



COUNTRY OPERATIONS PLAN

Country: Croatia

Planning Year: 2004

Croatia

Part I: Executive Committee Summary

a) Context and Beneficiary Populations and Themes

In accordance with Europe Bureau Strategic Directions 2000-2004 and conclusions of the Humanitarian Issues Working group (HIWG) in June 2002, whereby 2003 is mentioned as the final year of UNHCR direct involvement in the return process in the region, UNHCR Croatia has developed an operation plan for 2004 that is built under two overarching goals/themes i.e. *responsibly phasing down its activities in finding durable solutions for the post-Dayton caseload while assuring that protection and assistance needs of returnees and refugees are met, and strengthening of asylum regime in Croatia.*

UNHCR projects aimed at providing durable solutions for the Post-Dayton caseload in the region of former Yugoslavia for the past seven years, were developed and implemented on a specific mandate prescribed in Annex 7 of the Dayton Peace Accord. Although more than 848,000¹ persons still remain displaced by the conflicts, there has been significant progress in the implementation of Annex 7 and in creation of the conditions conducive to the return of refugees and IDPs in the region. It is hoped that by the end of 2003, with the appropriate commitment by concerned States and support from the international community, the majority of the displaced would have either returned to their homes, or found alternative solutions through local integration. It is also believed that by the end of 2003, the basic infrastructure and legal framework in countries within the region will be fully in place to deal with the ongoing multi-way returns. Therefore, eight years after Dayton, UNHCR's responsibilities under Annex 7 will have largely been met.

To achieve the set goals for 2004 and respecting the regional nature of the post-Dayton process, the existing co-ordination between UNHCR offices in the region, as well as co-operation with other international partners and respective governments will be further strengthened. As part of a harmonised approach with UNHCR offices in Serbia and Montenegro and BiH, UNHCR Croatia, in 2004, will gradually phase-down its return-related activities by the end of "return season" and will focus more on its core mandate i.e. strengthening of the asylum system.

During the return process, more than 100,000 Croatian Serbs have returned to their homes to and within Croatia. It is assumed that during 2004, some 21,000 refugees will return to Croatia mainly from Serbia and Montenegro and Bosnia and Herzegovina/Republika Srpska. As was the case in 2003, this assumption is based on the results of refugee surveys conducted in those host countries. Additional arguments for this assumption could be found in the total number of 19,500 reconstruction (family) applications submitted by refugees in Serbia and Montenegro and BiH and an additional 2,200 repossession claims submitted in Serbia alone. Finally, the implementation of the newly adopted repossession scheme in Croatia could lead to more sustainable return of refugees.

The amendments of the Law on Areas of Special State Concern (LASSC) of August 2002 introduced a new regime for property repossession, which still needs to prove its effectiveness. The GoC reports that, so far, 14,046 houses have been "repossessed", out of a total of 19,255 cases of private property allocated for temporary use between 1995 and 1998. In the first half of 2003, 1,672 houses have been administratively repossessed, which

¹ Comprising: 446,000 refugees and IDPs in Bosnia and Herzegovina (423,000 IDPs + 23,000 refugees from Croatia); 371,100 refugees in FRY (228,300 refugees from Croatia + 142,800 refugees from BiH); 31,564 refugees and IDPs in Croatia (21,613 IDPs + 9,951 refugees from BiH).

corresponds to rate of 278 cases per month. 5,209 properties are still allocated for temporary use. This, however, does not take into account the unknown but considerable number of illegal occupancies, against which the owners have only the recourse to a lengthy and expensive procedure in court.

Overall, repossession remains a slow process, with the occupants' housing needs taking precedence over the owners' property rights. Temporary users, who are eligible for housing care, have to vacate the occupied properties only once the GoC provides them with a housing solution. The availability of such scarce housing solutions dictates the pace of repossession. In addition, some temporary users appeal against the ODPR decision in court, which delays the repossession process further.

Administrative repossession, however, does not necessarily result in physical repossession. Some owners choose to sell the repossessed property. Others would like to return, but are prevented from doing so by the bad and often devastated condition of the repossessed house and the lack of repair assistance.

The GoC has, as of mid 2003, not yet started compensating the owners for the continued use of the property beyond the repossession deadlines as defined in the LASSC. Only lately, after months of delay, the first 100 settlements for compensation have been signed and are pending payment. Some few hundred are pending the owners' signature.

In general, ODPR offices are not very decisive in dealing with occupants who are not eligible for housing care and lost the right for temporary use (e.g., owners of vacant/reconstructed houses in BiH). Only in January 2003, MPWRC/ODPR forwarded the first cases to the State Attorney's Office to initiate eviction procedures. As the court system in Croatia is notoriously slow, it will take years to resolve such cases.

In 2004, UNHCR Croatia will continue with promotion, facilitation of voluntary return and assistance to a limited number of vulnerable returnees.

Nevertheless, the difficult socio-economic situation in the areas of return continue to negatively influence the pace of return and reintegration. Economic data on Croatia shows an economy in transition with positive growth in macroeconomic data, but with a level and trend of unemployment that remains worrying, particularly in the areas of return. In these areas, the already poor pre-war economic structure has collapsed and unemployment in some areas can be as high as 90% with little prospect for rapid economic revitalisation. The widely accepted concept among the donor community of transition from humanitarian interventions to more development-oriented activities, has resulted in increased investments in economic revitalisation and development projects.

However, this did not produce expected improvements in the socio-economic environment. Signing of the Stabilisation and Association Agreement (SAA) qualified Croatia for European Commission CARDS (Community Assistance for Reconstruction, Development and Stabilisation) funding. The financial allocation for CARDS assistance for Croatia for the period 2002-2004 is 168 million Euros under the national programme, and 23 million Euros under the regional programme. The project includes return of refugees and internally displaced persons, and is designed to make a significant contribution to the sustainability of return of refugees and displaced persons, especially of minority groups, through promotion of economic revitalisation, enterprise development, job creation and social inclusion. The full implementation of the CARDS project is expected in 2003-2004, and it is hoped that a more comprehensive approach to those issues will result in improved conditions for sustainable return. It remains to be seen if the new political landscape in Croatia following Parliamentary elections in late 2003/early 2004 will influence the implementation of Croatia's commitments and obligations related to closure of the post-Dayton return process and to association with the EU.

Out of some 5,000 Bosnian refugees that are presently registered in Croatia, only a small number of extremely vulnerable are expected to remain in Croatia in 2004. The new Law on Foreigners, which is expected to be adopted in mid 2003, will not automatically grant permanent stay to long-stay Bosnian refugees (non-Croats) as requested by UNHCR. Therefore, local integration policies and programmes will have to be further elaborated with the Croatian Government and other partners, in order to ensure that those individuals, who could not return to their places of former residence, are able to secure a viable future in Croatia. This will be of crucial importance, particularly for a very limited number of Bosniaks who have been in Croatia with temporary protection status since the war in BiH started (April 1992).

The security situation in the region should continue to improve, and by 2004, the enforcement of the rule of law, in general, will have progressed. However, land mines and unexploded ordinance continue to pose security threats in many agricultural return areas, particularly those in the former zones of separation.

In previous years Croatia did not receive a large number of asylum seekers. It is foreseen that there could be an increase in the number of asylum applications with the combined effect of the Law on Asylum entering into force on 1 July 2004 and the Republic of Slovenia acceding to the EU in May 2004. It is expected that for an increasing number of asylum seekers Croatia will be the final destination and country of asylum. Nevertheless, it is also expected that a large number of those who do seek asylum in Croatia will only stay temporarily and will seek ways to move on and seek asylum within the EU. Tighter border controls will of course factor into the increase in applications in Croatia.

Within implementation of the project for strengthening asylum in Croatia 2004, UNHCR will continue its co-operation with the Ministry of Interior through technical advice and assistance with the drafting of by-laws and the harmonisation of existing legislation and regulations under the Law on Asylum and Temporary Protection. On 12 June 2003, the Croatian Parliament adopted a law on Asylum with an added government amendment postponing the Law's implementation until 1 July 2004. Despite the adoption of the law on Asylum, UNHCR does not expect any change in asylum procedures until the law enter into force. As such the RSD procedure will remain inadequate and UNHCR will continue with mandate review of each individual case.

UNHCR will also lobby for Croatia's accession to the 1961 Convention on the Reduction of Statelessness, as current provisions in the legislation are insufficient. The Office will provide technical advice to the Government regarding the management of the asylum centre once it is established, and advocate for full access for NGOs, in order that they can provide legal services and psycho-social counselling and activities.

The Office will continue to work closely with the EC Delegation and the asylum expert consultants working on the CARDS project to ensure international protection standards are met. Besides the EU Acquis, the UNHCR Agenda for Protection and the Budapest Process will provide overall guidance in the establishment of acceptable reception conditions and asylum procedures.

Due to the regional nature of both UNHCR themes in 2004, the linkages with other country operations are logical and obvious and, for the most part, already existing and functioning. UNHCR will also seek for an active involvement in tripartite meetings (Governments of Serbia and Montenegro and Croatia and UNHCR), and to raise issues of UNHCR concern, as relates to refugees and returnees in Croatia, and in the region (harmonised actions related to refugee de-registration, "double registration", data sharing) as well as follow-up of implementation of bi-lateral agreements related to return and integration of refugees, and acquiring of rights stemming from those agreements.

Regional political co-operation on asylum and migration issues will be enhanced through participation in the Stability Pact for SE Europe MARRI initiative, while UNHCR Offices in

the SE Europe region will focus on technical co-operation and sharing of information on reception standards, bilateral readmission agreements, border police training, and public awareness activities. Training of Border Police and immigration officials will also be organised in co-operation with UNHCR in Slovenia and focus on the implementation of readmission agreements and access to asylum procedures.

In 2004, UNHCR operations and programmes linked to the return of Croatian Serb refugees as well as repatriation or local integration of Bosnian refugees in Croatia will be implemented in co-ordination with the Ministry for Public Works, Construction and Reconstruction (Department for Displaced Persons, Returnees and Refugees and Department for Reconstruction) and other relevant ministries. The asylum project will be implemented in co-ordination with the Ministry of Interior and activities will be implemented by a network of national NGOs. Similarly, they will be increasingly involved in taking up activities previously directly implemented by Field Offices, allowing UNHCR to further phase down its operational involvement and field presence. The majority of implementing partners will be legal NGOs that will continue providing legal assistance to returnees, refugees and monitor smooth implementation of return related legislation. Limited assistance in transportation and community services "safety-net" for vulnerable returnees/refugees will be provided by Croatian Red Cross. Pending the refurbishment of the State Asylum Reception Centre and its becoming operational in mid 2004, UNHCR will continue to host asylum seekers at the asylum centre managed by Croatian Red Cross, while legal assistance to asylum seekers will be provided by Croatian Law Centre.

NGO presence and their existing and foreseen capacity is one of the pillars of UNHCR's phase-out strategy. So far, significant inputs in management, skills training, and in increasing general capacity of NGOs have been provided by UNHCR and other operational partners. Nevertheless, during 2003-2004, UNHCR will continue to build capacity of civil society players involved in refugee/returnee protection, including by developing the skills of their staff through training, coaching and other forms of learning. The Office will strive to develop a network of NGOs and/or lawyers and other experts working for the protection of asylum seekers. One of the objectives in 2004 is also to assist Implementing Partners, NGOs and civil society at large, in seeking new possibilities to obtain funds for their programmes on the needs of returnee/refugees and asylum seekers, from sources other than UNHCR.

Through public information activities in 2004, UNHCR Croatia will aim to raise awareness amongst the media and the public about refugees and asylum seekers and dispel negative stereotyping. The objective is that all involved, the general public, the government, donor community, the media, other agencies and various NGOs are aware of the progress being made, but also of remaining issues still to be addressed. UNHCR will continue advocating for returnee/refugee and asylum rights by promoting human and minority rights issues and providing training to Government Officials and NGOs in order to ensure maximum impact of the UNHCR funded programmes and others on the population of its concern. Furthermore, UNHCR will assist civil society, including Implementing Partners, to diversify their funding and actively seek new possibilities to obtain funds, including from sources other than UNHCR, while keeping refugee/returnee issues high on their agenda.

Within its strategy for responsible disengagement from post-Dayton activities and with an aim to ensure sustainability of returns, UNHCR will continue its regular contact with the donor community and development oriented agencies, particularly the World Bank and UNDP. The Office will stimulate them, especially the latter, to target returnee areas, including host populations, in their plans and projects, so as to maintain the link between repatriation, reintegration, reconstruction and development, ensuring a financial basis that goes beyond humanitarian programmes. In its effort to actively promote conditions conducive to return, UNHCR will continue to advocate for implementation of a wide-range of community-based integration projects in order to assist the returning population as well as the authorities to rebuild the war-torn social fabric. It is hoped that all this should result in smooth reintegration of refugees and in return that is made sustainable through strengthened co-operation among development agencies, donors and partners within the community.

b) Selected Programme Goals and Objectives

Theme: Durable Solution for post-Dayton Caseload	
Main Goals:	
<ul style="list-style-type: none"> • The protection and assistance needs of returnees/refugees and IDPs are met • Durable solutions for the displaced are included and developed in the peace-building process • Sustainable solutions are ensured for the longer term and further displacement is prevented 	
Principle Objectives	Related Output
<ul style="list-style-type: none"> • Promotion and facilitation of voluntary repatriation to and from Croatia; 	<ul style="list-style-type: none"> • Limited public information campaigns and go-and see visits; • Transport of limited number of most vulnerable refugees and their belongings;
<ul style="list-style-type: none"> • Laws and regulations affecting return and re-integration of refugees from Croatia are improved; 	<ul style="list-style-type: none"> • Technical legal advice provided to the Government through Joint Working Group for Legislation; • Monitoring and advocacy in co-ordination with other members of international community;
<ul style="list-style-type: none"> • Adequate protection and care is provided to refugees pending identification of a durable solution; 	<ul style="list-style-type: none"> • Legal advice, social counselling and access to health care provided to refugees through qualified NGOs;
<ul style="list-style-type: none"> • Local integration of a limited number of Bosnian refugees who are unable to return is achieved; 	<ul style="list-style-type: none"> • Assist the Government in creating a framework for long-term integration of refugees;
<ul style="list-style-type: none"> • Attract complementary funding and development assistance for return areas; 	<ul style="list-style-type: none"> • Close co-operation with multilateral and bilateral actors, ranging from the local authorities to NGOs, diplomatic missions and multilateral development actors such as World Bank and UNDP.

Theme: Strengthening Asylum in Croatia	
Main Goals:	
<ul style="list-style-type: none"> • Persons in need of international protection have access to the territories of European States • Asylum seekers have access to fair, efficient asylum procedures and are treated in accordance with international protection standards • Refugees are afforded high standards of protection, and effective durable solutions are found for them • Public opinion is receptive to the protection and solution needs of refugees 	
Principle Objectives	Related Output
<ul style="list-style-type: none"> • Asylum seekers have access to Croatia and can lodge an asylum application 	<ul style="list-style-type: none"> • Borders, detention centre and separated children home regularly visited • Implementation of Law on Asylum and Temporary Protection and readmission agreements monitored
<ul style="list-style-type: none"> • National legislative framework further enhanced 	<ul style="list-style-type: none"> • Technical advice provided on the drafting of by-laws and harmonisation of other domestic laws with asylum

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	legislation
<ul style="list-style-type: none"> • Fair and efficient refugee status determination and judicial review 	<ul style="list-style-type: none"> • Monitoring of the RSD procedure and judicial review • Workshops organised on complementary forms of protection and international human rights law • Establishment of a Documentation Centre and broadening of the country of origin information database used by RSD officials
<ul style="list-style-type: none"> • A Government reception centre provides accommodation and social services to asylum seekers 	<ul style="list-style-type: none"> • Technical advice provided to Government on management of asylum home • Care and maintenance and psycho social services delivered to asylum seekers
<ul style="list-style-type: none"> • Public awareness of asylum issues developed 	<ul style="list-style-type: none"> • Advertising campaigns through media • Briefings and field visit for the media • Lectures and briefings to students and civic organisations