

COUNTRY OPERATIONS PLAN FOR 2002

BOSNIA AND HERZEGOVINA

Executive Committee Summary

(a) Context and Beneficiary Population(s)

Political Context

During 2002, the momentum of return will be maintained, especially the return of Serb displaced persons from Republika Srpska and Serb refugees from the Federal Republic of Yugoslavia (FRY) to the Federation. With the new State level Government now in place in Bosnia and Herzegovina (BiH) and with the changes that took place in FRY, it is anticipated that cross border returns will increase both from Croatia and FRY, and to Croatia. The International Community will press for progress in the implementation of the Dayton Agreement and will push for stricter implementation of the property laws. In the course of 2002 more displaced and refugees will take the decision whether or not to return to their places of origin.

The International Community is anxious to quickly establish effective migration mechanisms and to work towards a solid asylum system in BiH. UNHCR will be extensively involved in the development of a national asylum system.

Security Situation

Duty stations in BiH remain under Security Phase III and included in the Special Operations Area (SOA), as determined by the UN Security Co-ordinator, New York. Security concerns in many areas in the country continue, as some areas are known to harbour hard-line elements, where tensions and occasional violence have been reported. Some events (evictions in the context of the Property Law Implementation Plan, arrests of persons indicted for war crimes), usually induce political groups to influence the local peoples' reactions, and as a result, the UN/international community staff have been and may again be targeted.

Protection issues

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 socially or privately owned property.

As a result of a concerted effort by UNHCR, OHR, OSCE and UNMIBH, out of some 250,000 claims on contested properties, 21% had been resolved by December 2000, which allowed these claimants to repossess their pre-war homes. This process will continue in 2001 and 2002. Through its field presence, UNHCR will continue to monitor the security situation of returnees, and to undertake preventive measures as appropriate in order to ensure the safety and dignity of return and reintegration.

For the estimated 25,000 refugees from Croatia who remain in the Republika Srpska (RS), durable solutions, preferably voluntary repatriation to Croatia, will continue to be explored. BiH continues to host a large number of refugees from FRY, many of whom arrived in 1998 and 1999. While the majority have repatriated by the end of 1999, some 12,900 remain in BiH. Some 1,900 FRY refugees are accommodated in Refugee/Asylum Centres, 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

the moment they crossed into neighbouring countries, (Croatia in particular) en route to western European countries.

Among these groups, a limited number of asylum seekers have approached UNHCR for protection and assistance. As the BiH Government is not in a position yet to carry out the Refugee Status Determination Procedure, that task has to be fulfilled by UNHCR.

UNHCR's role

Protection

Under the Dayton Agreement, UNHCR is responsible for co-ordinating the return of DPs and refugees. UNHCR will continue to ensure through field/protection monitoring that return takes place in safety and dignity, and protect returnees' rights in support of sustainable reintegration. For this purpose, legal advocacy and advisory services will be continued to ensure that the domestic legal framework addresses the needs of DPs and returnees. UNHCR works with the relevant local authorities to register and protect displaced persons and to promote the finding of durable solutions, with special attention paid to vulnerable groups. UNHCR will continue to administer a network of some 50 Legal Aid Centres (LAICs) which have provided legal assistance to DPs and returnees on issues, such as repossession of property, countering discrimination, securing pension payments, etc.

UNHCR will continue working closely with the Ministry for Human Rights and Refugees (MHRR) on the development of the legal framework and capacity to deal with the asylum-related issues. UNHCR will train the staff of key national and international actors, such as UNMIBH and the State Border Service, to instil respect for basic refugee law principles.

Assistance

Post-Dayton

Given its decreased operational resources in 2002, UNHCR's main intervention for returnees will focus on timely assistance during the initial phase of their reintegration. Through the local and regional Return and Reconstruction Task Force, UNHCR will involve bilateral and multilateral donors to continue the reintegration assistance. UNHCR assistance consists of transportation, delivery of domestic items to the most vulnerable and, when required the provision of, through the Quick Support Fund, the appropriate assistance that directly impacts on the sustainability or makes possible breakthrough returns. UNHCR, with its knowledge of the beneficiary needs and information acquired, will advocate for larger projects to be funded by bilateral and other donors.

Refugees from FRY and Asylum Seekers

UNHCR provides direct assistance to refugees from FRY and asylum seekers from third countries in Bosnia and Herzegovina accommodated in the five Reception/Asylum Centres (RACs). In April 2001, 1,900 persons were residing in these centres. UNHCR works closely with the main implementing partner, the state level Ministry for Human Rights and Refugees (MHRR), in the co-ordination of refugee and asylum issues and the RACs management. UNHCR staff is involved in individual protection issues of asylum seekers and refugees. The refugees receive monthly food parcels and small cash grants for the procurement of daily commodities. Children have access to primary education facilities. Through its implementing partner and in collaboration with other Agencies, UNHCR extends community services, as well as vocational training and counselling to the residents of the RACs.

Co-ordination

Principals' Meeting

UNHCR is a member of this Dayton Agreement policy setting group of the senior-most representatives of the international community chaired by the High Representative (OHR). Other members are SFOR, OSCE and UNMIBH/IPTF. In 2002, UNHCR as the lead humanitarian agency will continue to play an active role in this forum.

Return and Reconstruction Task Force (RRFT)

The RRTF provides a valuable mechanism for the co-ordination of international agencies in the field. A typical local RRTF consists of UNHCR, OHR, SFOR, OSCE, NGOs and, in some cases, donors and the local authorities. At the regional level, RRTF discusses issues related to return and resource allocation. In 2002, the downsizing of UNHCR may impact on its presence in the mechanism. UNHCR and OHR co-chair the RRTF.

Property Law Implementation Plan (PLIP)

In 2002, the follow-up on the Government's implementation of the property law will remain one of the key activities for UNHCR, OHR, UNMIBH and OSCE, both at the central and field levels. Under the Property Law Implementation Plan (PLIP), the above Organisations will collect and share information and monitor implementation by municipal authorities.

Resident Co-ordinator's Group and various Working Groups

UNHCR is a member of this group which consists of UN development agencies. UNHCR's role will remain important in 2002 in ensuring that issues concerning displaced persons and returnees are taken into consideration in the development activities of the other UN Organisations.

UNHCR is a key member of working groups on legal issues, education, human rights, and gender issues. One of these is the Working Group on Immigration and Asylum, which includes OHR, UNHCR, UNMIBH, UNHCHR, IOM as well as the competent Ministry. Ad hoc meetings are also held among international actors to discuss migration and asylum related issues, *inter alia* in the Inter-Agency Policy Group.

Overview of beneficiary populations

Post Dayton: Following the re-registration exercise in the second half of 2000, there are some 520,000 DPs and 25,000 Croatian Serb refugees in BiH. 300,000 refugees are assumed to remain abroad. The prominent trends are:

- (1) since early 2000, the rate of minority returns has significantly increased. By the end of December 2000, 67,000 minority returns had been registered, 65% more than in 1999. The first quarter of 2001 shows that the pace has not slowed down;
- (2) improved implementation of the Property Law facilitating return to urban areas, and;
- (3) an overall decrease in the funding for reconstruction projects is creating a widening gap throughout the country. While inter-entity returns are progressing, return within the Federation continues to be slow. Some 8,800 persons remain in collective centres (4,000 in the Federation and 4,800 in the Republika Srpska), often living in extremely difficult conditions. The cross-border return of Croatian Serb refugees to Croatia remains slow, despite an improvement in the return procedure.

FRY refugees and asylum seekers: The refugee population in BiH is estimated at some 12,900 persons, of whom 46% are women, 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 camps shows that 50% are Roma, 15% are Kosovo Albanians, 13% Muslims from Sandzak, 12% others from Kosovo (Goranci and Slavic Muslims), 5% Serbs and 5% other asylum seekers.

Policy issues

Post Dayton: UNHCR will continue to promote the return of DPs and refugees. At the same time, UNHCR will promote the local integration of the especially vulnerable among the displaced, who can not return to their pre-war homes. In 2002, 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. Together with other international actors, UNHCR will promote the implementation of the property law. In co-ordination with

the neighbouring UNHCR offices (Croatia and FRY), UNHCR will facilitate cross-border returns of refugees. UNHCR will advocate for the timely provision of housing for the returnees and the closure of the Collective Centres.

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 2002 UNHCR will assist the competent Ministry (MHRR) to convert the “temporary admission” status of FRY refugees to refugee status in accordance with the Law on Immigration and Asylum. Voluntary repatriation will be the most preferable durable solution to be promoted among FRY and Croatian refugees depending on developments in the country of origin.

Linkages to other countries within a defined “situation”:

UNHCR BiH will continue to work with UNHCR Croatia and UNHCR FRY 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 FRY, and the return to Croatia of the remaining refugees in the Republika Srpska, for which 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 BiH will also continue to provide regular protection updates on the categories of persons still in need of international protection and country of origin information, highlighting the remaining obstacles to sustainable return.

Capacity and presence of implementing partners

Post-Dayton : Within its Post-Dayton programme, UNHCR will focus its attention on those local NGOs that will be self-sustainable in the future. One of the goals would be to strongly support the networking of the national Legal Aid Centres in the course of 2002 and intensify activities in capacity building of the government in the implementation of the asylum laws.

FRY refugees and asylum seekers: There are two implementing partners for the assistance programme for refugees from FRY and asylum seekers. Save the Children US provides community services to refugees, including programmes for vocational training as well as counselling and basic health education/assistance. Its expertise will still be required in 2002. The Ministry for Human Rights and Refugees (MHRR), which was established in July 2000, will be assisted and advised in developing the system and standards for response to refugee related matters.

Capacity building with respect to national authorities will be enhanced through seminars, regular consultations, distribution of guidelines and data-processing training. (Of interest, pls refer to the UNHCR BiH’s report “The Interface between Migration and Asylum in Bosnia and Herzegovina”, January 2001).

Presence and role of other UN agencies

PLIP and post-PLIP

Following the imposition of return-oriented property legislation, the International Community developed during 2000 the Property Law Implementation Plan (PLIP). The PLIP developed from cooperative relationships between UNHCR, OSCE, OHR, UNMIBIH and CRPC and its objective is to ensure that all outstanding claims by refugees and displaced persons to repossess their properties are resolved. Although progress was made in the process of property repossession by displaced persons and refugees during 2000-2001, the process will need to be continued for some time until it is complete, and at a minimum through 2002. As repossessions of property do take place, however, powerful deterrents to return often remain in place. These include the deliberate withholding of employment opportunities to minority returnees (employment discrimination), the often-noted ‘ethnic bias’ in the school system, and denial of access to health care in the place of return.

(b) Selected Programme Goals and Objectives

Name of Beneficiary Population/Theme: #1 Displaced Persons, Persons in the process of return and Croatian Serbs refugees in Bosnia and Herzegovina	
Main Goal(s): Enhance the sustainable return of Displaced Persons to their places of origin; Support voluntary return of Croatian Serb refugees to their Country of Origin.	
Principal Objectives	Related Outputs
Displaced Persons 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 returnees in their home of origin;	Displaced Persons in the process of return receive multi-sectoral quick impact assistance; The recently adopted legislation aimed to facilitate the return is adequately implemented throughout the Country;

Name of Beneficiary Population/Theme: #2 Refugees from the Federal Republic of Yugoslavia and Asylum Seekers	
Main Goal(s): Protection of and assistance to refugees from FRY and asylum seekers in the Reception/Asylum Centres including care and maintenance, legal assistance and repatriation.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none">Refugees and asylum seekers in RACs are provided with adequate and timely protection and material assistance	<ul style="list-style-type: none">overall living conditions of the refugees and asylum seekers at internationally acceptable standards.