

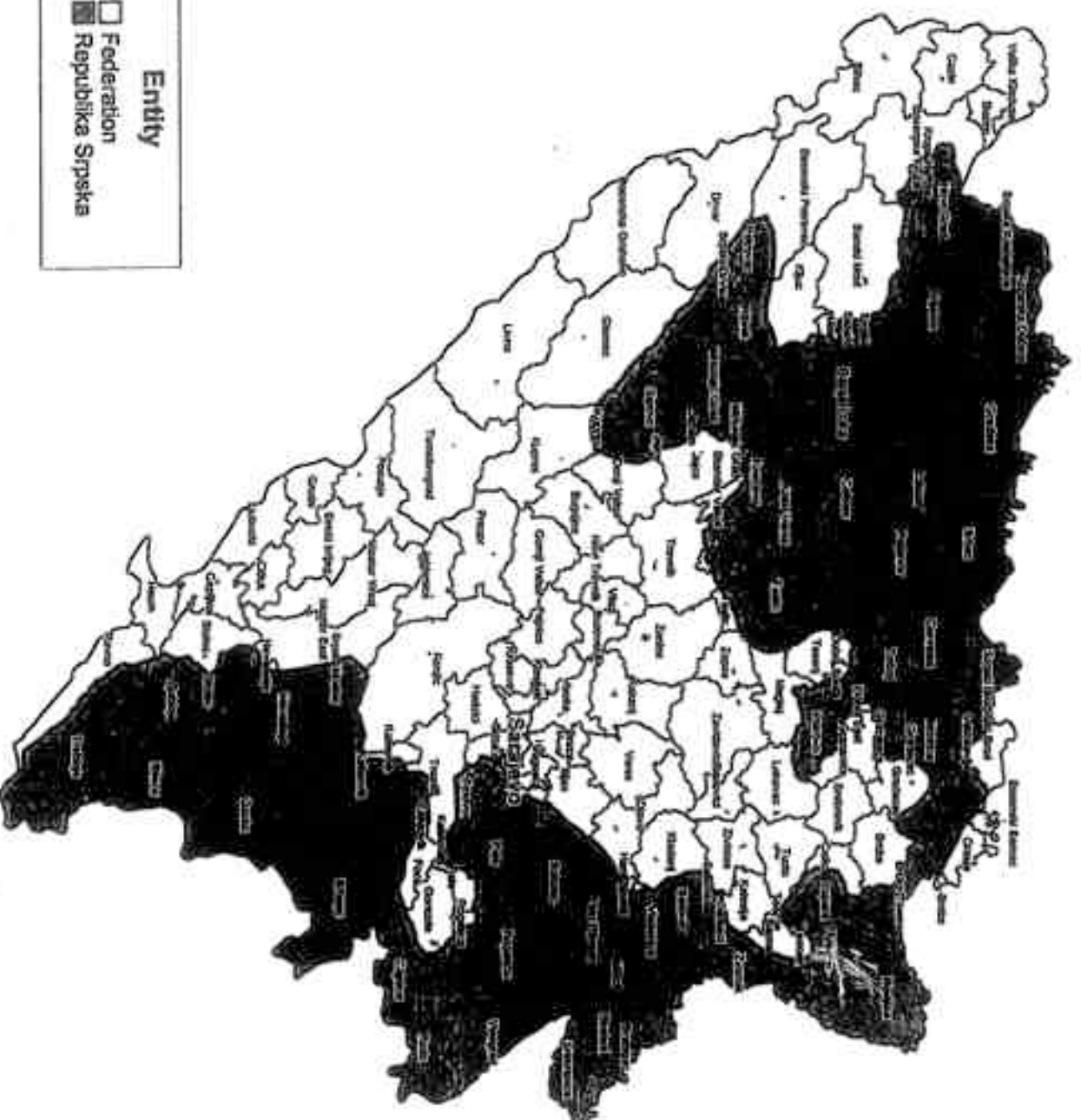
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BOSNIA AND HERZEGOVINA REPATRIATION AND RETURN OPERATION 1998



1900-1901

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Bosnia and Herzegovina Repatriation and Return Operation 1998

I. OVERVIEW

1. During the second half of 1997, the political and psychological barriers to minority return movements have begun to erode gradually and almost imperceptibly. As Bosnia and Herzegovina enters the third year of peace, the rights of refugees and displaced persons described in Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina (Peace Agreement) remain hollow promises, despite the intensive efforts of the international community. Without a concerted push to make these rights a reality, confidence in the peace process will waiver, relocation to majority areas will intensify owing to a lack of other alternatives, and the vision of a multiethnic Bosnia and Herzegovina will give way to the brutal reality of division.

2. Of the 400,000 refugees and displaced persons who have been able to return to their homes since the Peace Agreement was signed, only 35,000 have entailed so-called "minority returns." Most of those returning as minorities have been elderly people or individual members of family groups, not entire families. Such returns have been limited to major urban centres in the Federation, including Sarajevo and within Central Bosnia Canton. Obstacles to minority returns have remained very real in most of the Republika Srpska and in many areas of the Federation. Yet minority returns are the very heart of Annex 7, which itself is a vital component of the Peace Agreement as a whole.

3. UNHCR's main priority in 1998 will therefore be the repatriation of refugees and return of displaced persons to minority areas in Bosnia and Herzegovina. The objective will be to make a substantial breakthrough on minority returns in 1998. The principal vehicle to achieve this objective will be the "Open Cities" initiative, but this is only one element in UNHCR's strategy. The September 1997 municipal elections revealed the extent to which the aspiration of many to return to their former homes remains very much alive and ousted a number of municipal leaders most adamantly opposed to return. The resulting opportunities for the "joint administration" of certain Municipalities, raise very real hopes for minority returns. These potential openings will be energetically pursued, in close cooperation with the Office of the High Representative (OHR) and other partners. Finally, limited minority return movements are occurring quietly on both sides of the Inter-Entity Boundary Line (IEBL), far from the glare of official or international attention. With material and political support, such minority returns could intensify and encourage other communities to welcome back their neighbours. The international community is encouraged to cooperate to make minority returns a sustainable reality in these and other areas, by providing both political and financial support. For the time being, however, these areas cannot be considered as safe areas for non-voluntary repatriation of minorities from abroad.

4. To accompany this invigorated effort to encourage minority returns, UNHCR will concentrate its human and financial resources. First, flexibility and speed of response to openings for minority returns will be emphasized, alongside field presence. The creation of light satellite offices, meaning a light and flexible UNHCR presence in areas of actual or potential minority return, or hot spots, will facilitate a more proactive stance towards minority return movements. Openings for minority returns will be pursued aggressively, with UNHCR more engaged in brokering agreements relating to minority return and following up on their implementation, in partnership with the authorities, OHR and other members of the Reconstruction and Return Task Force (RRTF). Second, UNHCR will concentrate 80 per cent of its funding for 1998 in Open Cities and potential Open Cities (including certain Municipalities in Central Bosnia Canton) and, in accordance with recommendations of the RRTF, will leave an unallocated rapid response fund to support openings for minority returns as they emerge elsewhere. UNHCR invites all donors and institutions participating in the reconstruction effort to allocate a substantial percentage of their investments in these areas as well, and to create rapid-response funding mechanisms.

5. The document entitled "Bosnia and Herzegovina: Repatriation and Return Operation 1997" (document HIWG/97/2 of 14 April 1997, hereinafter "UNHCR's 1997 plan"), presented in April 1997 at the last meeting of the Humanitarian Issues Working Group, described the categories of refugees who could repatriate as from spring of 1997. Chapter VII of the present plan provides UNHCR's evaluation of those who can repatriate in 1998 and describes the groups who are still considered to be in need of international protection. UNHCR strongly supports the policies of the many countries who maintain a preference for voluntary repatriation.

6. Chapter II contains an analysis of repatriation of refugees from abroad and in-country returns of displaced persons. It also describes the emerging phenomenon of relocation. Chapter III sets out UNHCR's planning figures and assumptions for 1998. Chapter IV describes efforts to support repatriation from abroad and return within Bosnia and Herzegovina, detailing specific efforts to promote minority return movements through "Open Cities". Chapter V highlights initiatives of asylum countries and others to promote repatriation and return movements. Chapter VI focuses on the procedural aspects of repatriation and return movements, and provides an update on practice in this area during 1997. Finally, Chapter VIII focuses on coordination, particularly with regard to reconstruction, as well as on efforts to exchange and disseminate information relevant to planning for repatriation movements and making informed decisions about whether to repatriate.

II. ANALYSIS OF MOVEMENTS IN 1997 AND RELATED POLICY ISSUES

7. This chapter describes the major trends observed during 1997 and highlights a number of policy issues.

1. Refugees from Bosnia and Herzegovina

2. Analysis of Movements in 1997

8. During the war years more than 1.2 million refugees from Bosnia and Herzegovina sought refuge in neighbouring countries or further afield. UNHCR's 1997 plan projected that some 200,000 refugees would repatriate from abroad (HIWG/97/2, Table 1). Total repatriation in 1997 will most probably amount to only 110,000, owing to the much lower number of returnees from the immediate region than initially anticipated. In the two years since the signing of the Peace Agreement, therefore, over 200,000 refugees have repatriated. See Annex I for a summary of repatriation to Bosnia and Herzegovina in 1996 and 1997. Most returnees arrived from Germany, which witnessed the repatriation of 95,000 refugees in 1997 alone, and has accounted for the lion's share of repatriation movements since December 1995.

9. The percentage of those participating in assisted movements and benefiting from national repatriation incentive programmes increased from a low of some 30 per cent in 1996 to some 60 per cent in 1997. In view of the difficulties in the area of shelter and employment facing the returnees, repatriation incentive schemes proved important in 1997. This was borne out by a number of studies of incentive programme beneficiaries, including two carried out by the Danish Refugee Council and the Swiss authorities.

10. In 1997, most returnees proceeded to the urban areas of Sarajevo, Una-Sana and Tuzla-Podrinje Cantons in that order, although for many these were not their areas of origin. Relocation, entailing the repatriation of refugees to areas other than their areas of origin, is a growing phenomenon. Map 1 provides a summary of the main destinations of returnees from abroad in 1996 and 1997.

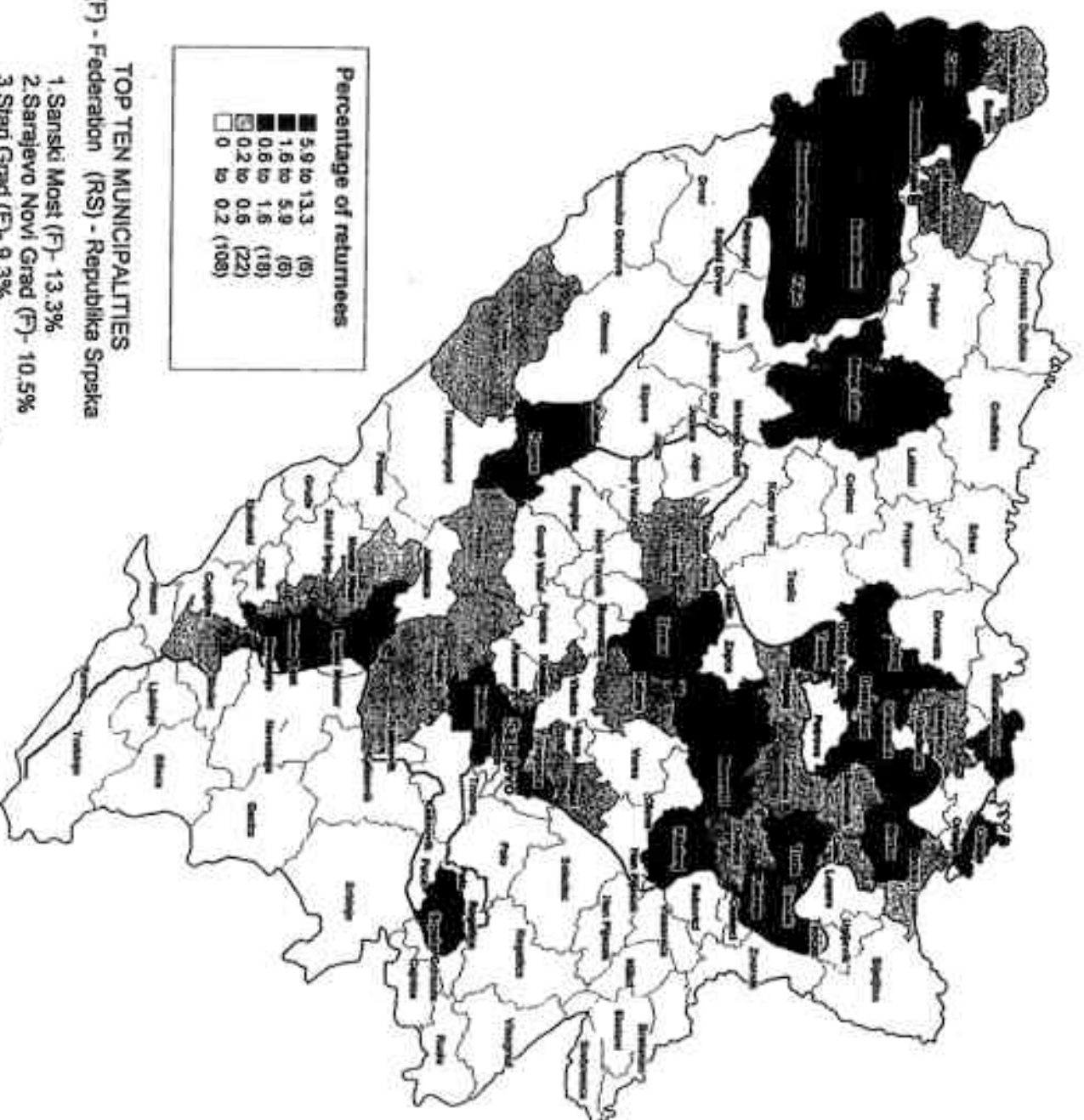
b. The Phenomenon of Relocation

11. The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) and UNHCR have recently published a discussion paper entitled "Return, Relocation and Property Rights". The study analyzes return and relocation patterns in 1997, subjective factors influencing return decisions, as well as economic development and population trends.

12. The study highlights that significant relocation movements have occurred to the Una-Sana Canton and Sarajevo and to most of the larger towns and cities. It confirms that the repatriation of refugees who have relocated upon return has contributed significantly to the problem of displaced persons and predicts that the situation is likely to worsen in the coming years, compounding problems of multiple occupancy or temporary occupation of property.

13. It observes that there can be no single solution to the plight of displaced persons and refugees, particularly as voluntary relocation movements are a part of all post-war scenarios, with patterns of movement conditioned, inter alia, by the emergence of new economic centres and, hence, employment opportunities. This is also due to the shift from a centrally planned economy, which obeyed political as opposed to economic imperatives, to a market economy. The study hints that, in the future, urban development should be supported in those areas where economic activity and population growth is already occurring, most probably Banja Luka, Bihac, Mostar, Sarajevo and Tuzla.

Summary of the Main Destinations of Returnees from Abroad in 1996 and 1997



Source: UNHCR
Date: 1 December 1997

*The boundaries displayed on this map do not
imply official recognition by the United Nations*

14. The study concludes by citing three factors which suggest that relocation is an important component in the search for durable solutions for displaced persons and refugees. First, it is unrealistic to expect a complete return of the population of Bosnia and Herzegovina to its pre-war location, given the progress and pattern of return so far. Second, there is an important minority of displaced persons and refugees who do not wish to return to those locations. Third, many areas of Bosnia and Herzegovina, owing to economic factors, will no longer be able to sustain their pre-war populations.

15. The study stresses, however, that while there is an important group considering voluntary relocation, it remains a minority, and that the dominant pressure is for return. Thus, opportunities must be identified for relocation to occur without limiting the scope for return, particularly of minorities. Though not making specific recommendations, the study therefore urges an examination of the conditions under which relocation may take place in an acceptable manner. It notes that few observers are against *voluntary relocation* resulting from the sale or exchange of property with the consent of both parties to the transaction. *Passive relocation*, however, where the displacement of individuals is not based on free will, becomes a de facto permanent condition and impairs the rights of the original owner or occupancy-right holder, must be resolved either by return or a decision to settle permanently in the area of displacement (voluntary relocation). It recommends that the deliberate placement of groups of people in housing belonging to other ethnic groups to secure control over territory and prevent minority returns – so-called *hostile relocation* – should continue to be opposed vigorously by the international community.

16. In short, to be acceptable, relocation must be voluntary and to either newly constructed property or existing accommodation, but based on legal transactions respecting property rights.

Actions/Recommendations: UNHCR recommends that a code of conduct for international support to the construction of new housing be developed within the Return and Reconstruction Task Force (RRTF). Such a code of conduct should take into account that relocation must be strictly voluntary and that, as long as there is not a real breakthrough on minority returns, support for new construction should be limited to areas accepting minority return movements.

2. In-country Returns of Displaced Persons

a. Analysis of Movements of Displaced Persons in 1997

17. At the end of the war, more than 1,000,000 people, representing over 30 per cent of the population of Bosnia and Herzegovina, were displaced internally. In 1996, a little over 164,000 displaced persons returned to their places of origin (102,363 within the Federation and 61,854 within the Republika Srpska). According to UNHCR estimates, from 1 January to end December 1997 some 60,000 displaced persons will have returned to their home areas (see Table 1 for a breakdown by Canton through end October 1997).

Table 1

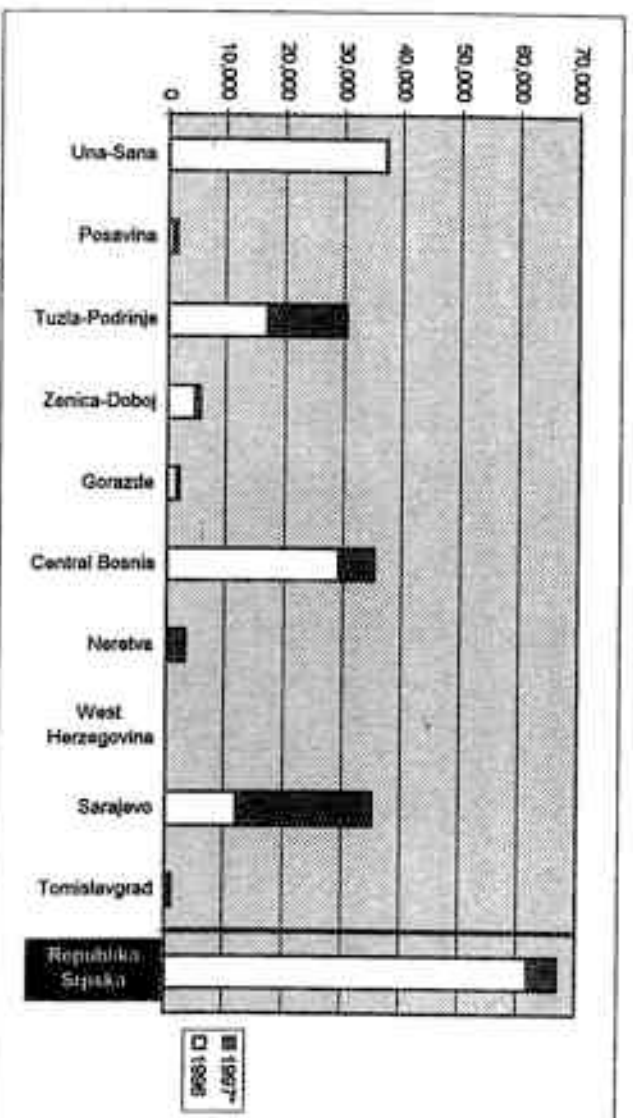
SUMMARY OF DISPLACED PERSONS HAVING RETURNED HOME IN 1996 AND 1997

Federation	1996	1997*
Una-Sana	36,993	250
Posavina	883	700
Tuzla-Podrinje	16,891	13,500
Zenica-Doboj	4,814	1,000
Gorazde	1,558	500
Central Bosnia	29,279	6,000
Neretva	257	3,000
West Herzegovina	0	10
Sarajevo	12,165	23,000
Tomislavgrad	273	850

Sub Total	102,913	48,810
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Republika Srpska	61,854	5,000
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Grand Total	164,767	53,810
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* As at end October 1997
UNHCR, 1 December 1997

18. As with repatriation from abroad, obstacles to minority returns have meant that most returns of displaced persons in 1997 were either majority returns or minority returns to more mixed urban areas. Close to 70 per cent of all returns took place to Sarajevo and Tuzla-Podrinje Cantons. A large proportion of displaced persons returned to areas within the Federation. Minority returns also took place to areas other than Sarajevo and Tuzla-Podrinje Canton, such as Posavina Canton. UNHCR believes that more minority returns have in fact taken place, but have not been registered owing to the desire of the returning displaced to avoid drawing undue official or public attention to their return, official refusal to register the

applicants or the fact that the returning displaced never de-registered and were therefore still in possession of all necessary documentation.

b. Minority Returns to the ZoS

19. Procedures to facilitate minority returns to the Zone of Separation (ZoS) were established by UNHCR, OHR, IFOR, IPTF and the EC on 15 October 1996. These organizations meet regularly in the OHR-chaired ZoS Working Group to monitor progress. Under the procedures, ten International Housing Commissions (IHC), chaired by UNHCR, have approved 3,432 applications for returns to the ZoS. Almost all of these applications have been lodged by Bosniacs wishing to return to the Republika Srpska part of the ZoS, particularly in the north-eastern area.

20. The approval process now functions relatively smoothly, but obstruction from the Republika Srpska has blocked the return process and only 489 persons have actually returned to their homes in the ZoS following the approval of their applications. Some projects for which funding had been allocated had to be suspended given the lack of cooperation in certain areas and thus the number of persons that UNHCR was able to assist in 1997 to return to the ZoS was far below expectations. However, in recent months the rate of return has improved, notably where the Peace Stabilization Force (SFOR) and IPTF increased their presence.

Action/Recommendation: The international community should adopt stronger measures to implement actual returns to the ZoS in 1998, including increased security, involving joint police patrols, and possible conditionality of assistance.
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c. Pilot Projects

21. Notwithstanding a completion deadline of 16 November 1995, one of the four intra-Federation pilot projects agreed to in Dayton on 2 November 1995 is still unfinished. Only 64 families out of an agreed 100 have returned to the Bosnian Croat administered Municipality of Stolac, despite enormous international efforts. While also not meeting the deadline, by 13 December 1995, 100 families had returned to Travnik, 200 families had returned to Jajce and by 26 April 1997, 200 families had returned to Bugojno.

d. Returns to Brcko

22. On 14 February 1997, the Arbitral Tribunal for the Dispute over Inter-Entity Boundary on Brcko Area established international supervision of implementation of the Peace Agreement in the Brcko area for a period of not less than one year. The Tribunal's final decision is scheduled to be rendered in March 1998. The February decision requests, inter alia, the Brcko Supervisor to establish a programme to govern the phased and orderly return of former residents of the relevant area to their homes of origin. By end October 1997, 1,909 applications had been approved for return to the Brcko ZoS and 537 families had actually returned. The majority of these were to particular return areas designated by the Supervisor, where both SFOR and IPTF have beefed up their presence and support.

23. In the framework of its shelter activities, UNHCR has planned the repair of 622 housing units in Brcko town (Republika Srpska) of which 147 had been completed by September 1997, allowing the return of 627 people. The repair of 56 more was planned in other parts of

the former Brcko Municipality, of which 12 had been completed by September 1997, allowing the return of 36 people. Following the Supervisor's intervention after initial obstruction by the authorities, they have now started registering Bosniac returnees to Brcko town and issuing identity cards to them. The UNHCR-funded Legal Aid Project and information centre began operating in October.

III. PLANNING FIGURES AND ASSUMPTIONS FOR REPATRIATION AND RETURN

24. This Chapter describes the principal planning figures and assumptions for the repatriation and return operation in 1998. To the extent possible, they are based on official statistics and projections provided by countries of asylum, but may also reflect UNHCR estimates.

1. *Refugees from Bosnia and Herzegovina*

a. *Estimated Repatriation Movements in 1998, Breakdown of Origins and Possible Destinations*

i. *Estimated repatriation movements in 1998*

25. Based on estimates or projections made available by States hosting refugees from Bosnia and Herzegovina and UNHCR's own estimates, it is expected that up to a maximum of 220,000 refugees could repatriate during 1998. This projection is concededly ambitious, but is premised on the following considerations. The first is that a significant breakthrough on minority returns of displaced persons during the first half of 1998 (see **Section 2 below**, Return of Displaced Persons) could augur larger voluntary repatriation movements from abroad. Secondly, further progress in normalization of relations amongst States in the region could foster a more productive dialogue on repatriation and progress on the setting up of procedures to facilitate such movements. Third, the projection takes into account policy decisions in certain Western European States which may lead to non-voluntary movements or work to induce voluntary movements in 1998, despite the well-known difficulties which minorities and other groups continue to face. On the other hand, should the assumptions prove -- particularly the first two -- unfounded, it is likely that the total number of repatriation would be much lower and similar to 1997 levels.

26. Table 2 provides an overview of the current locations of the refugees and the projections of repatriation per country of asylum. As in 1997, repatriation from Germany is expected to account for the largest proportion. The projection for 1998 has not been made with reference to actual or probable absorption capacity and should not be taken to mean that Bosnia and Herzegovina has in place the social and economic infrastructure needed to accommodate such large numbers of returnees from abroad in a relatively short period. Furthermore remittances from abroad are likely to diminish as refugees repatriate in large numbers, further aggravating the economic situation.

Table 2

**REFUGEES FROM BOSNIA AND HERZEGOVINA IN HOST COUNTRIES
SITUATION AS AT 1 DECEMBER 1997¹⁾**

CURRENT LOCATION	DURABLE AND OTHER SOLUTIONS ²⁾	PERSONS STILL WITHOUT DURABLE SOLUTIONS	PROJECTED NUMBERS OF RETURNEES 1998 ³⁾
AUSTRALIA	26,300	0	n/a
AUSTRIA	74,740	8,300	2,000 - 4,000
BELGIUM	4,736	1,533	800
CANADA ⁴⁾	47,578	0	n/a
CROATIA	178,748	77,091	20,000 - 40,000
CZECH REPUBLIC	5,240	0	n/a
DENMARK	21,421	1,352	400
FINLAND	1,350	0	n/a
FRANCE	7,606	7,400	n/a
F.R. YUGOSLAVIA	4,381	249,006	20,000 - 40,000
FYROM	1,489	3,500	n/a
GERMANY ⁵⁾	125,000	220,000	80,000 - 120,000
GREECE	3,750	250	n/a
HUNGARY	2,254	946	200
IRELAND	1,062	20	n/a
ITALY	926	9,285	n/a
LIECHTENSTEIN	225	171	n/a
LUXEMBOURG	1,443	30	n/a
NETHERLANDS	18,440	6,293	n/a
NEW ZEALAND	146	0	n/a
NORWAY	12,885	0	2,000
SLOVAK REPUBLIC	2,400	0	n/a
SLOVENIA	27,500	5,929	n/a
SPAIN	n/a	2,000	n/a
SWEDEN	58,400	3,100	1,000
SWITZERLAND	12,449	11,656	8,000
TURKEY	3,060	940	n/a
UNITED KINGDOM ⁶⁾	4,646	3,165	200
USA	64,400	0	n/a
TOTAL	712,575	611,969	138,600 - 220,000

¹⁾ This table has been adjusted on the basis of information provided by host States as well as revised UNHCR estimates.

²⁾ Humanitarian/refugee status, other resident status, resettlement and repatriation.

³⁾ These figures are based on projections made available by countries hosting refugees from Bosnia and Herzegovina as well as UNHCR estimates.

⁴⁾ Note that this figure records the number of persons from the former Yugoslavia granted Canadian landed immigrant status from 1992 until end November 1997. Although the largest component within this number consists of citizens of Bosnia and Herzegovina, the figure also includes immigrants from other countries of the former Yugoslavia.

This figure does not, however, include Bosnians resettled in Canada from other countries outside the region of the former Yugoslavia.

⁵⁾ UNHCR estimates

⁶⁾ Not including figures before 1996. All Nationals of former Yugoslavia

UNHCR, 1 December 1997

27. In 1998, the International Organization for Migration (IOM) will continue to work with Governments, UNHCR and other partners in providing an orderly and assisted mechanism for voluntary repatriation to Bosnia and Herzegovina. IOM bases its projections for the numbers of refugees opting for assisted repatriation on information gathered by UNHCR in concert with host Governments. At this point in time, IOM foresees assisting refugees from Bosnia and Herzegovina under the following mechanisms in 1998: return under IOM-assisted programmes from Western Europe (100,000); General Return Fund mechanism (3,000); and Return of Qualified Nationals (2,500 including family members).

28. UNHCR monitoring of repatriation movements will continue to be carried out in close cooperation with Cantonal and Municipal authorities of both Entities. Border monitoring posts were established at Izacic, near Bihac, and Velika Kladusa in June 1997. UNHCR funds the monitors at the former, which is the border crossing point into the Federation most heavily used by returnees from host countries outside the region, and receives the border police reports from the latter. Movements within the framework of the Quintpartite Agreement (see Chapter VI) will continue to provide valuable information on repatriation trends.

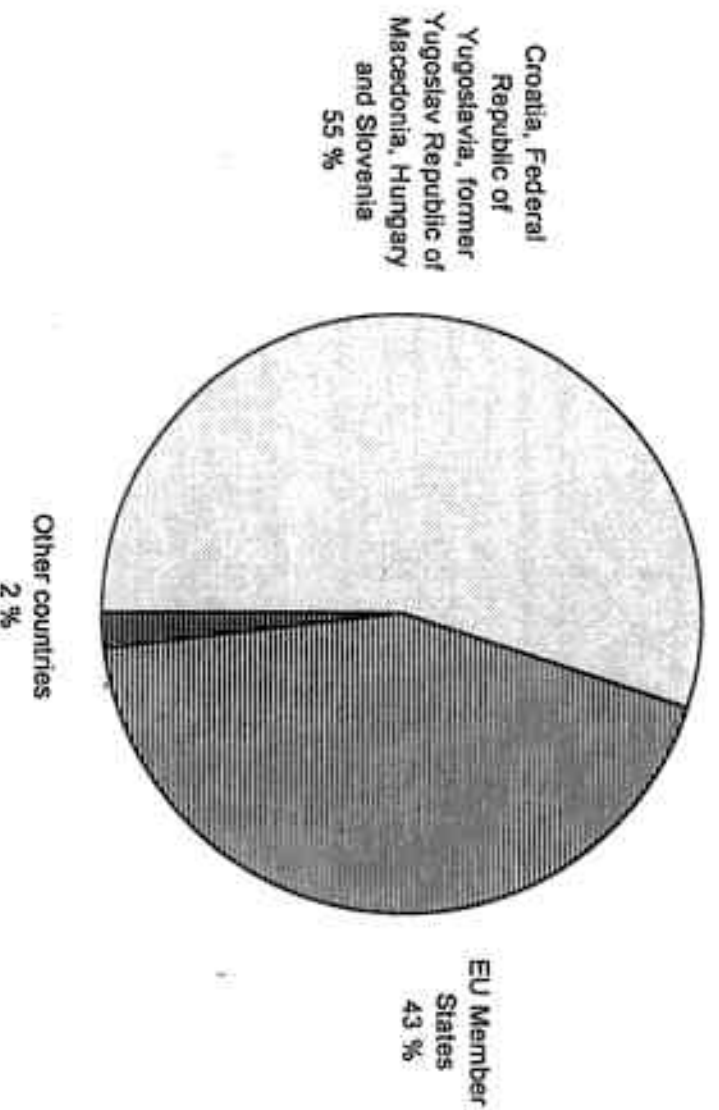
29. Procedures for the repatriation of some 40,000 Bosnian Serb refugees out of the total currently in the Federal Republic of Yugoslavia, mainly to areas within Republika Srpska, are being finalized, in consultation with the competent authorities and should hopefully be in place in early 1998. Efforts will also be made in 1998 to promote similar procedures and guidelines to facilitate two-way repatriation movements between Bosnia and Herzegovina and Croatia. If such procedures are adopted, it is hoped that up to an estimated 15,000-40,000 refugees from Bosnia and Herzegovina in Croatia may opt to repatriate, also opening the way for the repatriation to their country of Croatian Serbs now in the area surrounding Banja Luka. Smaller groups of refugees in other countries, such as the former Yugoslav Republic of Macedonia and Slovenia, have expressed their wish to repatriate and will be assisted.

ii. Breakdown of origins

30. By the beginning of 1998, more than 700,000 refugees will have been provided with durable solutions, consisting of repatriation and a combination of local integration measures, change to a more permanent residence status, refugee status or resettlement to a third country. UNHCR is grateful to countries who have maintained generous resettlement arrangements for refugees from Bosnia and Herzegovina and elsewhere in the region. Table 3 illustrates that of the over 600,000 refugees from Bosnia and Herzegovina who are still without durable solutions, 55 per cent are presently in the immediate region (Croatia, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia, Hungary and Slovenia), 43 per cent are in Member States of the European Union (EU) and 2 per cent in other countries.

Table 3

**LOCATION OF REFUGEES FROM
BOSNIA AND HERZEGOVINA
STILL WITHOUT DURABLE SOLUTIONS**



UNHCR, 1 December 1997

31. Table 4, compiled on the basis of available host-country data and surveys, provides information on the ethnic affiliation of refugees presently abroad, as well as their areas of origin. There are strong indications that an overwhelming majority of prospective returnees originate from areas where they would form part of the minority population upon return.

Table 4

ORIGINS OF REFUGEES ABROAD

HOST COUNTRIES	COMMUNITY OF ORIGIN	%
CROATIA	Croats	76%
	Bosniacs	23%
	others	1%
FEDERAL REPUBLIC OF YUGOSLAVIA	Serbs	99.9%
	others	0.1%
OTHER EUROPEAN HOST COUNTRIES	Bosniacs	80%
	Croats	13%
	others	7%

ESTIMATED PLACES OF ORIGIN AS AT END 1997*

FEDERATION		
Cantons	Refugees	
Una-Sana	48,398	8.72%
Posavina	11,394	2.05%
Tuzla-Podrinje	38,906	7.01%
Zenica-Doboj	30,430	5.48%
Gorazde	4,007	0.72%
Central Bosnia	24,202	4.36%
Neretva	25,788	4.83%
West-Herzegovina	1,492	0.27%
Sarajevo	66,974	12.07%
Tomislavgrad	14,937	2.69%
Unknown	14,466	2.61%
Sub Total	281,994	50.83%
REPUBLIKA SRPSKA		
Republika Srpska	250,842	45.21%
Unknown	21,980	3.96%
Sub Total	272,822	49.17%
TOTAL	554,816	100.00%

* Based on an extrapolation of information from the following host countries: Austria, Croatia, Denmark, Finland, F.R. Yugoslavia, Germany, Norway and Sweden

UNHCR, 1 December 1997

iii. Destinations within Bosnia and Herzegovina

32. Two alternative scenarios are possible in 1998 which will be conditioned, to a large extent, on whether new areas do indeed become open for minority returns. In the "best-case" scenario, 1998 would see a major breakthrough in minority return movements. As a consequence, repatriation would intensify to the Republika Srpska, as well as to minority areas in the Federation. Central Bosnia would also likely see more important return and repatriation movements. In the "worst-case" scenario, minority movements would remain largely blocked. In this scenario, it is likely that most repatriation will, in fact, entail relocation to majority areas. An estimated 70 per cent of repatriation occurring in the second half of 1997 can be characterized as relocation. This trend would be likely to intensify in 1998, with continued movements to urban areas of the Federation, particularly in Sarajevo, Una-Sana and Tuzla-Podrinje Cantons. Majority movements to urban areas in the Republika Srpska, principally from the Federal Republic of Yugoslavia, might also intensify. Urbanization trends will also result from the perception that comparably favourable employment and housing opportunities exist in these areas, as well as from changes in lifestyle adopted by many refugees during their prolonged stay in some countries of asylum.

b. Timing and Pace of Movements

33. UNHCR's 1997 plan had envisaged that the end of the school year in host countries would be the principal factor influencing the timing of repatriation. Other factors instead proved more decisive, including the termination of temporary protection regimes by certain States and the consequent announced deadlines for voluntary return, the anticipated termination of certain repatriation incentive programmes and the anticipated change of custom regulations within Bosnia and Herzegovina which had exempted returnees from paying import duties. In 1998, it is anticipated that termination of forms of temporary protection will be a decisive factor as from spring and that the end of the school year will also lead to increased repatriation during the summer months of 1998. Table 5 describes the expected pace of repatriation movements in 1998.

2. Return of Displaced Persons

34. Most of the remaining displaced persons are in a "refugee-like" situation, and face obstacles to return to their homes in minority areas. UNHCR hopes that implementation of the Open Cities initiative in 1998 and other efforts to encourage minority returns will overcome these obstacles and lead to a breakthrough in minority returns. A breakthrough in progress on minority returns of displaced persons could be measured with reference to the four following factors: 1) credible numbers (at least some 50,000 by June 1998); 2) the return of entire family units, as opposed to just individual or elderly family members; 3) return to areas administered by all three ethnic communities; and 4) indications, similar to those contained in the Open Cities criteria, that returns are likely to be sustainable.

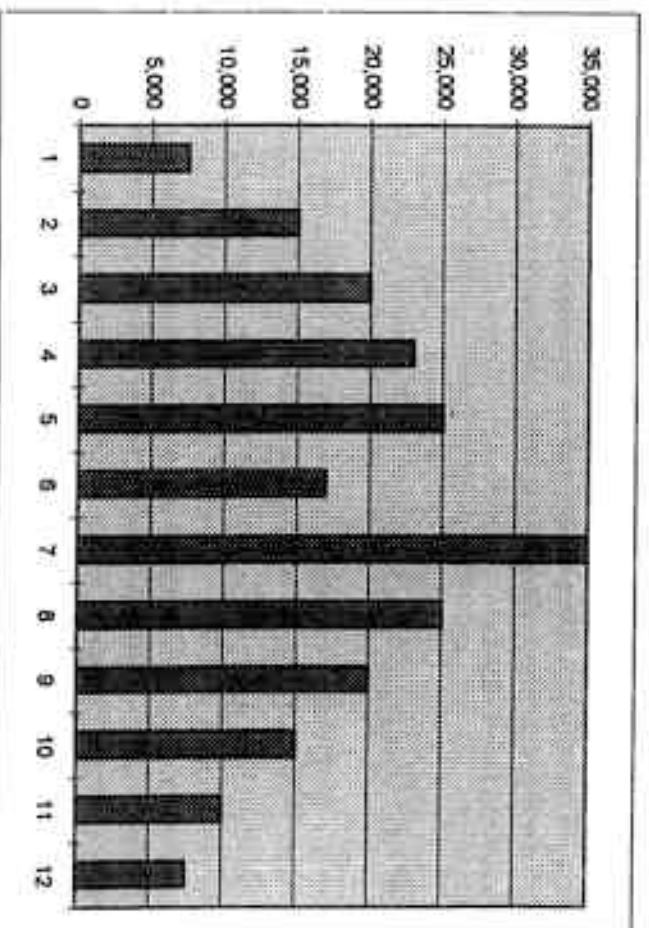
35. It is likely that many displaced persons have, in fact, decided to remain in their area of displacement by personal choice and would like to integrate there. Another significant percentage of displaced persons may wish to return to their former residences, but cannot do so owing to the physical destruction of their previous accommodation, the presence of mines and the absence of economic and employment opportunities. The latter two groups, contrary

to other categories for whom return is linked to political, security and human rights considerations, are not in a 'refugee-like' situation per se and require assistance of a purely economic nature.

Table 5

EXPECTED PACE OF REPATRIATION MOVEMENTS FROM ABROAD IN 1998

Month	Returnees
January	7,500
February	15,000
March	20,000
April	23,000
May	25,000
June	17,000
July	35,000
August	25,000
September	20,000
October	15,000
November	10,000
December	7,500
TOTAL (MAXIMUM)	220,000



* Provisional estimate

UNHCR, 1 December 1997

36. For purposes of this plan, the 1998 working figure for displaced persons will be 800,000. This working figure will be adjusted following a joint census-taking exercise, formally agreed to in March 1997 in the Joint Statement on behalf of the authorities of both Entities delivered at the Planning Meeting on Repatriation to Bosnia and Herzegovina held in Geneva under UNHCR auspices. While it was hoped that the census would be concluded during 1997, it was postponed owing to the municipal elections of September 1997 and National Assembly elections in the Republika Srpska in November 1997. It is now planned to be concluded by the first quarter of 1998.

3. *Security Environment*

37. In its 1997 plan, UNHCR had already observed that the continuation of a secure environment deriving from the presence of SFOR and the International Police Task Force (IPTF) is crucial to create and maintain a climate conducive to repatriation and return movements. With the continued emphasis on minority returns during 1998, the above observation will remain valid. The security environment can be viewed as comprising three aspects: the security needed by UNHCR and its partners to carry out their activities; the maintenance of the general security network as well as the provision of security for specific return movements; and the imperative to address specific risks such as landmines.

38. UNHCR and its partners will continue to require a secure environment within which to operate, both in order to carry out their programmes and to give potential returnees confidence in their own security during and after return. UNHCR believes that a strong NATO-led military presence will be needed throughout 1998 and beyond. In the long-term, however, the need is for *sustainable* security, provided by the authorities of Bosnia and Herzegovina themselves. This is the only way in which long-term confidence can be established. The Office therefore welcomes the deployment of Joint Police Forces in Sarajevo, Central Bosnia, Gorazde, Neretva and Posavina Cantons in 1997 and views it as a highly positive signal. It urges the rapid formation of mixed police units in other Cantons of the Federation as well as in municipalities in the Republika Srpska with a mixed administration.

39. In the foreseeable future, however, SFOR and IPTF will continue to play a vital role in the provision of security for specific return movements, particularly those involving minority returns. At the practical level, UNHCR will often wish to avoid drawing unnecessary attention to returns which are proceeding without incident. Too overt a security presence may be interpreted by the receiving community as an attempt to enforce returns and, hence, as a challenge to its own security and autonomy. Nevertheless, SFOR will continue to play a vital role in preventing a resumption of hostilities. Experience has shown that many of the most serious security incidents experienced to date have involved minority return movements. It is therefore important that, in the framework of its mission, SFOR continues to work to prevent or contain any civilian disturbance relating to minority return movements which could escalate in such a way that the military or para-military forces of the Entities are drawn into renewed confrontation. During 1998, UNHCR will continue to cooperate closely with local authorities, SFOR and IPTF to ensure that, for movements involving the return of minorities, the local authorities are made aware of their obligations and SFOR and IPTF are in a position to increase patrols or react promptly to any major threat or act of violence, but without raising tensions beforehand through excessive overt pre-deployment.

40. Notwithstanding this concern, SFOR and IPTF can nonetheless contribute to creating a climate conducive to minority return in remote, isolated areas. Where a certain amount of repair must be carried out by potential returnees before they can remain in a return village, UNHCR would particularly encourage SFOR and IPTF to provide more focused and sustained support during the early days of specific return movements, until a sufficient number of returnees can remain in the village to protect their own property and ensure that return is viable. This would deter acts of vandalism and enhance confidence. This presence could then gradually decrease over time.

41. In late 1997, the International Committee of the Red Cross (ICRC), working in collaboration with UNHCR, carried out a study of the problem of *landmines* in Bosnia and Herzegovina. The study will be published in early 1998 under the title "The Silent Menace: Landmines in Bosnia and Herzegovina." It reports on the current mine situation, describes the human and socio-economic impact of mine contamination, assesses the response to mine contamination and makes conclusions and recommendations. Amongst the conclusions of the study is that refugees and displaced persons are beginning to go back to their pre-war communities, many of which are located in the ZoS -- the most heavily mined area of the country. Having been away from their homes, they lack knowledge about the precise locations of mined areas and the local markings used to identify them. For this reason, refugees and displaced persons are particularly vulnerable to mine accidents. Mines also continue to be freshly laid to prevent refugees and displaced persons from returning to their pre-war communities, as demonstrated by mine accidents registered in Jajce Municipality (Federation) in August and September 1997.

42. At its inception, it appeared that the United Nations Mine Action Center (UNMAC) would provide for all of UNHCR's demining needs. UNMAC, unfortunately, experienced funding difficulties and was only able to create a limited demining capability. Since starting demining work in August 1997, its four demining platoons (approximately 150 men) were committed almost entirely to the accepted highest priority in Bosnia and Herzegovina: the clearance of mined areas in which people were already living. It was therefore unable to conduct demining activities for UNHCR's 1997 return operation, despite declaring UNHCR's priorities as its priorities. A number of UNHCR's reconstruction projects were stymied by the presence of mines, and the difficulty of securing assets to remove them. UNHCR adapted throughout 1997 and searched for other "no cost" demining assets. It benefited, in small measure, from a European Commission (EC)-funded training project and some NGO work, but it was forced to re-allocate funds and turn to commercial companies to conduct demining activities in support of its 1997 operation. Resort to commercial demining companies, which are very expensive to employ, constituted a short-term solution to meet some of its needs in 1997. UNHCR has concluded that a longer term strategy, which seeks to make the most cost-effective use of donor money, is the 'way ahead'. This strategy is described later in Chapter IV.

4. *Refugees in Bosnia and Herzegovina*

43. It should be recalled that Bosnia and Herzegovina is also a refugee-hosting country. There are at present some 40,000-50,000 Croatian refugees of Serb origin from the Krajina region of Croatia in Republika Srpska. It is thought probable that the vast majority would opt for voluntary repatriation to Croatia. UNHCR offices in Croatia and Bosnia and Herzegovina will liaise closely to encourage the Croatian authorities to facilitate the repatriation of all those wishing to do so. To this end, efforts will be made in 1998 to promote the establishment of

procedures and guidelines to facilitate the repatriation of Croatian Serb refugees. For others, efforts to encourage local integration will be pursued. During the first half of 1998, a survey of this refugee population will be carried out in an effort to clarify their numbers and ascertain their wishes regarding durable solutions. On the basis of the survey, UNHCR will develop a detailed plan for voluntary repatriation.

IV. SUPPORTING REPATRIATION AND RETURN WITHIN BOSNIA AND HERZEGOVINA

1. *Open Cities*

a. *Recognized Open Cities*

44. In 1998, the "Open Cities" initiative will be the main instrument to push for minority returns. The initiative was launched to break down political opposition to minority return. It seeks to encourage, through positive conditionality, those Municipalities that declare themselves open and demonstrate a genuine and sustained commitment to encourage and support the return of all pre-war residents, irrespective of their ethnicity, and their full reintegration into the community. Where minority return seems possible, UNHCR and its international partners encourage and assess a Municipality's efforts to meet the necessary criteria for recognition. These include:

- confirmation that the local authorities are genuinely committed to consistent and equal support for all members of the population for which they are responsible, as demonstrated by equal rights and opportunities for employment, education and appointment to public office, freedom of movement, respect for human rights;
- confirmation that minority returns will take place without any abuse of these minorities;
- the demonstrated impartiality and involvement of the local police, in ensuring that security, law and order prevail for all;
- confirmation that the local authorities are genuinely committed to the removal of mines throughout the Municipality; and
- a positive use of the media to prepare the resident community for the return of minorities, promoting reconciliation and inviting minorities to return.

45. The path towards openness is not always easy, as there are many issues which are inter-linked: property rights, accommodation shortages and the presence of displaced who cannot yet return to their own homes and are occupying those of others. Additional elements must be addressed such as the security of the returnees, the willingness of the local police to protect them and respond immediately to any incidents and, in some cases, the need for denying. Once the process of addressing these issues begins in a substantive way, recognition can

follow. Owing to the climate of fear that has continued to exist since the end of the war, however, relatively few people have been courageous enough to return as minorities to their former homes, either individually or in small groups, despite a strong desire to do so. Most are waiting until they can have the "security of numbers". UNHCR hopes that if the first courageous minority returnees are warmly welcomed, others will be encouraged to follow. Once a critical number of returnees are on the way to being integrated, minority return will happen naturally, without considerable extra "political" efforts on the part of the authorities and international community. Economic support, however, will continue to be required for both the returnees and the receiving communities.

46. In support of UNHCR's "Open Cities" initiative, the United States of America, through the Department of State's Bureau for Population, Refugees and Migration (PRM), is implementing a US\$ 5,000,000 Open Cities Support Programme through Catholic Relief Services. This programme covers Open Cities and other communities that are receptive to the return of all pre-war residents. These are selected by US Embassy officials after close consultation with UNHCR, the local authorities, displaced persons and other international organizations. UNHCR and PRM have also conducted joint field assessments, and with other partners, coordinated project planning and implementation and advised on progress. This support is in addition to generous direct contributions to UNHCR for Open Cities by the U.S.A. and other countries.

47. Recognition as an Open City is not an end in itself. The return process must be ongoing and continue following formal recognition. An integral part of the process is that both the authorities and the potential returnees identify the community's needs and participate in programme planning and implementation. Assistance projects should be rapidly implemented, community-based and designed to be handed over to the local authorities. The Open Cities initiative offers an opportunity for focused multi-sectoral inter-agency efforts. At the same time, assistance should be incremental, in accordance with progress, and flexible enough to meet specific needs identified by the community or be redirected if, sadly, the commitment to openness is lost. It is UNHCR's hope that the advantages of being recognized as open will encourage and influence other municipal leaders to make the same public commitments.

48. By the beginning of December 1997, UNHCR had officially recognized six Open Cities in the Federation (Bihac, Busovaca, Gorazde, Kakanj, Korijic and Vogosca). UNHCR has channeled some of its programme funds during 1997 to provide rapid support for these Open Cities, including the repair of 646 housing units for both minority and majority returnee households, as well as vulnerable members of the receiving community, in keeping with the initiative's community-based approach. Schools and medical clinics have been rehabilitated and the Bosnian Women's Initiative has commenced projects in the three Open Cities of Busovaca, Korijic and Vogosca. These and the efforts of the municipal authorities have resulted in over 1,500 minority returns to the Open Cities with even more people undertaking visits to their former homes to assess return possibilities. UNHCR will continue cooperating closely with donors to ensure that, once these Municipalities show themselves to be truly open, assistance will be quickly channeled to them in support of minority return and to meet community needs. Although progress was initially slow, despite the near universal support for it, as indicated by the ground-breaking Joint Statement of 21 March 1997, UNHCR expects to see a considerable number of Open Cities recognized in 1998. For the process to be both viable and credible, however, Municipalities in each Entity must open their doors to all former residents.

Actions/Recommendations: UNHCR calls on the Entities to remove all political obstacles to minority returns and to allow villages and Municipalities to come forward to express their commitment to the concept of Open Cities. UNHCR fully supports the recommendation of the RRTF calling upon donors to invest reconstruction assistance in Open Cities and, in particular, to allocate resources to be used in the most rapid and flexible manner in support of local breakthroughs in minority returns. UNHCR calls upon local authorities, donors and financial institutions to join forces in a planning effort for Open Cities, in preparation of the proposed return-related donor meeting in early 1998.

b. Central Bosnia Canton Return Programme

49. A particular example of how the combined will of the municipal and higher level authorities, the strong desire of the displaced to return, combined with the efforts of the international community, can pave the way for substantial minority return is the Central Bosnia Canton Return Programme. Special credit must be given, in this connection, to late Ambassador Cerd Wagner who gave impetus to the programme and brokered a number of agreements leading to the return of minorities in Central Bosnia. With support from UNHCR, OHR and other relevant organizations, the Federation authorities, the Central Bosnia Cantonal authorities and each of the Canton's eleven municipal authorities prepared a phased programme for the return of displaced persons and refugees to all Municipalities in the Canton. The authorities predict that the plan, when fully implemented, could potentially benefit some 107,000. Phase One of the plan foresees the return of over 4,000 families. Under Phase Two, those whose homes are currently occupied would be able to return to them, as many of the current occupants are internally displaced persons residing in the same Municipality and who are expected to return during Phase One of the plan. Phase Three comprises returns to socially owned apartments. Its implementation is conditioned however, on the adoption of relevant housing legislation.

50. The Cantonal plan was formally endorsed by the authorities at the municipal, Cantonal and Federation levels on 14 November 1997. The Canton has established an interministerial Coordinating Body, with the participation of OHR and UNHCR, to coordinate implementation of the programme. It will prepare operations plans for each sub-phase of the global programme and coordinate the activities of the various participating ministries at the Cantonal and municipal levels in support of the return process. To initiate returns immediately, a number of areas and villages in each Municipality have been identified by the Housing Survey Commissions comprising joint Bosniac and Croat municipal authorities. The situation of empty housing stock was surveyed and lists made giving the identity of the owners who are presently displaced or refugees. There are a total of 4,355 empty houses in those villages, of which more than half belong to minorities. Demining activities will also need to be initiated. To demonstrate its full support of this initiative, UNHCR pledged US \$ 7 million of its 1997 budget for housing repairs and other returnee assistance in Central Bosnia Canton and will extend support throughout 1998.

c. Other Potential "Open Cities" or Areas for Minority Returns

51. Similarly, the international community has joined efforts to increase the number of minority returns to Sarajevo. Sarajevo Canton was declared open in its entirety by the

Federation Ministry of Social Affairs, Displaced Persons and Refugees in May 1997. However, a number of legislative, administrative and political obstacles have prevented the Canton's potential to receive returnees from being fully realized. UNHCR has worked closely with the authorities to overcome these impediments and established mechanisms to improve the possibilities for return. On 2 December, the United States Ambassador to Bosnia and Herzegovina launched a proposal to encourage the Federation, Cantonal and municipal authorities to address these issues and fulfill their obligations under the Peace Agreement to facilitate the return of all original inhabitants. In the same vein, during her visit to the country in November, the High Commissioner urged the President of Republika Srpska to declare Banja Luka open and promote and support the return of all its former residents. UNHCR believes that the opening of these two major urban centres, with long traditions of tolerance, multiethnicity and peaceful cohabitation, will give significant impetus for returns throughout the country.

52. UNHCR will continue to identify and encourage other potential Open Cities and areas where substantial minority returns can take place. In these locations, it calls on the relevant Entity, Cantonal and Municipal authorities to work together with OHR, UNHCR and other RRTF members, as well as other international partners, to develop detailed plans for the return of refugees and displaced persons, particularly taking into account: security issues, including police and demining, employment creation and income generation; the improvement of social and community infrastructure; shelter repair, including the need for new construction, and community-based reconciliation activities, with particular emphasis on education.

53. Table 6 provides a list of Open Cities and other potential minority return areas and proposes a list of potential Open Cities.

2. Detailed Planning for Open Cities

54. The Open Cities initiative is premised on positive conditionality and, hence, on rapid support to cities and areas declaring their willingness to accept back former inhabitants. Such support will take a number of forms. First, support is needed in the area of *security*, with the active participation of SFOR, IPTF, local police and other local authorities. The second type of support relates to *human rights observance and monitoring* in the important areas of minority rights, freedom of movement, as well as property and amnesty legislation. Violations and abuses must be documented and disciplinary measures taken, at the same time as community-based reconciliation activities are implemented. Third, the sustainability of return will depend on *jobs and other forms of income generation*. Fourth, minority returns must be accompanied by *investments in vital infrastructure, including shelter*. The above support will require a multisectoral, multidisciplinary approach to planning to which UNHCR can contribute, but which goes beyond the Office's resources and competence.

55. UNHCR views its primary role in this process as identifying openings for minority returns and promoting an integrated approach to make those returns happen in conditions of safety and dignity. The regional RRTFs will be a major forum for planning for minority returns in 1998 and this planning effort must also incorporate a range of actors with competence in security matters, including demining, as well as those, including NGOs, with a solid knowledge of local conditions and realities. The participation and, indeed, the leadership of local and Cantonal authorities is also indispensable, along with the relevant line ministries.

Table 6

**OPEN CITIES, POTENTIAL OPEN CITIES AND OTHER
POTENTIAL MINORITY RETURN AREAS IN 1998**

FEDERATION	Recognised Open City	Potential Open City	Other areas for potential minority returns
<i>UNASANA CANTON</i>			
Bihac			
Bosanski Petrovac			
<i>TUZLA-PODRUNJE CANTON</i>			
Celje			
Kladanj			
Lokavac			
Tuzla			
<i>ZENICA-DOBROJ CANTON</i>			
Zenica			
Kakanj			
<i>GORAZDE CANTON</i>			
Gorazde			
<i>CENTRAL-BOSNIA CANTON</i>			
Bugojno			
Bosanska			
Donji Vakuf			
Fojnica			
Genjani Vakuf			
Jajce			
Karadjak			
Krasovo			
Novi Travnik			
Travnik			
Vitez			
<i>NERETVA CANTON</i>			
Jablanica			
Konjic			
Metkovic			
Prozor			
<i>SARAJEVO CANTON</i>			
Sarajevo Centre			
Sarajevo Suburbs			
Hadzici			
Ilidza			
Iljazi			
Vogosca			
<i>TOMISLAVGRAD CANTON</i>			
Bosansko Grahovo			
Duvno			
Glumac			
REPUBLIKA SRPSKA			
Banja Luka			
Brecko			
Kalinovik			
Kotor Varos			
Laktasi			
Metkovic Grad			
Prijedor			
Ribnik			
Rogatica			
Sarajac			
Sipovo			
Srebac			
Trnovo			

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56. In preparation for the return-related donors' conference suggested by the World Bank, UNHCR proposes the launch of an intensive, multidisciplinary planning effort. Given the large number of Open Cities, potential Open Cities and other areas for potential minority returns, it is necessary to set priorities for the planning process. UNHCR recommends that during the first months of 1997, detailed planning efforts centre on recognized Open Cities and potential Open Cities, giving priority to potential Open Cities in the Republika Srpska, especially Banja Luka and, in the Federation, to Tuzla-Podrinje Canton. Planning for Sarajevo will be carried out within framework of the initiative recently launched by the United States of America. Planning for Central Bosnia returns has already progressed significantly. UNHCR invites members of the RRTF, as well as SFOR, IPTF, UNDP and other interested institutions to participate in multidisciplinary, multisectoral planning teams, to work with municipal and Cantonal authorities to devise detailed plans for minority returns.

3. *Relationship between Open Cities and Target Areas/ Priority Target Areas*

57. UNHCR's 1997 plan referred to the target areas initiative launched by the Office at the Florence Mid-Term Review Conference in June 1996, and to the designation in 1997 of a total of 39 target areas, amongst which 15 were considered to be "priority target areas". The latter were chosen because they were deemed likely to receive close to 40 per cent of all repatriation and return movements projected to occur during the year. The RRTF also adopted "cluster areas" in 1997, incorporating many of the priority target areas proposed by UNHCR. In mid-1996, at a time when repatriation and return movements were only beginning, the target areas initiative helped to give signals about areas where investments by the international community could create conditions for such movements by rehabilitating or expanding available infrastructure and essential services. Two years after the signature of the Dayton Agreement, the patterns and destinations of return are now clearer, as are the related additional infrastructure needs.

58. This allows UNHCR and other members of the RRTF to concentrate their efforts on both "cluster areas" and Open Cities. As stated earlier, in 1998 UNHCR plans to concentrate its own resources in Municipalities and areas considered to be actual or potential Open Cities, as well as other areas of potential minority return. It encourages donors to do likewise. As a founding member of the RRTF, UNHCR will continue to participate actively in giving signals about areas where macroeconomic investments are especially needed to make repatriation and return sustainable, such as the planned "cluster areas."

4. *A Comprehensive Approach to Shelter Needs*

59. In its 1997 plan, UNHCR recommended a comprehensive approach to meet the shelter requirements of repatriating refugees and returning displaced persons that included short transit facilities on the way to final destinations, temporary accommodation while the beneficiaries' houses were being made habitable, repair and reconstruction through aid in the form of grants, as well as a housing loan facility to augment the relatively limited internationally supported shelter programme (see e.g. HIWG/97/2, para. 55). Progress in implementing these components, as well as projected activities in 1998, are described below.

60. UNHCR's own shelter repair programme was initially conceived to "jump-start" reconstruction in anticipation of larger-scale reconstruction programmes getting off the ground. With UNHCR support, 16,000 housing units were repaired in 1996 (72,000 beneficiaries) and an additional 8,000 units are scheduled to be completed in 1997 (32,000 beneficiaries). One thousand minority households will have benefited from UNHCR shelter repairs by the end of 1997. Twenty-seven per cent of the programme benefited returnees repatriating from countries of the European Union. Close to 100 per cent of all reconstruction activities, including the rehabilitation of war-damaged health and educational facilities, was implemented in UNHCR's designated Target Areas and Priority Target Areas, as well as in Open Cities, Central Bosnia Canton and the ZoS (e.g. the Anvil, Brcko and Dobo). The total 646 housing units repaired in Open Cities in 1997 benefited minority households, as well as vulnerable members of the receiving community and majority returnees in those areas, in keeping with the initiative's community-based approach. According to information available to UNHCR, an additional 15,000 housing units are scheduled to be repaired by the end of 1997 under non-UNHCR shelter programmes, funded, *inter alia*, by the EC, Italy, the Netherlands, Norway, Sweden, Turkey, UNDP and the World Bank. A summary of UNHCR shelter activities in 1997 is set out in **Annex II**. Non-UNHCR shelter activities are reflected in **Annex III**.

a. Transit Centres

61. Throughout 1997, UNHCR continued to support the operation of five transit centres, established jointly with the Federation Ministry for Social Affairs, Displaced Persons and Refugees, located in Kijuc, Lukavac, Srednje (Sarajevo area), Salakovac (Mostar) and Zenica. Although there were plans to establish five additional centres during the year, only four additional centres were considered necessary and the target reception capacity was reduced from 3,000 to 1,200. Three new transit centres located in Bosanski Petrovac, Gorazde, Nova Bila (Travnik) are being rehabilitated and will be completed by the end of 1997. The fourth centre is planned for Sarajevo and a suitable location is still being identified. The centres provide overnight accommodation for returnees for a maximum of 48 hours, as well as food, medical and community service assistance. The centres in Srednje (Sarajevo) and Lukavac have increasingly had to accommodate deportees from countries of asylum for longer periods, as many have not been able to return to their respective homes which were located in minority areas or destroyed.

b. Buffer Accommodation

62. "Buffer accommodation" is a new approach being tested by UNHCR to provide short-term accommodation to people returning to their home areas, but who are unable immediately to reoccupy their homes because they are damaged or are being occupied by others. Such temporary accommodation may also be provided in certain cases to displaced persons who have been dislodged as a result of the repatriation/return of the rightful owner or occupant. By the end of an agreed period for such temporary accommodation (two to six months), a more durable housing arrangement should have been identified by the authorities. Unlike persons temporarily housed in transit centres prior to onward travel or in collective centres, buffer accommodation beneficiaries are not catered for, although some non-food items may be distributed from UNHCR stocks, if necessary. Two projects in Iljias (Sarajevo), with a capacity of up to 240 beneficiaries. In Gorazde, a number of models are being tested. One

involves adding an additional floor to existing housing, in cooperation with the World Bank/PIU, to accommodate returnees, the destitute and DP residents of collective centres. Seventy-nine units have been created, using this technique. A second involves using pre-fab units placed on public lands. A third involves renovating public buildings to create apartment units. For 1998, initial plans call for the creation of an additional 100 units of "buffer accommodation" in Mostar East.

c. UNHCR and other Shelter Repair Programmes

63. Despite investments in shelter in 1996 and 1997 by UNHCR and other donors, housing (along with employment) remains a major problem confronting repatriating refugees and returning displaced persons. A major factor contributing to the problem is that of "double occupancy." There are many families who are currently occupying more than one dwelling. The problem exists throughout the country and arises for varying reasons. In some cases, rural families who moved to urban areas during the war, elect to remain in someone else's home in a city, even if their own houses are repaired or only some family members return to the repaired home. Thus, the repair process does not necessarily result in housing being freed for other returnees. UNHCR has developed a mechanism, which it has asked other donors to adopt, whereby beneficiaries of shelter projects must agree to vacate their temporary residence on completion of the project. Of greater concern are cases where people have simply taken advantage of the inconsistent and arbitrarily applied reallocation provisions in the property laws to appropriate more than one housing unit. Members of the majority community who are well-connected to the local authorities face little prospect of being evicted from their extra homes and UNHCR is aware of families who have "gained" several apartments. UNHCR has conducted a survey of property in Sarajevo, where the practice of double occupancy is particularly rife, and found that, if property managed and allocated, there is sufficient habitable living space in Sarajevo to accommodate many more returnees. The Governor of the Canton is now considering establishing a mechanism to survey and control multiple occupancy, noting that even if only 100 to 200 dwellings are identified it would already be a good result. Only political will is required to resolve this problem. Finally, double occupancy may also occur when a head of family returns to a minority area ahead of the remainder of the family for understandable security reasons or to make the property habitable.

UNHCR urges the authorities to make greater efforts to ensure that persons registered in their Municipality have de-registered from their previous accommodation (even if only temporary). This would ensure greater understanding of what housing stock is actually available.

64. Recognizing that shelter remains critical to the process of repatriation and return, UNHCR's 1998 investments in shelter will essentially be concentrated in Open Cities (including Central Bosnia Canton) and other minority return areas and selected locations in the ZOs. The aim will be to facilitate minority returns. The primary beneficiaries of the UNHCR shelter programme will therefore be minority refugees repatriating from host countries as well as minority displaced persons returning to their homes of origin. Vulnerable displaced persons (e.g. the elderly, handicapped, large households without income) in receiving communities will also be assisted as part of a balanced, community-based approach intended to ease potential tensions. It is expected that through the rehabilitation of some 6,000 houses or apartments in 1998, UNHCR will be able to provide accommodation for some 24,000 returnees. The actual

breakdown by region and location cannot be given at this point in time as it will largely follow actual breakthroughs in minority returns and detailed planning for Open Cities, as outlined in Section 2, above. Table 7 provides a provisional breakdown of UNHCR's initial allocations for the 1998 shelter programme by region.

Table 7

1998 UNHCR HOUSING PROGRAMME IN BOSNIA AND HERZEGOVINA									
Current Allocation per Area (Housing Units)									
	WESTERN BH		EASTERN BH		NORTHERN BH		SOUTHERN BH		TOTAL
	Federation Una-Sana West Bosnia	RS Western RS Aerol	Federation Sarajevo Gorazde	RS Eastern RS	Federation Tuzla Piscuvina	RS North-East RS	Federation North Central Zenica W. Herzog	RS E. Herzog	
Housing Units	850	350	800	200	500	500	1,300		4,300
TOTAL	1,200		1,600		1,000		1,300		4,500

Note: Figures are only tentative at this stage.

Total planned housing units in 1998: 6,000

UNHCR, 1 December 1997

Note: Figures are only tentative at this stage.
Total planned housing units in 1998: 6,000
UNHCR, 1 December 1997

65. As in past years and to the maximum extent possible, shelter materials will be procured locally. Simultaneous implementation of housing projects on both sides of the IEEL will encourage trade between the Entities and generate employment among the local population. While the provision of basic reconstruction materials for self-help home repairs will be implemented wherever possible, local labour costs will be covered for those households unable to undertake the repairs on their own.

66. The shelter programme will also encompass the rehabilitation of up to 36 health facilities and 50 schools in minority return areas, in the framework of comprehensive shelter projects aimed at enhancing the sustainability of returnee communities.

67. UNHCR will also continue to support the running and maintenance of the remaining 129 collective centres in the Federation and Republika Srpska and will support the efforts of the authorities to find medium- and long-term solutions for collective center residents. Some 14,000 displaced persons, down from a peak of 50,000, continue to reside in collective centres, often under very difficult conditions.

d. Country-Wide Housing Loans

68. At the beginning of 1997, UNHCR spearheaded discussions on the establishment of housing loan programmes as a model which will make the most substantial contribution to meeting housing needs while combating dependence on external assistance. In a context where shelter assistance in the form of grants is decreasing, such credit schemes continue to represent the most realistic long-term solution to meeting the housing needs of refugees and displaced persons, as well as other nationals. An EC-funded loan scheme to be implemented

by the Kreditanstalt für Wiederaufbau (KfW) is expected to become operational at the beginning of 1998, with an initial budget of up to ECU 15 million. Implementation will focus initially in the Sarajevo and Una-Sana Cantons.

Action/Recommendation: UNHCR welcomes the new KfW programme and hopes that other, similar initiatives will be launched.

5. Work of the Property Commission

69. The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) is playing a vital role in support of returns and other solutions in Bosnia and Herzegovina, by issuing certificates confirming property rights and contributing to the creation, in the medium term, of a market for the exchange or sale of duly recognized titles and deeds. These certificates will help restore the confidence of the population that their property rights will be respected and that ownership will not be impaired. This may help to reduce the number of people rushing into ill-advised property exchange contracts for fear of losing all security. Established under Annex 7 of the Peace Agreement, the CRPC has the competence to decide on ownership and occupancy rights without regard to domestic legislation which contravenes the Peace Agreement and international human rights standards. During 1997, it opened one office each in Sarajevo, Lukavica and Mostar, as well as three in Brcko. The CRPC has computerized cadastral information for 45 Municipalities in Bosnia and Herzegovina. By 1 December, the CRPC had received approximately 60,000 claims and rendered some 4,200 decisions. The CRPC has also started taking claims in Montenegro, as part of a pilot project being carried out in cooperation with UNHCR, has recently opened an office in Germany, and is exploring the possibility of opening offices in Holland and Norway. In the immediate region, the CRPC and UNHCR will cooperate with the authorities of Croatia and the Federal Republic of Yugoslavia (Serbia) to open claim registration centres in 1998.

70. The CRPC has contributed to the shelter-repair effort by verifying for reconstructing agencies the ownership of properties to be repaired. It has offered its assistance to UNHCR in verifying property rights in order to expedite returns to the Central Bosnia Canton. Draft Laws on the Implementation of the Decisions of the Commission for Real Property Claims for each Entity have been prepared. These will ensure that the decisions rendered by the CRPC are duly registered, thereby validating titles of ownership, lawful possession and occupancy rights. The CRPC has not yet started the verification of socially-owned property.

Action/Recommendation: UNHCR and IOM will continue to facilitate the work of the Property Commission, and urge States to provide it with the necessary sustained financial support.

6. Overview of Non-shelter Priorities in 1998

71. In contrast to 1996 and 1997, when shelter was the largest sector of UNHCR's assistance, 1998 will see a sharper focus on the sustainability of returns and, hence, greater emphasis on micro-credit and income-generation. The latter will principally take the form of a variety of rapid impact, micro-projects which will be concentrated in potential and recognized Open Cities. These activities will be combined with demining in high-risk areas, in support of UNHCR-initiated return projects.

72. Through a process of field-level consultation amongst all actors in the Open Cities, the communities participating in the initiative will be allowed to select priority activities from a range of sectors (health, education, income-generation, water, sanitation, electrical supply, etc.) to address the identified needs of both the returnees and the receiving community. The participation of all community groups in the planning and implementation of activities and sectors will be encouraged.

73. Micro-credit programmes will be implemented in close cooperation with the Food and Agriculture Organization of the United Nations (FAO), UNDP, as well as the World Bank and Local Initiative Departments (LIDs).

74. As in 1997, returnee family packages, each comprising a kitchen set, a cooking stove, four beds, four mattresses and eight blankets, will be provided to returnees meeting UNHCR criteria for vulnerability, including those returning to minority areas as well as beneficiaries of housing assistance. In addition, direct relief assistance such as complementary food, heating fuel and domestic items will be provided to especially vulnerable groups (e.g. the isolated elderly) and persons in collective centres. Parallel to the gradual reduction of UNHCR support to social welfare services, emphasis will be placed on capacity building of the authorities of Bosnia and Herzegovina and social service NGOs, to enable them to assume responsibility for the care of vulnerable groups and strengthen local social safety nets.

7. The Bosnian Women's Initiative

75. The Bosnian Women's Initiative (BWI), which operates throughout Bosnia and Herzegovina, aims to reach out to as many communities as possible in both Entities with cost-effective, sustainable and innovative projects targeting war-affected women. It is designed to assist the empowerment and socio-economic integration of women who are vulnerable or at risk, regardless of whether they are or have been in a situation of displacement. Beneficiaries include many women who have been dependent on humanitarian assistance for their survival.

76. During 1997, the BWI concentrated on building the capacity of local NGOs and women's associations, and promoting dialogue and cooperation amongst women from the two Entities. The BWI has supported the Open Cities initiative through the initiation of BWI projects in the three Open Cities of Bihac, Konjic and Vogosca. Since its inception in late 1996, 306 project proposals have been received and 126 approved. National NGOs implement 84 per cent of all projects. The geographic distribution of approved projects is as follows: 41 per cent in the Republika Srpska, 56 per cent in Federation, and three per cent country-wide. Most of the projects have involved income-generation and/or skills training while some 20 per cent have been in other areas such as health, basic education, psycho-social support, legal assistance, community development and the media. The BWI programme has served to stimulate inter-Entity contacts between beneficiary women through joint meetings of women's representatives from associations and agencies from both Entities. These meetings have focused on capacity-building of women's associations and NGOs and have served as a forum for exchanging experiences and discussing common concerns among women.

77. In 1998, the BWI will continue to work at the grass-roots level and target war-affected and vulnerable women, with the aim of empowering them to rebuild their lives. Highest priority will be given to approving projects which contribute to supporting minority return and sustainable reintegration, promote dialogue and reconciliation, encourage freedom of

movement, and build civil society. Activities which strengthen collaboration among women (and their communities and families) from different Entities and ethnic groups will be given priority. These could be joint economic activities, such as cross-IEBL trading, or establishment of inter-Entity women's entrepreneurial networks. Support will also be given to joint training and capacity-building activities for NGOs and local women's associations, building on the successful first steps in 1997. BWI project proposals from Open Cities and potential Open Cities will be approved on a priority basis. In Open Cities, women's associations will be encouraged to initiate reconciliation activities and to take an active part in the community structures which are involved in planning and implementing reconciliation and reconstruction activities.

78. The BWI will support projects which, among other criteria, ensure that the intended beneficiaries are involved in the planning and design of the programmes, demonstrate that they are sustainable beyond the end of project funding and are innovative and able to serve as models for other women's groups to learn from and adapt to their situations. The BWI will continue to support activities which help mainstream women into the social and economic fabric of their communities.

8. *Demining Initiatives in 1998*

79. To address the risk to refugees and displaced persons returning to their homes or to areas which are mined or suspected to be mined, UNHCR has taken the initiative to support mine clearance in 1998 through a dedicated mine clearance capacity. UNHCR's Mine Clearance Plan will be operated through a Memorandum of Understanding with the United Nations Development Programme (UNDP) and the Bosnia and Herzegovina Mine Action Center (BHMIC), the successor to UNMAC as from 1 January 1998. BHMIC is a Government agency funded and supported by UNDP and a UNDP Trust Fund established with international donations. UNHCR will be funding six Demining Teams, each consisting of 35 demining staff and five support staff. All operational aspects, including administration, employment, insurance and maintenance, will be conducted by BHMIC, with funds supplied by UNHCR through the UNDP Trust Fund. UNHCR will retain full control over the tasking of the six Demining Teams, which will focus on returnee areas, particularly supporting projects financed by UNHCR.

Action/Recommendation: To ensure effective long-term demining, international donors should commit themselves to financing mine-clearance programmes in Bosnia and Herzegovina. UNHCR welcomes the decision of the Government of Bosnia and Herzegovina to sign the Convention on the Prohibition of the Use, Production, Stockpiling and Transfer of Anti-Personnel Mines and on their Destruction ("Ottawa Treaty").

9. *Initiatives to Support Reconciliation*

80. In 1997, UNHCR emphasized confidence building and reconciliation measures in all projects, with the aim of involving all ethnic groups, when and where possible. This was particularly the case for the Open Cities as well as those implemented within the framework of the Bosnian Women's Initiative.

81. To promote the free exercise of the right of freedom of movement, UNHCR has continued to sponsor the cross-Entity bus lines it launched in 1996, which expanded in 1997 to a total of 14 lines implemented by the Danish Refugee Council and the Bosnian Humanitarian Logistics Service, a local NGO. The bus lines have facilitated visits to former homes as well as fostered direct contacts between individuals in both Entities. The Office is pleased that other cross-IEBL services have followed its example. UNHCR's service remains the major public transport across the IEBL, helping an average of 9,600 persons per week to exercise their right to freedom of movement. More than 460,000 passengers have benefited from the service in 1997 and a further increase is expected for 1998 with the opening of additional lines. During 1997, UNHCR has been successful in partially privatizing the bus line service, such as, for example, the Doboj-Jelah-Teslic route. Efforts to continue transferring operation of the bus line service to local commercial companies will be pursued in 1998.

82. Other initiatives, such as the efforts by the Coalition for Return and numerous NGOs working at the grass-roots level, have played an important role in promoting dialogue and facilitating contacts between DP and refugee groups and their home villages and communities. This approach has helped in a number of occasions to resolve persisting misconceptions and misunderstandings negatively affecting relationships and often preventing return. The lack of objective and regularly updated information to DPs and refugees was identified to be one of the major obstacles affecting returns, preventing reconciliation and the build-up of trust in the event of minority returns. To address this problem, a network of 25 Legal Aid and 26 Information Centres has been set up in Bosnia and Herzegovina with links to similar networks in countries hosting refugees. Operated by Bosnian lawyers, they provide information and advice to returnees or other individuals in need of legal guidance. It can be anticipated that the capacity of these legal support and information mechanisms will need to be enhanced in 1998, due to the likely rise in property and legal disputes resulting from minority returns and relocation to majority areas ultimately leading to conflict and tension if not addressed. The multi-ethnic mix of the staff at the centers will be ensured, to encourage members of all communities, and particularly minorities, to seek advice.

83. Organizations involved in a range of activities, mostly in shelter rehabilitation, infrastructure reconstruction and small-scale industries, have been attempting to establish cross-IEBL trade links and explore market opportunities between projects in both Entities. This approach will be further developed and promoted in 1998. The use of car license plates which easily identify the area in which the vehicle was registered has continued to expose private and commercial traffic crossing the IEBL to risk or simply prevented travel. UNHCR welcomes the efforts coordinated by OHR to broker an agreement between all parties to resolve this important issue.

84. Larger initiatives such as the country-wide Organization for Security and Cooperation in Europe (OSCE) "Democratization Programme" and a number of other reconciliation or capacity-building programmes, often implemented by organizations with a religious background, use a pragmatic approach to confidence-building and reconciliation. They establish contacts between ethnic groups through mutual visits and the implementation of rehabilitation projects, as well as in workshops and training sessions addressing inter-ethnic issues or aimed at developing civil society.

Action/Recommendation: UNHCR will continue to support activities promoting and facilitating reconciliation and freedom of movement, particularly in areas where minority returns may become possible. UNHCR urges the Entity and central authorities to take all necessary steps to remove remaining legal, social and political obstacles to freedom of movement.

V. OTHER INITIATIVES TO PROMOTE REPATRIATION AND RETURN MOVEMENTS

1. *Incentive Packages and Repatriation Assistance*

85. Most asylum countries continue to offer incentive packages to facilitate repatriation to Bosnia and Herzegovina, which may include any of the following components: travel expenses and travel pocket money, a repatriation grant, luggage allowances and assistance in and to receiving communities. A summary of the different packages is provided in *Annex IV*.

86. Switzerland, amongst other countries, has developed an ambitious repatriation incentive programme which has benefited the repatriation of some 5,500 since August 1996. Since the inception of the programme, Switzerland has initiated two surveys on the use and impact of the repatriation incentive package it provides to returnees. The Danish Refugee Council also carried out a survey of the living conditions of refugees having repatriated from Denmark between August 1994 and August 1997. The second (1997) Swiss survey is not finalized yet but results available to UNHCR from both the Danish survey and the first Swiss survey confirm a number of trends. First, that the majority of returnees spent their repatriation grants on home repairs and, at times, for temporary accommodation, as well as essential living expenses such as food, clothing and heating. Only a few stated that they had a surplus to invest in business opportunities. Half of the returnees spent their repatriation grants within the first three months following arrival, while only 15 per cent were able to economize the grant for more than six months. Over 90 per cent of the returnees remained unemployed. One reassuring conclusion was that very few stated that they had encountered problems with their neighbours upon return.

87. These surveys give a sobering indication of the challenge facing both countries of asylum and returnees, if repatriation is to be sustainable. Repatriation incentive packages in 1998 will need to be designed bearing in mind a potential increase in relocations, the comparatively large number of vulnerable individuals remaining in host countries and the critical economic situation in Bosnia and Herzegovina, particularly the high unemployment rate. According to the Norwegian Refugee Council repatriation information and counseling office (INCOR), interest in repatriating in the context of a project providing job opportunities is on the rise. Especially vulnerable groups also need to be targeted with special programmes. Major Western European refugee-hosting countries met in Zurich on 13 November 1997, under the auspices of the Swiss Government, to share the experiences gained through their respective repatriation support programmes.

Actions/Recommendations: UNHCR would encourage asylum countries to adopt measures including the establishment of repatriation counselling centres in asylum countries; the grant of substantial financial assistance; the provision of vocational training opportunities for returnees; and the multiplication of targeted reintegration and reconstruction programmes implemented in Bosnia and Herzegovina in cooperation with local authorities.

88. Based on its role and responsibility to facilitate repatriation from outside the region of the former Yugoslavia, IOM works with individual host countries to provide assistance for the voluntary repatriation of refugees from Bosnia and Herzegovina. IOM expects that a total of 80,000 refugees will have been assisted under its 1997 programmes. Under bilateral IOM mechanisms the host countries support the financial aspects of return and any reintegration assistance. By far the largest of these programmes is the German-sponsored return programme, REAG, and its counterpart Government Assisted Return Programme (GARP). The aim of the GARP assistance is to facilitate the reintegration of refugees by providing a one-time financial assistance package. This assistance amounts to DM 450 per adult and DM 225 per child, paid on arrival in Bosnia and Herzegovina, with the maximum amount per family limited to DM 1,350. GARP is financed equally by the German Government and the Federal Länder each carrying 50 per cent of the cost. In addition, under its General Return Fund, IOM assisted 600 refugees in 1997 to repatriate to Bosnia and Herzegovina from countries of asylum which are unable to cover the costs of return. In 1998 it is foreseen that limited reintegration assistance may also be provided to these returnees to cover initial costs of re-entry. A number of NGOs and local communities or authorities in asylum countries are also playing an active role in organizing and facilitating repatriation movements.

2. *Efforts to Match Interest to Repatriate and Repairs to Former Homes*

89. A questionnaire to facilitate planning for voluntary repatriation was developed by IOM and UNHCR, and distributed in 1996 and 1997 to 100,000 refugee households in Germany. It was designed to elicit information regarding the intention to repatriate, the timing, destination (particularly to determine whether to home or other areas) and other information on individual refugee households. An attempt was made to match potential returnees to available in-country assistance, mostly shelter-repair programmes, in their home areas. Information gathered in the questionnaire was forwarded to relevant UNHCR field offices in an effort to assess the status of the candidates' property (mainly the degree of damage and/or whether uninhabited or occupied) and possibly include the candidate in ongoing programmes.

90. Fifteen thousand replies were received, covering some 45,000 refugees. Of these replies, 5,000 expressed an intention to return to majority areas and were therefore forwarded to UNHCR offices in Bosnia and Herzegovina for matching purposes. This effort to match interest to repatriate with repairs to former homes proved to be labour intensive and yielded rather limited results although a total of 238 households were identified and selected through this process. The relatively low number is due to a number of factors: most houses of potential returnees which could have been favourably considered (destruction below 60 per cent) were occupied by DPs, some respondents were actually seeking to relocate (13 per cent), the lengthy verification process, and the spontaneous repatriation of potential beneficiaries prior to the completion of the matching process. The questionnaire nevertheless generated highly useful information for the planning process. On the basis of this information,

UNHCR will carry out additional and more specific studies to be able to better target the needs of groups such as EVIs, female-headed households, etc.

91. In cooperation with the Austrian Government, a similar programme to support voluntary repatriation was initiated in Austria in 1997 and resulted in some 30 beneficiaries being included in UNHCR shelter programmes. The programme will be continued in 1998.

3. Twin Cities

92. In its 1997 plan, UNHCR encouraged cities and regions in asylum countries to adopt twinning arrangements with Municipalities and Cantons/regions in Bosnia and Herzegovina. UNHCR remains convinced that host cities and regions in asylum countries can continue to demonstrate their solidarity with refugees formerly hosted by them through grass-roots projects aimed at expanding available basic and community infrastructure or similar initiatives in cities or areas of destination in Bosnia and Herzegovina. Furthermore, the concept of Twin Cities need not necessarily be limited to towns hosting or having hosted Bosnian refugees, but is also a way for local communities to support specific towns or Municipalities in Bosnia and Herzegovina, in the interest of demonstrating international solidarity. UNHCR sees Twin Cities as a focused and efficient means of providing bilateral support that gives immediate assistance, as well as sustainable long-term benefits. Such support would be particularly welcome in the context of UNHCR's Open Cities Initiative.

93. An excellent example of how twinning arrangements can be made and managed is the Atlas Project. This project began in January 1997 and is financed mainly by the Italian Government. It is coordinated by the UNDP and carried out by the UN Office for Project Services (UNOPS) and WHO in collaboration with the Department of Humanitarian Affairs/International Decade for Natural Disaster Reduction (DHA/IDNR). The Project is based on decentralized cooperation in support of the peace process and social and economic development in Bosnia and Herzegovina. Under the Atlas Project, 28 municipal committees in Italy are carrying out a great variety of projects in some 20 Municipalities. The advantage of such decentralized cooperation is to promote reconciliation, democratization and human development through grass-roots initiatives and relatively low-cost transfer of know-how. Atlas is operating through working groups and committees involving different levels of the administration of Bosnia and Herzegovina. The second phase has been launched focusing on mental health and self-financed projects implemented by the local committees.

Action/Recommendation: UNHCR reiterates its encouragement to cities and regions in asylum countries to enter into twinning arrangements with Municipalities and Cantons/regions in Bosnia and Herzegovina. UNHCR offices in Bosnia and Herzegovina and abroad remain ready to assist communities to identify potential partners for twinning arrangements.
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4. Other Initiatives to Encourage Return

94. NGOs have made a substantial contribution to successful assisted minority returns thanks to their good knowledge of the situation on the ground in specific areas and sharply focused responses to meet the needs of communities and individuals. The presence of NGO personnel has repeatedly contributed to defuse tensions and often worked to prevent or limit serious incidents. Persistent contacts and dialogue with and among communities through confidence-

building measures built into many projects have contributed to create conditions conducive for minority return.

95. Small-scale projects by international and national NGOs have been instrumental in generating ideas and developing models for the creation of employment and income-generating opportunities, the lack of which has been identified as one of the major constraints affecting the successful reintegration of returnees, including minorities. For example, the International Rescue Committee has begun a labour-intensive employment programme in Sipovo, as a pilot project which provides a modest income to local and returning families, while contributing to the maintenance of local infrastructure.

96. Numerous projects have facilitated the establishment of small-scale businesses in the food and timber processing industries, and other sectors of the economy. Other projects have focused on the return of entrepreneurs or highly skilled labour. For example, under its programme for the Return of Qualified Nationals (RON), IOM facilitates the return of qualified human resources whose professional capabilities are currently not available in Bosnia and Herzegovina and matches them with specific job opportunities in sectors key to the reconstruction process. Through the end of 1997, IOM expects to have assisted in the reinsertion into the labour market of some 300 professionals, plus approximately 700 family members, who were formerly hosted in asylum countries abroad. Counted among these individuals are experts in such fields as health, education, public administration, engineering and small business. Not only do these returnees make a direct contribution to the productive capacity of Bosnia and Herzegovina, they are often opening up new avenues of employment for others who remained or were displaced internally. The International Centre for Migration Policy Development (ICMPD) implemented a pilot project for the return of about 25 entrepreneurs (out of 49 selected) and their families.

97. The Nordic Pilot Project, implemented jointly by the Nordic Countries and NGOs, UNHCR, IOM and the Bosnian authorities, is conceived to assist reconstruction and rehabilitation through the *temporary* return of professionals. The project therefore differs from IOM's RON project. The project promotes the participation of persons with specialized skills (especially in the medical field) to the recovery of Bosnia and Herzegovina. Mostar is the initial geographical area targeted by the project.

VI. PROCEDURAL ASPECTS OF REPATRIATION AND RETURN MOVEMENTS

98. Despite the undertaking contained in the Joint Statement of 21 March 1997 to harmonize fully legal acts with the aim of lifting all remaining obstacles to the repatriation and return process, uneven progress has been made by the authorities. The following is an update on the procedural aspects of repatriation, containing recommendations where further progress is deemed necessary in 1998.

1. Clearances Aimed at Verifying Accommodation

99. All refugees returning to Bosnia and Herzegovina in organized movements need to obtain clearances. The clearance procedures apply to organized repatriation movements whose destinations are in the Federation. Clearance requests are channeled from the host country via IOM or UNHCR to the Ministry of Civil Affairs and Communications. The Ministry forwards the lists of applicants for repatriation to the Federation Ministry of Social Welfare, Displaced Persons and Refugees, which, in turn, requests the Cantons and Municipalities to verify the existence of adequate accommodation for the applicants and issue a guarantee letter in this regard. The applicants are then informed of the decisions through UNHCR or IOM.

100. During 1997, efforts made to streamline the procedures enabled the processing time to be reduced from an average of three weeks to between one and two weeks. Urgent requests may even be processed within a few days. In certain Cantons, where unnecessary delays were experienced, UNHCR expedited the process by contacting the Municipalities directly. Most refugees repatriating in 1997 have made their own travel arrangements and, as a result, only a small number has required clearances -- approximately five per cent of all applicants for voluntary repatriation. This contributed to diminishing processing time.

101. The Federation clearance procedures are helpful for groups of persons who require assistance to verify or identify accommodation, either in their former homes or with relatives/host families. Refugees originating from areas in the Republika Srpska wishing to repatriate to majority areas in the Federation, may only receive clearances where alternative accommodation has been identified by the applicant, verified by the concerned municipal authorities and a guarantee letter issued. There continues to be no clearance procedure for repatriation to the Republika Srpska. A procedure to verify the availability of accommodation is now under consideration by the competent authorities for repatriation from the Federal Republic of Yugoslavia.

Actions/Recommendations: UNHCR reiterates the recommendation made in 1997 that clear and simple procedures need to be worked out for repatriation to the Republika Srpska. Should the original owner/occupancy right holder return and find his/her home occupied, the authorities should ensure that mechanisms are in place so that displaced persons are provided with adequate notice and given viable alternative accommodation, to avoid further dislocation.

2. Update on Travel Documents

102. All refugees from Bosnia and Herzegovina need a passport, a one-way travel document or a laissez-passer in order to repatriate. A citizen who has been living abroad for more than three months can obtain a passport from the Bosnia and Herzegovina Embassies or Consulates abroad. Fees for passport applications vary in different asylum countries and are sometimes much higher (up to 400 per cent) than for those processed in-country. While during the summer months, some refugees experienced considerable delays in obtaining their passports, the situation has now returned to normal. UNHCR received reports of two instances where the issuance of passports abroad was allegedly denied arbitrarily, but these reports could not be confirmed. UNHCR has not received any further reports since early 1997 that the issuance of passports abroad has been linked to payment of defense-related taxes. The draft Law on Passports has been approved by the Council of Ministers but not yet adopted by the

Parliamentary Assembly, as the Republika Srpska representatives have raised new concerns regarding this draft.

Action/Recommendation: UNHCR urges the Parliamentary Assembly to adopt the draft law without further delay and recommends that the procedures and fees for the issuance of passports are standardized both in-country and abroad.

3. *Update on the Quintipartite Transit Agreement*

103. By end October 1997, the Quintipartite Transit Agreement signed by Austria, Croatia, Germany, Slovenia and Switzerland on 29 May 1996, had facilitated the transit of an estimated 155,687 persons through the signatory States, since its entry into force on 1 July 1996. The Agreement was automatically extended in June 1997. Throughout 1997, a number of States expressed an interest in acceding to the agreement, notably the Netherlands and the Nordic countries, with the aim of facilitating repatriation from their territories. A delay in accession has been occasioned by the prevailing German Aliens' Regulations which are currently being amended by the German authorities to allow the participation of other countries.

Action/Recommendation: Following the planned amendments to the German Aliens' Regulations, UNHCR would urge all State signatories to look favourably upon widening the geographical scope of the agreement.

4. *Customs Duties*

104. The new state Law on Customs Policy (Official Gazette BH no. 1/97) entered into force on 13 November 1997 and does not contain any exemptions for returning refugees. Previously, under the Federation Law on Customs, citizens of Bosnia and Herzegovina who fell within the definition of 'refugee' in Article 4A of the Federation Law on Displaced Persons, Expelled Persons and Refugees (Official Gazette FBH no. 2/95) were exempted from customs duty for household goods up to a value of DM 35,000 and certain items of economic inventory up to DM 100,000, if these were imported within a certain time limit upon their return to the Federation. In parallel, a new Federation law (Official Gazette FBH no. 25/97) amending its Law on Customs will enter into force on 12 December 1997, repealing all existing exemptions for refugees. Republika Srpska does not have any legislation similar to either the old or new customs laws.

105. The Government of Bosnia and Herzegovina, however, is currently discussing a Law Establishing a System of Relief from Customs Duty which will exempt returning residents, including refugees, from paying customs duty on household goods which were acquired at least one year prior to their return. The EC, with inputs from UNHCR, is in the process of drafting special regulations, for adoption by the Bosnia and Herzegovina Council of Ministers, that would specifically exempt repatriating refugees from customs duty until the end of 1998. UNHCR also believes that there should be no time limit on the purchase of goods covered by the exemption, which often ease the reintegration of the returnees.

Action/Recommendation: UNHCR recommends that special regulations be adopted by the Parliamentary Assembly exempting returning refugees from paying customs duty on their household goods up to a value of DM 10,000, irrespective of the date of purchase.

5. War Taxes

106. The collection of "war taxes" (HIWG/97/2, para. 31) remains a problem in both Entities. In the Federation, the law states that contributions are voluntary. However, despite UNHCR and other members of the international community's protests and the Federation Government's own statements that the practice is illegal and should be stopped, several municipal authorities continue to impose the tax without any punitive measures being taken by the higher level authorities. Many returnees are prevented from registering their return with such Municipalities or are denied access to documents essential for their social functioning, until such "voluntary" taxes are paid. UNHCR, with the OHR, has intervened with the President of the Federation, who claims that instructions have been issued to the Cantonal authorities. Nevertheless, the practice continues.

107. In the Republika Srpska, the Law on Taxes for the Reconstruction and Restoration of the Republika Srpska (1996) provides for the obligatory payment of a tax for the reconstruction of the Republika Srpska. However, the law is flawed in that it does not indicate from when the obligation to pay the tax arises and is arbitrary in selecting who is liable to pay the tax. Although the Government has stated orally that refugees are exempt, this is not specifically stated in the law. OHR, with UNHCR's input, has sought amendment to the law. In addition, there are numerous cases of arbitrary taxes being collected from returnees by persons with no legal authority to do so.

Action/Recommendation: UNHCR recommends that the Federation authorities sanction those municipal authorities that continue to demand "war taxes" and that the Republika Srpska authorities immediately amend their legislation governing this issue.
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6. Update on Registration of Returnees and Displaced Persons

108. Returnees to both Entities are required to register with local authorities to re-establish residence or to settle there in cases where the person was not originally from the Municipality. Unless they have registered, people cannot obtain identity or other documents, enroll in schools or obtain medical and other social services or humanitarian assistance. Persons not originating from the Municipality where they wish to settle are not necessarily allowed to register there, even in cases when the returnee is a member of the "majority" community. "Minorities" face even more difficulties when attempting to register and are often flatly refused. In many cases, this practice has developed because of the huge accommodation shortage in most areas and as the municipal authorities are unable to cope with demands, they refuse to register persons without accommodation in order to deter more people from returning/relocating to their area. However, there are also cases of people who do not wish to register their return either because they fear discrimination or harassment and do not wish to draw attention to themselves, for example, if they are members of the minority community, or because they do not wish to de-register from their place of displacement and lose the benefit of having access to more than one place of accommodation.

a. Federation

109. In May 1997, UNHCR published a study on the "Registration of Repatriates in the Federation of Bosnia and Herzegovina and Entitlement to Food Assistance and Medical Care" which details the legislative implications of registration and the varying practice in the different Cantons and Municipalities in the Federation. The study indicates that the law is not always applied and that, in many places, current practice makes it very difficult for people to return home or relocate to new areas. Overall, the situation remains that, to register with both the police and the department handling displaced persons and returnee matters at the Municipality level, refugees and displaced persons must show proof (whether they are returning or relocating) that they have somewhere to stay. The study will be updated periodically, to monitor the evolution of practices in this area.

b. Republika Srpska

110. UNHCR is currently in the process of preparing a similar study on registration procedures and practice in Republika Srpska. According to the authorities, the procedure for the registration of refugees and displaced persons should be the same in all Municipalities of Republika Srpska. Existing differences in practice in various Municipalities are accounted for by different interpretations and applications of the regulations by some administrative bodies. All issues related to the status of a person are dependent on registration with the local Public Security Station. As in the Federation, refugees and displaced persons must usually show proof, whether returning or relocating, that they have somewhere to stay. If returning refugees/displaced persons did not "de-register" from the Municipality before departure, they need not re-register upon arrival but should apply for new identity cards with the local Public Security Station. However, in some cases, persons returning/relocating from host countries must show that they "de-registered" from that country. Refugee and displaced person status is determined by the relevant municipal body dealing with such matters (usually the municipal Commission for Refugees). Registration with this body results in receipt of a refugee identity card. With recent amendments to legislation, there is some confusion as to who is actually covered by each of these definitions.

111. In some areas, registration with the competent body dealing with displaced persons and refugees is dependent upon availability of accommodation. In other areas, a Housing Commission will allocate accommodation for newly arrived relocatees. Returning residents who do not have access to their property, for example because it is occupied, will not necessarily be similarly assisted. Priority is given to persons still in collective centres, families of deceased or injured soldiers, the elderly, the sick and families with small children. Once registered as a refugee or displaced person, a person may then also apply to the Public Security Station for a regular Republika Srpska identity card. Bosniacs or Bosnian Croats are not entitled to resort to or benefit from these procedures.

Actions/Recommendations: UNHCR reiterates its recommendation that standard and simplified registration procedures should be adopted in both the Federation and Republika Srpska. UNHCR also requests the authorities to ensure that all citizens have access to registration so that needy people are not denied assistance.
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VII. LEGAL AND PROTECTION ISSUES

1. *UNHCR Policy Regarding Those Who Can Repatriate during 1998*

112. In April 1997, UNHCR announced its policy regarding refugees from Bosnia and Herzegovina who were still in need of international protection. At that time, UNHCR adopted the position that, while encouraging programmes that promote voluntary repatriation, it could not object to the repatriation of persons to their habitual place of residence when such a location was within an area where their own groups represented the majority and administered the area (so-called "majority-return movements"), subject to verification by the host State of individual circumstances which might impede safe repatriation. It was judged that within the described majority categories, there might be individuals with a well founded fear of persecution in the situation prevailing in Bosnia and Herzegovina within the terms of the 1951 Geneva Convention relating to the Status of Refugees or have acute humanitarian needs. These categories were described in detail in Section VIII of "Bosnia and Herzegovina: Repatriation and Return Operation 1997" (HIWG/97/2 of 14 April 1997).

113. Returns to minority areas increased in 1997. Most of these minority returns have been limited to the elderly or to individual members of family groups. UNHCR welcomes this modest increase in minority returns and hopes it is a precursor to a real breakthrough in minority returns.

114. Substantial additional progress by authorities in both Entities will be required, however, to create conditions for safe and dignified large-scale returns to minority areas. For this reason, in 1998 UNHCR would encourage States to continue to extend protection to refugees in need originating from minority areas, as well as the groups described in section 2 below. This need for continued protection will be reviewed during 1998, in the light of progress which could be made in creating conditions needed for safe, dignified and humane return. One measure of this progress is a breakthrough in minority returns of displaced persons, as defined in **Chapter III, Section 2** above. In addition, UNHCR wishes to recall its observation in **Chapter I** that "Open Cities" and areas such as Central Bosnia Canton which are in the process of opening to minority returns should not be considered as safe areas for the non-voluntary repatriation of refugees from abroad.

2. *Continued Protection and Care for Persons Unable to Repatriate*

115. The following section describes the categories of persons to whom UNHCR would encourage States to continue to provide international protection or care during 1998, and whose repatriation is not yet considered feasible, unless voluntary. While the titles introducing the groups appear the same as those outlined in UNHCR's 1997 plan, UNHCR has narrowed the range of people who would actually fall within these categories.

a. Persons Originating from Areas Where They Would No Longer Be in the Majority upon Return

116. As specified in UNHCR's 1997 plan, this category includes persons who would fall within the current minority ethnic group in their area of former residence. The concept applies to all three ethnic groups and is not limited to the two Entities. The need for international protection continues to be premised on the fact that members of the minority ethnic group in a given area frequently experience harassment and discrimination on a daily basis and minority rights are not observed. When minority returns have taken place, acts of wanton destruction, threats, beatings or violent evictions have often occurred. In a few areas, for example, mines have been freshly laid with the intent to cause death or serious bodily harm and give a signal that minority returns are not welcome. In other instances, local police have stood by and done nothing to prevent incidents directed against minorities or have refused to accept responsibility to guarantee their safety. Municipal authorities have also refused to register minority returns and have disavowed any responsibility for the possible consequences of return. In light of the above, UNHCR believes that the decision of refugees and displaced persons to repatriate or return to their previous home areas where they would today be a member of a minority group should remain totally voluntary.

b. Persons of Mixed Ethnicity or in Mixed Marriages

117. Persons in mixed marriages or of mixed ethnic origin continue to face protection problems in accommodation, education and employment following repatriation. The situation is worse where the head of household or person supporting the family is of the 'minority' ethnicity in a given location. There are clearly individual exceptions, such as when family members in the majority group are able to support the return, but these cases still remain relatively few in most areas

c. Special Humanitarian Cases with Compelling Reasons Arising Out of Previous Persecution

118. As stated in UNHCR's 1997 plan, the category of special humanitarian cases with compelling reasons arising out of previous persecution, by analogy with Article 1C of the 1951 Convention, notably includes ex-detainees and victims or witnesses of extreme violence. Generally being severely traumatized, many of these persons may never be able to repatriate and reintegrate as this will only aggravate their trauma and alternative solutions should be identified for them.

d. Minority Members of the Armed Forces

119. Discrimination against persons who served in the armed forces controlled by an ethnic group of which they were not a member persists despite all three amnesty laws granting amnesty to persons who served in the enemy army. UNHCR repeats its caution that asylum applications by such persons must be examined on an individual basis to determine whether or not the person can repatriate in safety.

e. Potentially Stateless Persons

120. Until the problems with citizenship legislation are resolved throughout the region, UNHCR cannot further limit this category. There may be exceptional cases of citizens of the Republics of the former Socialist Federal Republic of Yugoslavia whose nationality status remains unresolved and who thus require continued international protection.

f. Individuals in Need of Special Care

121. Some categories of medically and socially vulnerable persons, such as medical cases or handicapped persons and the elderly, continue to have special needs and care requirements which cannot be currently met in Bosnia and Herzegovina, although the situation is improving. Again, an individual assessment must be made to identify the most appropriate durable solution. As always, in light of the standards contained in the Convention on the Rights of the Child and UNHCR's Guidelines on the Protection and Care of Refugee Children, children separated from their families or traditional care-giver must be accorded special care and attention, particularly regarding their legal status and special protection needs.

g. Other Categories

122. Owing to the results of the municipal elections and the successful repatriation of most former Abdic supporters, UNHCR no longer recommends that this category be afforded continued protection as a group. However, protection should still be afforded to the military and political leaders of this group. Other categories in need of continued protection remain witnesses testifying before the International Criminal Tribunal for Former Yugoslavia (ICTY), deserters and draft evaders from the then Bosnian Serb Army (now VRS), as well as members of the Roma communities.

3. Legal and Administrative Measures Needed to Facilitate Repatriation

123. In its 1997 plan, UNHCR highlighted a number of legal and administrative obstacles whose lifting it deemed necessary to further encourage repatriation and return. Despite the pledge contained in the 21 March 1997 Joint Statement of the authorities of Bosnia and Herzegovina to fully harmonize all of their legal acts with international laws and conventions, very few steps have been taken to live up to this pledge.

124. **Property Legislation:** One of the most important legal obstacles to the return of refugees and displaced persons remains the current property legislation in both Entities. As emphasized in UNHCR's 1997 plan, the right to return to one's home is one of the key provisions of Annex 7 of the Peace Agreement. The current property laws and their arbitrary and discriminatory implementation make it extremely difficult for owners of private property, and virtually impossible for occupancy-right holders of socially owned flats, to return to their former residences. This is particularly the case when a housing unit has been allocated to displaced persons or other categories, including the military. In the Federation, most occupancy rights of persons who left their apartments during the war have been permanently lost under the terms of the Law on Abandoned Apartments. In Republika Srpska, the rights have not been lost but impossible conditions are imposed on their exercise. Although the

legislation applied in each Entity is slightly different, they share the intent to deprive the original residents of their property rights and instead strengthen the legal position of the current occupants. As these laws on property are in direct contravention with the Peace Agreement in many aspects, members of the international community have applied constant pressure on the Entities to amend them to make them more conducive to return. To that end, OHR, with UNHCR's input, has prepared and submitted draft legislation in line with the Peace Agreement to both Entities.

125. At Sintra, on 20 May 1997, the Steering Board of the Peace Implementation Council again called upon the Federation and the Republika Srpska to amend their property laws in order to make possible the full implementation of Annex 7 of the Peace Agreement, adding that international support for housing reconstruction should be conditioned upon the fulfillment of these obligations. By the end of October 1997, both Entities had failed to amend their laws accordingly. Instead the Federation Ministry presented its own draft laws which did not exactly accord with the OHR drafts and continued to deprive pre-war residents of their property rights. In addition, in October 1997, the Federation Parliament passed a Law on the Sale of Socially-Owned Apartments, which allows current occupants to purchase the apartments they are presently occupying, effectively depriving pre-war occupants of this entitlement. The international community is now even more urgently seeking amendment to the Ministry's new and suggested laws, to bring them into line with the Peace Agreement and the European Convention on Human Rights and its Protocols before the Law on the Sale of Socially Owned Apartments is applied (ninety days after it entered into force) from 6 March 1998. The Republika Srpska authorities have not even responded to OHR's proposed draft laws.

Action/Recommendation: UNHCR urges the authorities of Bosnia and Herzegovina to amend the law on abandoned property in such a way as to restore the rights of former owners/occupancy-right holders as well as the Law on the Sale of Socially-Owned Apartments, in order to ensure that these laws do not cement the "rights" of current occupants and permanently deprive former occupants from regaining possession of their homes.

126. **Amnesty Legislation:** The then Republic and Federation Amnesty Laws provide a comprehensive amnesty for specified offenses under which provisions a few thousand persons have either been released from prison, had proceedings against them suspended or charges dropped. Notably, these laws grant amnesty to draft evaders, deserters and persons who served in the enemy army, thus paving the way for the return of refugees and displaced persons.

127. Unfortunately, the Republika Srpska Amnesty Law, although largely similar to the then Republic and Federation amnesty laws in its procedural aspects, still remains seriously flawed in its coverage, as it specifically excludes draft evaders and deserters who are "RS citizens" from the benefit of the amnesty. The authorities have maintained their stance that such persons are legally, morally and socially considered as traitors. They have also refused to clarify in writing the undefined exclusion of all persons "who committed premeditated murder" in the course of committing one of the otherwise amnestied offenses, a potentially serious gap. These provisions directly contravene the Peace Agreement and are a major impediment to return. Otherwise, on paper, the amnesty granted to non-RS citizens is generally

comprehensive. However, the Republika Srpska authorities have also consistently refused to provide UNHCR with any information regarding the implementation of their amnesty law.

Action/Recommendation: OHR and UNHCR will continue to seek urgent amendment of the Republika Srpska amnesty law, as well as information on its implementation, and insist on the urgent amendment of the law to bring it in line with the Peace Agreement.

128. **Documents and Records:** As already set out in UNHCR's 1997 plan, several specific problems relating to documents and records impair the full enjoyment of individual rights. One is the problem of access to documents such as employment, educational, medical, insurance, property and pension records, which may be denied either because of discrimination against the person making the request or because the records are held by institutions now in the other Entity. Such documents and records are frequently needed both to resume a normal life and to further education and employment opportunities. OHR has made numerous efforts to broker a nationwide agreement to secure equal and unrestricted access to personal records and documents and create a mechanism for information retrieval and record-sharing. However, this process has been stalled by the obstinate insistence of the parties on maintaining their separate administrative systems. In a few locations, neighbouring municipal authorities have established unofficial, local document exchange mechanisms. While these should be supported as a pragmatic solution, they are not an appropriate response to lack of access, which only a national network and freedom of movement can effectively resolve.

129. A related problem is that of identity documents. Each Entity has issued identity documents replacing those issued by the former Socialist Federal Republic of Yugoslavia (SFRY), which must be used to register for humanitarian assistance and other administrative purposes. Identity documents are often requested by the police and administrative bodies solely as proof of ethnicity and as a basis for discrimination. Passport offices in Bosnia and Herzegovina have been noted to require different documents depending on the ethnicity of the applicant, contrary to the legislation. In a related vein, administrative procedures are often hampered because documents issued or stamped with the seal of one Entity are not recognized in the other.

Action/Recommendation: OHR should be strongly supported in its effort to broker a nationwide agreement to secure equal and unrestricted access to personal records and documents. Legislation must be passed in each Entity recognizing the validity of documents issued in the other and the draft citizenship and passport laws, which will alleviate some of these problems, must be urgently adopted by the national Parliament.

130. **Human Rights Standards:** The incorporation of human rights standards into laws and regulations and the reform of legal, administrative and judicial institutions remain key issues which will contribute to building confidence amongst communities, encouraging repatriation and return. The first steps towards the restructuring, training and reform of the police forces and associated institutions have already influenced minority returns positively in some areas. The establishment of Joint Police Forces in Sarajevo, Central Bosnia, Gorazde, Nereva and Posavina Cantons, has been a major achievement in 1997.

131. The Human Rights Steering Board, formed in January 1997 and comprising the Human Rights Coordination Centre of the Office of the High Representative, the OSCE, the United Nations Mission in Bosnia and Herzegovina (UNMIBH), the United Nations High Commissioner for Human Rights (UNHCR), the Council of Europe, the EC and UNHCR, oversee the coordination and implementation of human rights activities, in cooperation with the authorities and local organizations. Working groups formed under the Steering Board focus on specific issues such as: strengthening the rule of law by incorporating human rights standards into law; reform of legal, administrative and law enforcement institutions; monitoring and reporting on the implementation of human rights; the development of a human rights culture through public information, education and other democratization initiatives; and human rights institution-building. UNHCR will continue the implementation of its 1997-1998 training programme for UNHCR and non-UNHCR staff, concentrating primarily on the needs of lawyers, judges, selected Government officials and local human rights NGOs. All these efforts are part of a long-term process which is slowly beginning to produce some tangible results.

132. **Citizenship:** A further legal issue linked to return and repatriation is the uncertainty surrounding citizenship. The Constitution of Bosnia and Herzegovina foresees a Bosnia and Herzegovina citizenship as well as Entity citizenship. The Constitution guarantees the principle of legal continuity of the citizenship of the Republic of Bosnia and Herzegovina, with a reservation for those who were naturalized after 6 April 1992. This group must now be regulated by the Parliamentary Assembly of Bosnia and Herzegovina. In August 1997, the OHR submitted a revised draft of the Bosnia and Herzegovina citizenship law, prepared with the assistance of the Council of Europe and UNHCR, to the Council of Ministers. The Council finally accepted the draft on 27 November 1997 and it will now be presented to the Parliamentary Assembly.

Action/Recommendation: The Parliamentary Assembly should immediately adopt the Law on Citizenship. The Entity authorities must then urgently adopt comprehensive and analogous Entity citizenship legislation in conformity with the Constitution, in consultation with each other.

VIII. INFORMATION COORDINATION AND MANAGEMENT

133. UNHCR's 1997 plan recognized that one of the keys to phased and orderly return is information, whether for informed decision-taking, policy formulation or rehabilitation investments.

1. *Reconstruction and Return Task Force (RRTF)*

134. The High Commissioner and the High Representative, at a jointly-chaired meeting in Geneva in February 1997, established the RRTF to coordinate reconstruction assistance and economic incentives in support of return; advise governments on return priorities and political, material and legal issues affecting return; and coordinate return-related conditionality. Since

then, in addition to the national level RRTF comprising OHR, the EC/ECHO, the World Bank, the Commission for Real Property Claims of Displaced Persons and Refugees, the International Management Group (IMG) and UNHCR, four regional RRTFs have been formed for north-western Bosnia and Herzegovina, the Una-Sana Canton, the Sarajevo/Gorazde areas and the Brcko area. The RRTF is currently going through a restructuring process to enable it, inter alia, to respond more effectively to breakthroughs in minority returns. In addition to continuing its advisory role, within this new strategic framework, the RRTF will create mechanisms for rapidly targeting resources to identified return trends and offer guidance to donors on the flexible allocation of resources.

2. Repatriation Information Centre

135. The Repatriation Information Centre (RIC) is a UNHCR project implemented by the International Centre for Migration Policy Development (ICMPD) in collaboration with SFOR. It also receives administrative support from IOM. The RIC was created in 1997 to act as a clearing house for the sharing of information between Governments, Sarajevo-based Embassies, international organizations and NGOs in Bosnia and Herzegovina and abroad. Information is made available at RIC premises, through the RIC Website and on-line databank access. The information comprises all public documents that may be of interest and relevance to decision-making for repatriation. These include, legislation in Bosnia and Herzegovina, regular and periodic reports on the situation of human rights, security, physical and social infrastructure by a variety of organizations in the country, as well as information on ongoing humanitarian assistance and rehabilitation activities. The RIC became fully operational in June 1997 following a move to new premises in Sarajevo and its databank currently contains over 1,500 documents.

136. The RIC provides users in Sarajevo with syntheses of all relevant information on specific geographic areas or topics. Between July and November 1997, the RIC responded to 170 requests for information, 30 per cent of which came from abroad. As there continued to be strong interest in wide-ranging information on specific geographical areas, attention was paid to the design and production of the new Municipality Information Reports (MIRs), each of which encompasses a wide range of information concerning conditions within a given Municipality. SFOR is an important partner for the production of the MIRs, through the involvement of CIMIC (Civil Military Cooperation) teams from United States and German forces. By end 1997, it is planned that over 50 MIRs will be available to the public in English and Bosnian.

137. An evaluation RIC's activities will be carried out in December 1997 by UNHCR and RIC staff, analyzing a survey of RIC users as well as organizations dealing with refugees in host countries. A second evaluation is planned to be carried out in May 1998. Based on their results, the RIC structure and implementation arrangements will be reviewed and adjusted. During 1998, it is planned to continue expanding the database and to prepare 30 new MIRs, as well as update the MIRs prepared in 1997. Priority will also be given to strengthening coordination and information-sharing with relevant authorities. Greater attention will be paid to increasing awareness within Bosnia and Herzegovina and major European host countries about RIC and its activities. The information made available through the RIC Website will also be expanded.

3. *Coordination Mechanisms*

138. As the agency entrusted with the lead role under Annex 7, UNHCR is committed to improving its cooperation and dialogue with the range of organizations, both local and international, involved in the repatriation and reintegration process. While this also entails numerous ad hoc meetings and consultations, there are a number of specific fora that meet regularly or as needed for this purpose. These include the *Consultative Working Group* at which UNHCR shares detailed information on specific projects with Embassy officials of host countries and provides a forum for an exchange of ideas on projects supporting repatriation. A more technical body is the *Repatriation Working Group*, which comprises officials of the national Ministry of Civil Affairs and Communication and the Federation Ministry of Social Welfare, Displaced Persons and Refugees, IOM and UNHCR and discusses the operational management of return from abroad. *The Joint Civilian Commission Working Group on Refugees and Displaced Persons*, is chaired by UNHCR and meets at a ministerial level to prioritize return issues and address obstacles to the return process. It is supported by regional and local working groups, as well as location-specific working groups, such as that which led to the development of the Central Bosnia Return Plan.

4. *Other Information Activities*

139. In 1997, UNHCR's return-related activities included daily work with both local and international media. UNHCR has conveyed its message through a number of radio stations run by the United Nations and SFOR whose radio and television placement networks allow for the programmes to be heard and viewed throughout the country. UNHCR also directly financed a number of locally produced radio and TV programmes which addressed issues of key importance such as minority returns, returns to the ZoS, reconciliation and multi-ethnicity. The directly supported radio programmes included special broadcasts describing the situation in Bosnia and Herzegovina aired to refugee populations abroad, mainly in Germany.

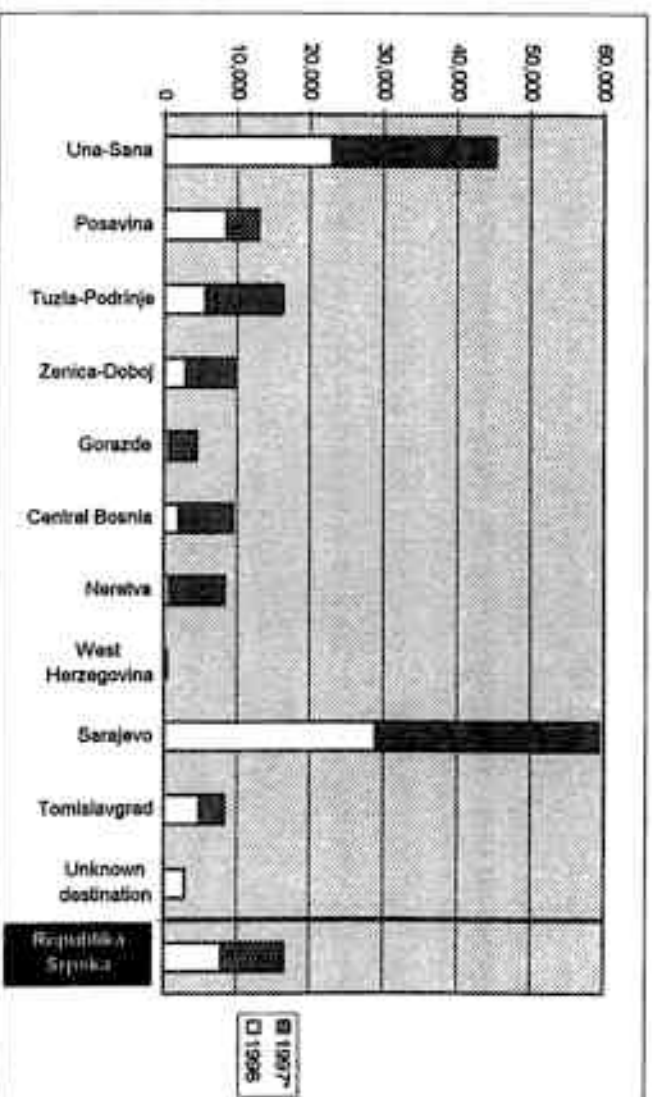
140. With the specific focus in 1998 on minority returns, UNHCR's work with the media will focus on the Open Cities initiative in particular and minority returns in general through both international and local media.

141. Under the BWI programme, "Search for Common Ground", an international NGO, has initiated the "Radio Zena" project which produces weekly radio programmes in Sarajevo, Tuzla and Mostar, covering topics of concern for women, such as health issues, the role of women in society, but also economic and social themes of general interest. Most of the programmes are call-in programmes and attract callers from both Entities, allowing open discussion and exchange of views. The project will be continued in 1998 possibly involving local agencies.

Annex I

SUMMARY OF REPATRIATION OF REFUGEES TO BOSNIA AND HERZEGOVINA IN 1996 AND 1997

Federation	1996	1997*
Una-Sana	22,885	22,300
Posavina	8,432	4,500
Tuzla-Podrinje	5,695	10,500
Zenica-Doboj	2,896	7,000
Gorazde	682	3,700
Central Bosnia	2,002	7,400
Neretva	761	7,500
West Herzegovina	6	400
Sarajevo	28,000	30,300
Tomislavgrad	4,824	3,400
Unknown destination	2,831	0
Sub Total	80,114	97,000
Republika Srpska	7,925	8,600
Grand Total	88,039	105,600



* As at end November 1997

UNHCR, 1 December 1997

Annex II

UNHCR SHELTER PROGRAMME IN BOSNIA AND HERZEGOVINA : 1997

Allocation per Area (Housing Units)

	WESTERN BH	EASTERN BH	NORTHERN BH	SOUTHERN BH	TOTAL				
	Federation Una-Sana West. Bosnia	RS Western RS Aravil	Federation Sarajevo Croatia	RS Eastern RS	Federation Tuzla Dubrov Punovica	RS North-East RS	Federation Herzegovina Central Bosnia & Zenica W. Herzog.	RS E. Herzog.	
THW	667	113					400		1,200
SESA	1,000		600(*)						1,600
UNACOR	170	130			523	100	350		1,273
MAC/SESA					580	1,000			1,580
GIZ					300				300
PTU			143					350	401
WVB			1,000						1,000
Sub-total	1,817	203	1,743	0	1,403	1,100	1,000	0	7,946
TOTAL	2,190		1,743		2,503		1,000		7,946

Note: Housing unit allocation among areas is indicative, and project resources may be re-deployed between ACORs, depending upon actual repatriation movements.
(*) includes 150 refugee accommodation units

THW: Bundeswehr Technische Hilfswerk
SESA: Swedish Rescue Services Agency
UNACOR: United Methodist Committee on Relief
GIZ: Deutsche Gesellschaft für Technische Zusammenarbeit

WVB: Sarajevo City Development Institute
PTU: Project Implementation Unit
SESA: Swedish European Aid

UNHCR, 1 December 1997

Annex III

SUMMARY OF NON-UNHCR SHELTER PROGRAMMES IN BOSNIA AND HERZEGOVINA : 1997

(Housing Units)

	WESTERN BH		EASTERN BH		NORTHERN BH		SOUTHERN BH		TOTAL
	Federation Una-Sana West Bosnia	RS Western RS Asen I	Federation Sarajevo Overseas	RS Eastern RS	Federation Tuzla Doboj Federation	RS North-East RS	Federation Northern Central Bosnia Zenica W. Herzeg.	RS E. Herzeg.	
European Commission	490		4,900		298	228	660		6,536
Italy	200		130			25	135		510
Netherlands	100		96		300		260		859
Norway			256		350		800		1,006
Sweden	180	285	130		270		660		1,545
Turkey			1,500						1,500
UNEP							520		520
World Bank		220	1,934		112		1,110		3,376
Sub Total	950	505	8,966	0	1,250	253	1948	0	15,852
TOTAL	1,405		8,986		1,483	253	3,948		15,882

Note: This table includes 1996 EU shelter projects which are being carried over into 1997.
Where information available was limited to the usual budget allocation, the number of housing units was calculated based upon the DMO 1997 cost estimates of DDM 17,980 per housing unit.

Source: Housing Task Force/International Management Group (DMG)

Annex IV

INCENTIVE PACKAGES AND OTHER ASSISTANCE RELATED TO REPATRIATION

HOST COUNTRY	TRAVEL COSTS	LANGUAGE ALLOWANCE	REPATRIATION GRANT	ADDITIONAL ASSISTANCE	PERIOD	ASSISTANCE TO RETURNING COMMUNITY
Austria	yes ¹¹	120 pf	610 pp	Depending on local authorities/NGOs		yes ¹¹
Belgium	yes		700 pf	2,800 pf ¹²		
Czech Republic	yes	yes	300 pp	6 months medical supplies		yes
Denmark	yes	one cubic meter p/a half cubic meter p/c max 800 pf	2,400 pp 800 pp (under 18 yrs)	Health insurance one year	6 months	yes ¹³
Finland	yes	yes	775 pp 1,500 pf			
France	yes	40 kg pp 10 kg p/c	200 pp			yes ¹⁴
Germany	yes	50 pp 45 p/c 450 pf	REAG: 50 pp 45 p/c (under 12 yrs) 450 pf	GAAP: 270 pp 140 p/c 800 pf Additional packages (depending on border municipality)		yes ¹⁵
Ireland	yes		454 pp 150 pp up to 300 pp		6 months	
Luxembourg	yes		300 pp 240 p/c (over 12 yrs) 210 p/c (8 - 11 yrs) 180 p/c (0 - 5 yrs) 2,500 pp			yes ¹⁶
Netherlands ¹⁷	yes	yes	1,500 pp	For special categories i.e. over 50 yrs old 750 pp after one year Health insurance one year	two years	150 per returnee
Norway	yes	750				
Slovak ¹⁸ Republic	yes		300 pp 150 p/c			
Sweden	yes	yes	1,330 pp 695 p/c 5,300 pf 695 pp ¹⁹ max 4,000 pf			yes ²⁰
Switzerland	yes	yes	3,000 pp 1,500 p/c (under 18 yrs) 1,000 p/c or paid in two tranches of 50% immediately and 40% after 6 months	700 pf 1,000 p/c or 1,300 per two adults and child or 1,000 per two adults and two children or more		6.3 million (1986) 16.5 million (1987)

All amounts are in US\$ and rounded
p/p = per person p/a = per adult p/c = per child p/f = per family (refers to a maximum amount per family)

- ¹¹ General reconstruction assistance not linked to repatriation.
- ¹² Only paid in case of individually organized movements. For organized repatriation movements, IOM/UNHCR provide pocket money and the authorities pay travel costs.
- ¹³ Amounts vary from support for first period of stay after return to life-long support (e.g. pensions for disabled).
- ¹⁴ For the group of refugees with permanent status (this status is lost on receipt of the grant) and on needs basis.
- ¹⁵ For the group of refugees with TP status and on needs basis (approx. 5,000 people mostly with dual B&H/Croatian citizenship).
- ¹⁶ For each child < 18 this amount will be increased by 1,400.
- ¹⁷ Group repatriation movements may be organized and funded by authorities/NGOs. Individually organized repatriation movements are assisted with a combined travel cost/baggage allowance of 122 p/p.

UNHCR, 1 December 1997

