strategies, initiate fund-raising, approve the allocation of funds, monitor the implementation of approved programs and expenditure of funds. The Task Force shall also monitor and control all the assistance to refugees, expellees and IDPs.

- **A project team** for implementation of the strategy of resolving the housing problems shall be established at the Ministry of Urban Planning and Construction. They shall design basic mechanisms and create technical and administrative preconditions for establishment of a Fund for Social and Affordable Housing (and draft a Law to that end); prepare elements for defining the legal status of social housing and elaborate and manage pilot projects of construction whereby all elements of this Strategy would be checked in practice. Until the commencement of the operation of the Fund, the Project Team shall head all the operations pertaining to housing programs.
- **The Fund for Social and Affordable Housing**, established by the Government of the Republic of Serbia shall pursue the policy of social and subsidized housing construction. The Fund shall design mechanisms of implementation of programs and specific projects, establish loan mechanisms, engage in fund raising activities and manage financial resources and monitor the program implementation. The initial capital of Fund shall be donations, loans given by international financial institutions under favourable conditions, refugee proceeds and budget.
- **Law on Fund for Social and Affordable Housing** stipulating its founding and operation.
- **Laws** that shall regulate subsidized housing construction, and purchase of apartments under favourable conditions. These laws shall set out the system of housing construction and renting apartments to the socially vulnerable citizens.
- **Legal regulations on housing construction**. The regulations here should be amended by legal provisions related to financing and construction of social and affordable housing.
- Urgent changes of the law shall be proposed defining conditions for the municipalities' participation in the programs of local integration of refugees, IDPs and vulnerable citizens. These laws shall prescribe the reduction of construction-related administrative costs (contributions for shelters, turnover tax, urban planning, geodetic and judicial services etc).
- **Coordinating Centre of FRY and the Republic of Serbia for Kosovo and Metohija** established by the Federal Government and the Government of the Republic of Serbia (2 August 2001). One of the main tasks of the Coordinating Centre is organizing state agencies, organisations and bodies on resolving the problem of Kosovo and Metohija with full observance of the UNSC Resolution 1244 and insisting on the consistent implementation of the Joint Document signed by UNMIK and FRY in November 2001.

The Ministry of Social Welfare, the Ministry for Foreign Economic Relations, the Commissioner for Refugees, the Ministry for Urban Planning and Construction, and the Ministry of Finance and Economics shall be in charge of making the new institutional and legal regulations operational.

## 5. FUNDING

- Initially, the construction of apartments to be owned by the beneficiaries shall be financed from the budget of the Fund for Affordable and Social Housing on the basis of soft loans (enabling that the funds used for this purpose be revolvable over a long term period).
- The Fund shall finance social housing construction (owned by the state).
- The Fund shall finance construction and extension of capacity of social welfare and health care institutions (strongly supported from donations as there is significant interest for this program).

- Municipalities allocate building land and waive their right to primary infrastructure costs.
- Depending on each concrete situation, secondary infrastructure shall be financed from the budgets of the Fund, municipalities and other sources.
- The administrative costs of construction (taxes and contributions) shall be reduced.

\*Lower category apartments are the apartments with lower standards of space per person and modest equipment.

## 3.2 GRADUAL PHASING DOWN OF COLLECTIVE CENTRES

### 1. MAIN AIMS AND EXPECTED RESULTS

Collective centres accommodate 20,114 refugees or some 5% of the total refugee population and 11,393 or 5.3% of the total internally displaced population.<sup>6</sup> In the extremely poor living, hygienic and sanitary conditions the most dire economic and social cases are concentrated – the unemployed, the elderly, single parents, orphans and those who are unable to fend for themselves. Thus, the main aim of the National Strategy is to reduce and gradually close collective centres providing alternative, durable solutions at the same time.

### 2. BENEFICIARIES

456 collective centres accommodate 20,114 refugees and 11,393 IDPs. Thereof 108 collective centres are located on the territory of Vojvodina, 294 in central Serbia, 39 collective centres in the wider Belgrade area and 15 in Kosovo and Metohija). As for the distribution of refugees population, some 30% are in Vojvodina while the remaining 70% live in Central Serbia and Belgrade. The majority of the internally displaced live in Central Serbia. In view of the economic, social and medical status of refugees living in collective centres, the below categorization was made:

- able bodied families;
- socially and medically vulnerable families and individuals;
- pursuant to the criteria to be adopted to the Government of Serbia, a number of beneficiaries shall lose the right to accommodation in collective centres;
- programs of durable accommodation include a proportion of the extremely socially vulnerable citizens.

### 3. PROGRAMS OF DURABLE ACCOMMODATION

The programs of durable accommodation have been adjusted to financial, social and medical status of refugees. Two groups of programs are envisaged:

- **Programs of accommodation – privately owned housing units** – construction of apartments in residential buildings; self-help construction of individual, semi-detached and other buildings (the “growing house”) in villages and towns; combined construction (1<sup>st</sup> phase – construction works and 2<sup>nd</sup> phase – final works self-help); purchase of old houses and gardens and the in-kind assistance for their reconstruction in depopulated areas and towns; in-kind assistance to finish the commenced construction of houses owned by beneficiaries; acquisition of houses and agricultural land through contracts on life sustenance.
- **Programs of accommodation within the system of social welfare** – construction of social (state) apartments in the less urbanized areas of suburbs and smaller towns (lower category); reconstruction of collective centres and reverting them or other vacant public facilities into homes for the elderly (temporary or permanent); extension of the existing capacity of specialized social welfare institutions (for the most vulnerable and the handicapped); extension of

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<sup>6</sup> Data on the number of IDPs accommodated in collective centres received by the Commissioner for Refugees of the Republic of Serbia.



the existing health care institutions (for those with gravest medical problems); extension of the existing homes for the elderly; establishment and construction of "mini" elderly homes; construction of apartments for host families within the framework of "mini" elderly homes.

**Additional programs** have also been envisaged over a period of three years: covering of the living costs of refugees accommodated in collective centres the number of which will be reduced gradually, financial assistance to the socially vulnerable families and covering of costs in specialized institutions of social welfare and health care.

#### **4. INSTITUTIONAL AND LEGAL SOLUTIONS, MEASURES AND ACTIVITIES OF THE GOVERNMENT OF THE REPUBLIC OF SERBIA**

In order to gradually close down collective centres, the Government of the Republic of Serbia shall establish new institutions and pass new legislature:

- **The criteria** for selection of refugees eligible for accommodation in collective centres, pursuant to the Law on Refugees.
- **Task Force for Monitoring of Implementation of the National Strategy** – adopts the proposed strategic plans, initiates collection and approves distribution of funds. Also, it shall be in charge of monitoring and control of all assistance distributed to refugees, expellees and IDPs.
- **The Project Team** that shall implement the phasing down program through elaboration and implementation of specific projects.
- **Fund for Affordable and Social Housing**, established by the Government of the Republic of Serbia, shall pursue the policy of social and subsidized housing construction. The Fund shall define mechanisms of implementation of programs and specific projects, set out crediting mechanisms, engage in fund-raising activities, manage funds and monitor program implementation. The initial capital the Fund will be made up of donations, soft loans granted by international financing institutions, proceeds of refugees and the budget.
- **Laws on social housing** providing legal basis for subsidized housing construction and sale of apartments under favourable conditions. This legal framework shall define the system of housing construction and renting of apartments to the socially vulnerable categories.
- **Laws** stipulating these issues and the reduction of administrative costs of construction (contributions for shelters, turnover tax, urban planning, geodetic and legal fees, etc).
- **Coordinating Centre of FRY and the Republic of Serbia for Kosovo and Metohija** established by the Federal and Republican Governments (2 August 2001) to engage state agencies and other institutions in resolving the problem of Kosovo and Metohija with full observance of the UNSC Resolution 1244.

#### **5. FUNDING**

Due to the high cost of accommodation, heating and food, phasing down of collective centres has enlisted the greatest support from donors. Therefore, it is realistic to request international donations for all the accommodation related and supporting programs. The participation of the state shall be reflected in foregoing the income generated from taxes and levies, and the investments already made in infrastructure

(at the level of 10-30% of program costs).

### 3.3 EMPLOYMENT

#### 1. MAIN AIMS AND EXPECTED RESULTS

The rate of unemployment among refugees and IDPs is much higher than the official unemployment rate in Serbia and Yugoslavia. On the other hand, the favourable educational and age structure of refugees makes it possible for integration in this area to follow the trends of the market and the process of restructuring and privatization i.e. through employment schemes that will involve all the unemployed without discrimination.

The main aims of the National Strategy in relation to employment are: **first** to ensure funds for employment of the extremely vulnerable refugees through in-kind grants; to ensure preparation for employment of students and workers from destitute refugee families through scholarships and re-training programs. **Second**, for the able bodied refugee families (as with the citizens) the employment schemes under a variety of crediting conditions will be available. These programs shall target 50% of unemployed refugees.

#### 2. BENEFICIARIES

Five groups of beneficiaries of employment schemes may be identified:

- the extremely vulnerable refugees and IDPs,
- the poor able-bodied families,
- able bodied and entrepreneurship-oriented,
- (highly) qualified finding employment in the existing companies,
- beneficiaries of scholarships and re-training programs from poor families.

#### 3. EMPLOYMENT SCHEMES

All the employment schemes must be income generating i.e. must provide preparation for employment. EAR, EU and other micro-credit institutions have already embarked upon certain programs in which all categories of the unemployed participate. Within the National Strategy the following employment programs are envisaged:

- **Programs of employment of the extremely socially vulnerable refugees** – in kind grants i.e. donation of tools for work.
- **Interest-free loans and micro-credits** (with an interest rate lower than the one prevailing at the market) for development of family businesses.
- **Self-employment programs** – soft loans granted for establishment and development of SMEs in industry and services
- **Employment in the existing successful companies** – companies extend their capacity and the scope of activities (consequently creating new jobs) with the allocated loans.
- **Preparation for employment** – scholarships for education of pupils and students; re-training programs for workers whereby they will be trained for jobs that are in demand on the market.

#### **4. INSTITUTIONAL AND LEGAL SOLUTIONS, MEASURES AND ACTIVITIES OF THE GOVERNMENT OF SERBIA**

In this field no new legislature is needed. However, new institutions are to be established and new responsibilities given to the existing institutions.

- The Government of Serbia shall set up a separate Project Unit for Management Activities that will engage in planning, implementation, monitoring and control of realization of employment schemes.
- The Task Force for Monitoring the Implementation of the National Strategy comprised of representatives of: the Ministry of Labour and Employment, the Ministry of Social Welfare, the Ministry for Foreign Economic Relations, Commissioner for Refugees, the Ministry for Urban Planning and Construction, the Ministry of Finance and Economy, the FRY Ministry of Foreign Affairs, the Ministry of Interior and the Coordinating Centre of the Federal Republic of Yugoslavia and the republic of Serbia for Kosovo and Metohija. A representative of the donor community shall also be part of this body if donations are allocated. The Task Force shall monitor the operation of the Project Unit.
- Labour Market Bureau shall conduct employment programs in the existing successful companies and the re-training of workers.
- The Ministry of Education and Sports shall award scholarships to pupils and students.
- The Republican Agency for SMEs shall be in charge of setting up and development of private businesses.
- The existing and the extended network of micro-finance institutions at a local level shall be used for conducting the programs of interest-free loans and micro-credits.
- The Government of Serbia shall set up a development bank which will, *inter alia*, disburse self-employment loans.
- Local centres for stimulation and promotion of SMEs shall be established.

The following ministries shall be responsible for making the new institutional and legal solutions operational: the Ministry of Labour and Employment, the Ministry of Education and Sports, the Ministry of Finance and Economy, the Ministry for Foreign Economic Relations, The Ministry of Economy and Privatization, the Republican Commissioner for Refugees, the Republican Labour Market Bureau, the Republican Agency for SMEs.

#### **5. FUNDING**

Two basic ways of funding the employment programs have been envisaged. However, only the first one refers to the National Strategy:

- Donations will be used to finance in kind programs, scholarship and re-training programs to target the extremely socially vulnerable refugees and IDPs.
- All other programs will be financed through different types of loans (favourable interest rates, commercial credits) that will be ensured by the international financial and developmental institutions under the soft loan schemes.

## **4. LEGAL AND PROPERTY ASPECTS OF INTEGRATION AND REPATRIATION**

### **4.1 LEGAL, PROPERTY AND INFORMATIONAL ASPECTS OF INTEGRATION AND REPATRIATION OF REFUGEES**

#### **1. CURRENT SITUATION AND AIMS**

In ten years since the arrival of refugees from the territories of former Yugoslavia the emerging legal problems – from property-related issues to citizenship - have not been entirely resolved. With the change of the situation and cessation of hostilities as well as with the opening up of possibilities for repatriation and integration, numerous new issues emerged that require addressing and resolution.

There are two main reasons for refugees failing to submit requests for issuance of Yugoslav identity cards:

- a) For fear that it will have an adverse effect on their acquired rights in the countries of origin, and
- b) Due to the practice of certain municipal authorities which request proof of de-registration from the place of previous habitual residence as a prerequisite for issuance of an identity card.

The Strategy proposes ways of overcoming these problems while honouring all the legal timeframes and procedures for acquisition of Yugoslav citizenship. Care is also taken not to put refugees in a less favourable situation in their countries of origin. The Strategy also touches on the issues of dual and double citizenship.

The Law on Refugees of the Republic of Serbia was enacted in 1992 to define the rights and responsibilities of refugees who fled war in former Yugoslav republics and arrived in Serbia. Due to initial shortcomings in substance and form, as well as in view of the changed circumstances a need has appeared for extensive modifications of this Law.

One of the most sensitive topics related to the refugee status is the withdrawal of protection a refugee enjoys. Essentially refugee status is withdrawn when refugee finds a durable solution, be it in the form of repatriation into the country he had fled, local integration or by availing himself of protection of a third country. The Strategy elaborates conditions under which would repatriation and local integration in FRY be the bases for withdrawing refugee status in accordance with the international standards.

The Strategy also calls for legalization of acquired rights in the countries of origin:

- a) Property rights which must be returned or compensated for and
- b) Rights to pension and disability insurance.

The Strategy also deals with information sharing and media campaign to that effect and proposes an establishment of a unified data base which would be the source of all refugee-related information.

## 2. MEASURES AND ACTIVITIES

1. In respect of **citizenship** related issues, the Strategy proposes:

- a) To initiate proceedings to streamline the procedure of acquisition of Yugoslav citizenship with the federal authorities;
- b) To establish an adequate mechanism of preventing the refugees from retaining the refugee status even after the acquisition of FRY citizenship. This may be done by determining a deadline for submission of applications for issuance of ID cards after being admitted into citizenship. Moreover, the Federal Ministry of Interior may *ex officio* inform the Commissioner for Refugees thereof following the entry into the Records of Citizens, as provided for in the Law on Yugoslav Citizenship. On the basis thereof the Commissioner could then issue a decision of cessation of refugee status. The Commissioner could duly inform thereof the Republican Ministry of Interior who would call on all the persons whose refugee status had been withdrawn to submit an application for issuance of national ID cards and surrender of refugee ID cards;
- c) The persons who were admitted into FRY citizenship should not be asked to de-register from the place of previous habitual residence as a precondition for issuance of national identity cards;
- d) Agreements on Double Citizenship should be concluded with the countries in the region, wherever there is interest to do so.

2. The below articles of **the Republican Law on Refugees should be altered:**

- those referring to the definition of the term "refugee";
- military and labour obligation;
- competence of the Commissioner for Refugees of the Republic of Serbia for granting and withdrawal of the refugee status;
- procedure of appointment of a second instance body to resolve the appeals filed on the decisions taken by the Commissioner.

3. In respect of **property acquisition**, the Strategy proposes:

- Until the adoption of the Strategy the refugee who had acquired ownership of real estate on the territory of FRY should be enabled acquisition of citizenship under a shortened procedure. However, if the refugee owning real estate on the territory of FRY does not express a wish to become citizen, his refugee status and the status of all the members of his household should be reviewed.
- Upon adoption of the Strategy a refugee may become an owner of real estate on the territory of FRY subject to becoming a citizen.

4. **Withdrawal of refugee status** should be defined in the Law on Refugees in order to de-register from the existing data bases persons who no longer fulfil the conditions for holding it.

5. In respect of the **acquired rights** in the country of origin, efforts should be invested in: a) insisting on repossession or compensation of property, property and other acquired rights; b) concluding contracts on social welfare with all the countries of former Yugoslavia.

6. A reliable and authoritative **data base** should be created to include all refugees by merging the existing databases into a single one. It would be maintained by an expert body and serve for exchange of information between the countries in the region thus allowing insight into movements of refugees and displaced persons and

helping avoid cases of multiple registration.

7. **Media campaign** should be launched to inform the refugees on all the relevant issues related to exercising their status, is a necessary precondition to a successful implementation of the Strategy.

## **4.2 LEGAL, PROPERTY AND INFORMATIONAL ASPECTS OF INTEGRATION AND REPATRIATION OF INTERNALLY DISPLACED PERSONS**

### **1. CURRENT SITUATION AND PROBLEMS**

In three years since the displaced persons from Kosovo and Metohija have been living in Serbia and Montenegro their legal problems related to property and employment status, health care and other rights have not been fully resolved. The situation has improved following the Decree of the Government of the Republic of Serbia whereby the rights related to health care and employment have been protected. However, many issues remain unresolved.

Currently provisions of the Law on Refugees are being applied to the internally displaced with the Commissioner for Refugees of the Republic of Serbia as the competent executive authority. The Law on Refugees of the Republic of Serbia was adopted in 1992 to determine the rights and responsibilities of the refugees from former Yugoslav republics. However, not a single provision of this Law defines the status of the displaced persons.

A large number of IDPs who were employed in state agencies and institutions in Kosovo and Metohija (judges, doctors and medical staff, teachers, etc) receive a certain portion of their salaries although not actually employed.

With a change of situation, primarily in respect of cooperation with the international community, return of FRY into the UN, participation of the Serbian national community in the institutions of provisional local government in Kosovo and Metohija, favourable conditions have been created for return of displaced population to their homes.

The international community must recognize, protect and return the rights to mobile property and real estate that the IDPs owned in Kosovo and Metohija pursuant to the established standards and norms of the international law, irrespective of current residence of the displaced persons. The right to property may not be conditioned by a physical return of the displaced.

So far the acquired rights of IDPs have not been provided for: a) property rights that have to be returned or compensated for and b) rights emanating from employment, pension and disabled insurance.

The absence of a unified database on IDPs and their real estate represents an enormous problem in this respect.

### **2. MEASURES AND ACTIVITIES**

1. In respect to the problems related to **determination of legal status** of the internally displaced persons, the Strategy provides for:

- Enactment of a separate law or other legal act that shall resolve the issue of displaced persons. The executing agency shall be the Ministry of Justice in cooperation with the Coordinating Centre.
  - In relation to the acquired rights in the places of habitual residence, the Federal Ministry of Interior and the Ministry of Justice shall, through UNMIK, insist on return of property rights and other acquired rights.
  - Formulation of regulations to resolve the issues of the employment record, pension and health insurance, etc. The competent ministries: Ministry of Justice, Ministry of Social Welfare and Ministry of Health shall execute this task jointly with the Coordinating Centre.
2. Establish a **reliable and valid IDP data base** by merging all the existing bases into one. The database be a basis for exchange of information with UNMIK and institutions of provisional administration in Kosovo and Metohija and would be updated by an expert agency in order to trace movement of IDPs and avoid abuse by multiple registration. The executive agencies proposed are the Coordinating centre in cooperation with the Republican Commissioner for Refugees, UNHCR and UNMIK.
  3. Establish a **consistent data base of real estate** of IDPs from Kosovo and Metohija living on the territory of FRY. This database shall be created on the basis of information of the Republican Geodetic Institute – cadastre of Real Estate of Kosovo and Metohija under the framework of the Coordinating Centre.
  4. **Continuous informing** of IDPs on all relevant issues related to exercise of their rights by establishing separate information points oin the field and greater engagement of the media, following the initiatives and proposals of the Coordinating Centre.
  5. **Temporary employment of staff from Kosovo and Metohija** in state agencies and institutions. This task shall be realised by line ministries following the proposals of the Coordinating Centre.

