



BOSNIA AND HERZEGOVINA

Ministry for Human Rights and Refugees

INFORMATION

**ON REALIZATION OF «STRATEGY OF BOSNIA AND
HERZEGOVINA FOR THE IMPLEMENTATION OF ANNEX VII
OF THE DAYTON PEACE AGREEMENT»**

Sarajevo, December 2003

Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement», prepared by Ministry for Human Rights and Refugees, is **the first joint framework document at BiH level**, which plans necessary actions and reforms, with a view of final realisation of one of the most important annexes to Dayton Peace Agreement (Annex VII).

A particular importance to the Strategy gives the fact that it has been **adopted by respective State and Entity institutions, as well as by international community in BiH.**

The Council of Ministers of BiH at its first session, held on 3 February 2003, considered and adopted the Strategy, while **the Presidency of BiH** adopted the Strategy at its session held on 10 February 2003.

The Strategy was supported at **the Peace Implementation Council Political Directors` meeting, held in Brussels on 31 January 2003. In this way International Community has given full support to this document.**

The Strategy therefore represents **the first framework joint document at BiH level** in this field since signing of the General Framework Agreement for Peace. This document has pointed to basic aims and directions of strategic activity, necessary to be undertaken, so that in the following **four-year period** it could be stated that Annex VII to DPA is completely realized.

The **basic strategic aims** in the Strategy are the following:

- 1. Completion of process of return of refugees from BiH and displaced persons in BiH;**
- 2. Completion of process of reconstruction of housing units for the needs of returnees;**
- 3. Realization of property and occupancy rights repossession;**
- 4. Securing of conditions for sustainable return and process of reintegration into BiH.**

In order to realize these aims, period till the end of 2006 has been determined as necessary time, while **planned reforms and directions of strategic actions refer to:**

- 1. Legal reforms and harmonization of regulations;**
- 2. Structural and organizational reforms;**
- 3. Preparing and putting into function unique database;**
- 4. Creation of conditions for sustainable return.**

During year 2003 results in all mentioned fields have been noted, and the following has been done:

1. Legal reforms and harmonization of regulations

Law on Amendments to the Law on Refugees from BiH and Displaced Persons in BiH was adopted at the session of the House of Representatives of the Parliamentary Assembly of BiH, held on 24 September 2003, and published in "Official Gazette of BiH, no. 33/03 of 5 November 2003.

The Law went into effect on 13 November 2003.

Harmonization of Entity laws with the State Law on Refugees from BiH and Displaced Persons in BiH. This activity is underway, Entities have submitted drafts of their new laws, and it would soon be in the legislative procedure within Entities.

Simultaneously, **necessary by-laws have been harmonized**, first of all:

- **"Criteria for selection of priority beneficiaries and receiving of assistance for reconstruction and return and standards and procedures which will secure obeying of general and special criteria, transparency and access to information for the beneficiaries"**.

This is a document which first time after the end of the war in BiH enables announcing of invitation to bid at BiH level, and on the basis of results realized on this invitation, based on full transparency, forming of rank-order as per priorities, and starting solving remaining reconstruction cases as per priorities and within available funds.

In other fields, legal reforms have been realized or are underway. Legal reforms have been considerably limited by very complex constitutional competences between State and Entity institutions. This refers to:

- **Harmonization of regulations in the field of education;**
- **Health care;**
- **Pension-disability insurance;**
- **Land allocation (Law on Construction Land adopted);**
- **Property laws implementation, etc.**

We have signed bilateral “**Agreement between the Council of Ministers of BiH and the Council of Ministers of Serbia and Montenegro on return of refugees from BiH and Serbia and Montenegro**”. At the moment we have the same agreements with the State Union of Serbia and Montenegro and Republic Croatia. This will enable us to work on accelerated completion of Annex VII to DPA with countries accommodating majority of BiH refugees at the moment.

2. Structural and organizational reforms

The following has been done in the field of reorganisation of State and Entity structures dealing with return issues:

- **The Return Fund has been established** on the basis of special law. Actions are underway on its structuring, recruitment of manager, personnel, providing for premises and other necessary conditions for work.
- Issues of establishment of **Regional Centres under Ministry for Human Rights and Refugees** have been solved through bylaws. Premises and funds for operation of these centres have been secured, their competence have been prescribed, etc.
- With a view of reducing of administration in this field, **cessation of work of Entity regional centres and offices** have been agreed on. In this way, according to the Strategy, significant savings have been achieved.
- At the same time there has been agreement on **closure of RRTF regional centres**. This has been realized, which is a first step of transfer of competences from international community in BiH institutions on BiH authorities, when it comes to issues related to Annex VII implementation.

The aim of this reform was to strengthen Ministry for Human Rights and Refugees, so that it could be prepared, in close cooperation with respective ministries and institutions in Entities and Brcko District, directly and through SCRDP, to coordinate all activities on return and reintegration in BiH.

At the end, within organizational reforms, we have **legally restructured the Commission for Refugees and Displaced Persons**. In this way we have created preconditions for more high-quality work of this body and improved relation of SCRDP with State and Entity structures, as well as with institutions of International Community and NGO in BiH. During these reforms, SCRDP worked in present capacities, and discussed the most important issues from the field of return and sustainability.

3. Preparing and putting into function unique database

On the basis of collected and systematized data sources, **we have provided for strong central database at BiH level.**

This is a huge success in complex political-legal relations in BiH, and the result of this activity is that at the moment we are trained to prevent previous misuses in reference to use of assistance in reconstruction and other assistance assigned for the purpose of displaced persons and returnees.

In the course of 2004, on the basis of such database and transparent procedures prescribed for the selection of beneficiaries, we are qualified, together with Entity ministries and lower bodies of administration in BiH, to recognize real priorities and to direct remaining assistance for reconstruction and return where it is most necessary, through SCRDP and the Return Fund.

This has been tested through Project SUTRA pilot-phase implementation, which we are realizing together with Entities, municipalities and UNDP. Under this Project, through mentioned procedures, we have selected beneficiaries and started with reconstruction of 42 housing units in BiH. The Project continues on other beneficiaries.

We have started process of **de-registration of displaced persons in BiH**, through which we would precisely determine number of displaced persons in BiH, and determine needs and priorities for completion of Annex VII to DPA.

On the basis of previously realized reform activities, **as regards established aims, up to date the following have been realized:**

1. Completion of process of return of refugees from BiH and displaced persons in BiH

According to latest official statistics that Ministry for Human Rights and Refugees possesses, a total of 876,810 persons returned in/to **BiH** (statistics as of 30 September 2003), out of which 436,883 are refugees and 539,927 displaced persons.

A total of 713,261 persons returned in/to **the Federation of BiH**, out of which 384,345 are refugees and 328,916 displaced persons.

A total of 242,598 persons returned in/to **Republic Srpska**, out of which 50,574 are refugees and 192,024 displaced persons.

A total of 20,951 persons returned in/to **Brcko District**, out of which 1,964 are refugees and 18,987 are displaced persons.

In the course of 2003, more precisely in the period from 1 January to 30 September 2003, a total of 46,122 persons returned in/to BiH, out of which 12,480 are refugees and 33,642 are displaced persons.

Out of this number, a total of 27,611 persons returned in/to the Federation of BiH, 16,982 persons returned in/to Republic Srpska, while 1,529 persons returned in/to Brcko District.

In relation to a total number of realized returns in BiH during 2003, there have been 38,708 so-called “minority returns”, out of which 20,692 persons returned in/to the Federation of BiH, 16,487 returned in/to Republic Srpska, and 1,529 persons returned in/to Brcko District.

It is obvious from the mentioned indicators that return results are still very good, and there is still strong interest in return. More precisely, some 350,000 refugees and displaced persons still want to return in/to BiH. Out of this number, there are some 90,000 of persons out of BiH, mainly in countries of the Region (Republic Croatia, Serbia and Montenegro) and in the countries of Western Europe, Scandinavia and overseas countries, while remaining persons are accommodated in BiH.

2. Completion of the process of reconstruction of housing units for return needs

On the bases of databases and in cooperation with respective international institutions, Ministry for Human Rights and Refugees has determined that is necessary to reconstruct some 50,000 housing units in BiH for return needs and in combination with property laws implementation.

For such complex task it is necessary to ensure almost KM 900 million within four-year strategic period. In previous years, for these purposes KM 100 million were set aside from all institutions at the State level and almost same amount of funds of international institutions.

During year 2003 in overall investments for reconstruction of housing stock and infrastructure in BiH, and with a view of easier return of displaced persons and refugees, the following institutions were participating:

SOURCE	AMOUNT(KM)	REMARK
Council of Ministers Budget	2,500,000	Planned budgetary resources for the year 2003, direct and through Project SUTRA
F BiH Government	31,000,000	Planned budgetary resources for the year 2003, direct and through Project SUTRA
RS Government	22,500,000	Planned budgetary resources for the year 2003, direct and through Project SUTRA
Cantons, municipalities and Brcko District	18,000,000	OHR source
Republic of Croatia Support Programme	6,500,000	R of Croatia Programme, source: BiH Project Coordinator
OIC Support Program	4,700,000	Source MHRR – Department for Projects
Other donor sources	97,200,000	OHR sources
NGO sector and personal returnees investments	34,300,000	Insight into situation in the field and assessment for the year 2003
TOTAL	216,700,000	

Measures in reference to above-mentioned Strategy objectives, it is clear that this year was also very successful as regards the reconstruction investments.

Announced withdrawal of international donors fortunately has not happened yet, and parallel with that BiH budgets have significantly then before showed attention to the needs of reconstruction and return.

This shows that BiH strategic objective of the Strategy was well positioned, and fulfilled when it comes to the year 2003. Total number of reconstructed housing units in BiH during the year 2003, in regards to the presented investments, will be known after we receive final reports from Entities and other relevant institutions and organizations of international communities in BiH.

Just to say that part of the activities that were planned and started during year 2003 would be transferred and realized next year.

At the end of this part, just to mention that BiH has ensured through donors **funds for membership to the Council of Europe Development Bank**. That will enable access to significant funds of favourable Development Bank credit lines, and guarantee ensuring of additional funds for the implementation of envisaged reconstruction in the framework of Annex VII.

3. Realization of property and occupancy rights repossession

The largest progress has been achieved as regards implementation of property claims in BiH and particularly in last two years.

Since adoption of the State Strategy property laws implementation rates have risen from 69% (end of 2002) to 90% (as of 30 September 2003). Implementation rates are 90% in Federation of BiH, 89% in RS and 96% in Brcko District.

Since statistics are given with 30 September 2003 inclusively, present implementation rate is greater than presented in report.

A total of 220,225 property and occupancy rights repossession claims were been filed. Out of this number a total of 215,842 decisions were made, out of which 198,197 properties were "de jure" and "de facto" repossessed by their pre-war owners and occupancy rights holders. This information speaks on scope of work and its result.

Established dynamics and measures undertaken in this field guarantee that property laws implementation would be fully realized by the end of this year, excluding only these cases under legal suit and where legally-binding decisions have not been made yet.

Thus, property and occupancy rights repossession, 31 December 2003 inclusive will be the first target within Strategy, which has been realized.

4. Creation of sustainable return conditions

This is a field in BiH that is mainly under competence of respective Entity institutions and Ministry for Human Rights and Refugees intervene in this field in an institutional manner.

First of all, we think of large organizational changes that have happened at the State level, e.g. changes within the Council of Ministers, establishment of BiH Ministry of Security, BiH Ministry of Justice, expansion of competences of Ministry of Civil Affairs by taking on certain issues from the fields that until now have not been treated on BiH level, namely health care, education, social welfare, pensions and others.

Besides this, Ministry for Human Rights and Refugees has given substantial contribution in development of "BiH Development Strategy" from the point of sustainable return and particularly employment and social welfare of displaced persons and returnees.

* * * * *