

RRTF Programme - 2000 Priorities

1. RRTF Plan 1999: Main Concepts and Objectives

The 1999 RRTF Plan was based on the premise that the realization of a breakthrough in minority returns depended on three principal and integral factors; “space” (generating space for people to return to), “security” (ensuring safety of individual returnees) and “sustainability” (making it possible for returnees to build a future).

The operational plan was based on the movement of identified communities in displacement along specified return axes. The identification of such communities and the scale of their return were calculated by way of thorough field assessments based on return registrations and coordination with representative of the displaced. In the absence of a viable legal framework for property repossession, the primary focus was on returns to empty, destroyed properties. Nonetheless, the need for a strong political impetus to put in place the institutional framework, which would allow individuals to exercise a free choice to return, was stressed throughout.

Despite problems due both to the “Kosovo Crisis” which led to the withdrawal of international organizations from the RS for two months, and the delay in disbursement of major donor funding until the end of the reconstruction season, considerable successes have been realized.

An independent interim evaluation of the 1999 RRTF Plan by the NGO European Stability Initiative (ESI) which was concluded in September 1999, found that although return figures were not as high as had been hoped, important breakthroughs had been achieved throughout BiH. Furthermore, figures gathered to date by SFOR and UNHCR suggest that the rate of returns has practically doubled that of 1998, and is accelerating.

The report commends the role of SFOR and IPTF for the important strides taken in improving the security of returnees. It proposes however that in 2000, the RRTF should continue to push for flexible funding from donors to support spontaneous returns, should pay more attention to sustainability issues, and should continue emphasizing the need for application of the “rule of law” to protect returnees’ rights and clear the way for returns to contested space. These findings are consistent with the priorities that both the High Representative and the RRTF have set for the future. Where institution building and respect for the rule of law are concerned, the property legislation package introduced by the High Representative in October 1999 is a crucial first step in the right direction.

An RRTF led Verification Mission, jointly funded by ECHO and BPRM, is now underway to assess the rate of occupancy of reconstructed accommodation units. The project is being implemented by World Vision International (WVI) and the Danish Refugee Council (DRC), and will review the success of reconstruction programs carried out nation-wide.

2. RRTF Programme 2000: Strategic Objectives

With the above in mind, RRTF has identified four strategic objectives to be espoused in 2000. To operationalize the concept of “ownership” by pushing for implementation of property legislation by the authorities; to unlock returns to the last closed areas of the country (both hard-line municipalities and urban areas); to focus greater attention on regional “cross-border” returns; and finally, to promote measures to make returns sustainable.

(i) Contested Space and Property Legislation Implementation (PLIP):

The achievement of returns to contested space (i.e. to occupied properties) has hitherto been a problematic task. This has been due to the reluctance of local authorities to undertake the politically difficult task of evicting the current occupants of claimed property, in favor of ethnic minorities, and the absence of a legal framework to enforce such actions.

Whilst the political will from the authorities may still be lacking, the institutional and legal framework necessary to ensure compliance are now in place. The property legislation package (PLIP) imposed by the High Representative in October 1999 has put in place a uniform legal structure across both entities and clear instructions on implementation by the responsible parties. Not only has it placed the onus on the authorities to accept their legal obligations, it has also led to a shift in public perception. Displaced persons who once felt shielded from the

necessity to vacate the properties they were illegally occupying are now beginning to realize that their position is increasingly untenable. The advent of PLIP presents the key instrument for achieving progress in return to urban areas, where most of the contested properties are concentrated.

On the part of the international organizations involved in reconstruction activities, programs should be targeted at facilitating the implementation of property laws. Starting from the issuance of property decisions (for both actual and planned evictions), tactical housing and infrastructure rehabilitation will be necessary to facilitate “chains” of multiple returns.

The rationale of the “chain” is that with each eviction, a space is opened up for the legal occupant (family A) to return to their home. Once family A leaves the property they are occupying and return, they in turn free up another property to which the legal occupants (family B) may (and should) now return. Once family B returns, they vacate the property that they were occupying, allowing family C to now vacate their present accommodation and return home, and so on. The chain can continue in this way until a family facing eviction cannot vacate immediately since their property is destroyed or uninhabitable, thus breaking the chain.

Whilst OHR’s stance is that the responsibility to provide buffer accommodation or alternative housing rests with the authorities, in reality, it is likely that such provisions will be slowly and reluctantly implemented. In order not to slow down the pace of evictions and reinstatements, the IC should also be engaged in facilitating such returns. Whilst the actual rehabilitation will depend on the case at hand, the rationale is to identify and resolve “breaks” in the chain presented by uninhabitable properties to which evictees cannot readily return. This calls for an alternative methodology in selecting beneficiaries and localities in which to work. It will require close engagement by donors and implementing partners with both the RRTF and the local authorities. Where infrastructure rehabilitation is concerned, investment should be commensurate with actual and potential movements.

ii) Breakthrough Returns:

In a number of areas around the country where return potential does exist, obstructionist forces still continue to impede the return of refugees and displaced persons. Experience gained in 1999 has shown that the application of the rule of law, strong political pressure and the tactical use of funding as a lever to broker agreements at the local level can achieve results.

For the initial breakthrough, where return potential has been identified (based on demonstrated will of displaced persons to return), RRTF works to kick-start the process by negotiating agreements with local authorities for the first returns to take place. Once the initial returns have been brokered, this may clear the way for subsequent returns with reduced international involvement. It must be stressed however, that at the early stages, flexible funding is essential in assisting the spontaneous returnees who follow on the heel of the negotiated returns.

Though returns to breakthrough areas may initially be cautious and negligible, these primary returns set the stage for secondary returns in the opposite direction, and also create a “multiplier effect” whereby others follow in their footsteps, both to the same and to surrounding areas. The role of SFOR and IPTF, and the presence of minority police, are also paramount in ensuring safety of returnees on the ground, often in hostile environments.

The most noteworthy areas where breakthroughs must be achieved are in the Eastern Republika Srpska (Foca, Rogatica, Visegrad, Srebrenica, Trnovo) and Northern Herzegovina (Capljina, Stolac, Ljubuski). In some of these areas, particularly Eastern RS, the first tentative signs of opening are already in evidence.

iii) Regional “Cross-border” Returns:

More than half the total number of refugees from BiH are presently residing in Croatia and FRY. In turn, there are an estimated 30,000 (*check*) refugees from Croatia, as well as 70,000 refugees from FRY (Kosovo and Serbia) in BiH. Returns between BiH and Croatia are particularly significant in that many of the refugees on both sides of the border are occupying one another’s properties, and any progress will require a two-way solution.

Political manipulation and misinformation on both sides of the border has generally led to a low level of interest in returns between the two countries. The introduction of PLIP and the continuing dire economic situation of the refugees has started to reverse the trend, albeit slowly.

In Croatia, the closure of most collective centers, the threat of evictions, and lack of employment opportunities are

pushing the Bosnian Croat (BC) refugees to consider more carefully the possibility of return. This is also encouraged by the realization that through PLIP, an opportunity now exists to reclaim their properties in BiH. The Croatian Serb (CS) refugees in BiH, on the other hand, understand that due to PLIP they may soon be forced to vacate the properties they are occupying (with little promise of alternative accommodation). Nevertheless, the return of CS and the chances of reclaiming their properties in Croatia still remain administratively laborious, forbidding and often, purely impossible.

Whilst the most important factor in resolving the deadlock remains the need for strong political pressure on the authorities in Croatia and the RS not to obstruct such returns, better cooperation and coordination between international agencies involved in refugee returns on both sides of the border is also instrumental.

Programs aimed at facilitating cross-border returns will only have limited success if focused on only one side of the border. Projects implemented in 1999 all suffered from lack of linkages by implementing partners with their representations across the border. Mechanisms will need to be put in place whereby UNHCR/OSCE in Croatia and UNHCR/RRTF in BiH work more closely to identify cases who wish to return and who are in need of reconstruction assistance. Where possible, the concept of identifying cases with secondary movement potential should be applied. Such cases should be referred to reconstruction agencies already operating in the relevant return areas to be included on beneficiary lists. A joint OSCE/UNHCR/OHR mission, including participants from BiH and Croatia is presently underway to investigate means to achieve these objectives.

As for the return of Bosnian Serb refugees from FRY, the IC should remain apprised of the situation, and continue to facilitate within the general framework for returns and the reclaiming of property.

iv) Sustainability:

Whilst return sustainability was one of the three priorities for RRTF in 1999, the desired progress was not achieved. In 2000, RRTF will continue to lend its attention to this important issue. Much of the IC's focus on supporting returns to date has been on the physical reconstruction of houses and infrastructure. Ultimately however, where possibilities to maintain a reasonable standard of living do not exist, a house alone will not induce returnees to remain. Return sustainability is about creating the right social conditions for returnees. It includes access to employment, health, education and basic services such as water, electricity and communications (telephones).

Before the war, the local industries provided most of the employment base in rural areas, and people supplemented their regular earnings with small-scale farming. With the closure of most of these factories, and the improbability that they will ever be re-opened, the chances of employment for rural populations is extremely bleak, with subsistence farming being the only fall back for survival.

Where jobs do exist, discrimination against the hiring of minorities is still rife. Credit schemes do exist for those interested in starting up new businesses, though information to the population on their existence is negligible, and the terms of the credit often forbidding. This is not to mention the highly restrictive registration and taxation regulations, which make it difficult for any new business to make an honest profit. Though the resolution of many of these issues depends on macro-strategies for the economic development of BiH, the economic empowerment of the population (and in particular returnees as the most vulnerable sector) should be addressed simultaneously.

Where the rural population is concerned, the challenge is to strive for diversification of employment opportunities. Strategies for rural development might include (a) Development of agricultural supply and services, e.g. farm shops, veterinary clinics, machinery rings, etc. (b) Organizations of producers (e.g. western-style cooperatives) aimed at achieving economies of scale as a pre-requisite for development of agro-processing industries, (c) rural credit schemes and assistance to applicants to benefit from such. Good examples of all these schemes already exist, and should be replicated across the country.

For urban areas, the main thrust of sustainability activities should be on Small and Medium Enterprise Credit Schemes (SME). Many such schemes already exist, and should be continued. However, credit agencies should be encouraged to better target returnees and to endeavour to make their credit terms less restrictive. Also there is a dearth of information on schemes available and advice on how to apply for such. An information campaign is necessary, as are "business centers" where potential applicants can receive advice and assistance in translating good business ideas into business plans acceptable by credit agencies. Where possible, credit agencies should include fair-employment practices as a criterion in project selection.

There are many other factors besides employment, which contribute to creating a sustainable environment for returnees. Access to schooling and health facilities remains essential, and projects aimed at these sectors should continue. Likewise, access to basic services such as water and electricity should always be taken into consideration and preferably integrated into reconstruction projects. Security is also paramount for sustainability, and in this regard, demining projects and support for the return of minority police will contribute greatly to creating a safe environment for returnees.

3. RRTF Programme 2000: Donor Policy Considerations

Within the above-mentioned themes, specific details on regional needs and the targeting of funding will be worked out in close collaboration with EC partners. The RRTF will also work closely with the EC to define the types of programmes and mechanisms necessary to accomplish these strategic objectives and the relative resources to be allocated to each.

At the outset of the planning stage however, there have been important lessons learnt over the year, which should be drawn upon and which should form the foundation of eventual discussions.

The need for flexible funding in support of spontaneous returns, and the lack of such, was clearly apparent in 1999. The need for more flexible funding available for quick disbursement, particularly in support of unexpected and spontaneous return movements cannot be overstated. Not only will it be necessary to address this shortfall more diligently in 2000 but the concept of "flexibility" will become even more valid and pressing this coming year, especially where returns to breakthrough areas and contested space are concerned.

The ability to achieve returns to breakthrough areas hinges on the strategic use of positive and negative conditionality, which in turn is contingent upon the flexibility of the various donors and implementers, to withhold and release funds in harmony with the dynamic political objectives. The successful pairing of policy and programmes will also require much closer coordination and engagement with RRTF structures, both in the Secretariat and in the field. Such collaboration has already improved substantially, however the support of the RRTF - as a coordination mechanism, in identifying priority needs and in intervening with obstructive local authorities can be utilized to an even greater degree.

With the prospect of considerably reduced funding for return and reconstruction in 2000, the efficient allocation and coordination of what remains is even more crucial.