



## Should I stay or should I go?

A review of UNHCR's  
response to the protracted  
refugee situation in  
Serbia and Croatia

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## Table of Contents

Executive summary.....	1
Introduction to the review .....	5
The historical context.....	7
The refugee and returnee situation.....	13
The role of UNHCR.....	21
Conclusions and recommendations .....	29
Annex A - Action Plan from the High Commissioner's Initiative, December 2008....	34
Annex B - Map of Areas of Special State Concern, Croatia .....	36
Annex C - Sarajevo Declaration.....	37
Annex D - Belgrade Conference Joint Communiqué, March 2010 .....	39
Annex E - Summary of Social Housing Projects 2003-2009 .....	40



## Executive summary

In 2008, UNHCR launched a special initiative on protracted refugee situations, aiming to reinvigorate the search for solutions in countries where refugees had been living in exile for many years. The High Commissioner selected five such situations for immediate and special attention, of which one was that in Serbia and Croatia.

In accordance with a simultaneous commitment made by the High Commissioner, UNHCR's Policy Development and Evaluation Service (PDES) is currently reviewing the progress that has been made in the implementation of the special initiative.

More specifically, PDES is assessing how UNHCR has exercised its mandate in finding durable solutions in such situations, examining the catalytic role that the organization has played in engaging other actors and determining the progress that has been made in improving the quality of life for refugees while the search for solutions continues.

By the end of the Balkan wars of 1991-1995, some 300,000 thousand people had been displaced from Croatia. In the aftermath of the conflict, however, conditions were not particularly conducive for the Serb refugees (originally from Croatia, but now living in Serbia) to go back to their homes.

Returnees have been confronted with difficulties in relation to the repossession and reconstruction of property (and, in particular, the right to return to rented and socially-owned property), poor prospects for employment and livelihoods, as well as an uncertain security situation.

Addressing these problems has required significant amounts of international funding, and perhaps even more significantly, a high degree of political will by the states concerned, whose relationship has improved significantly in recent years.

An important development came with the Sarajevo Declaration of 2005, which recognized the primacy of the individual's right to choose where to live, rather than emphasizing return over other solutions. At the same time, the Declaration established a forum for international cooperation on the refugee issue, the '3 x 4 process', named after the four states (Croatia, Bosnia and Herzegovina, Montenegro and Serbia) and the three other entities involved (EU, OSCE and UNHCR).

The High Commissioner's 2008 initiative came at a time when the momentum behind this process had started to decline. Despite the incentives offered by the prospect of EU accession, international negotiations on refugee, returnees and displacement-related issues had stalled. The UNHCR initiative reinvigorated this process, leading to a further international conference in February 2010, at which the Foreign Ministers of both countries made a new commitment to the search for solutions.

By early 2010, around 175,000 of the original refugees had opted for naturalization in Serbia. Some 93,000 individuals had been registered as returnees from Serbia in Croatia, and between 1996 and 2006, 13,600 refugees from Croatia were resettled to third countries from Serbia. In Serbia, there are around 61,000 people originating from Croatia and still holding

refugee cards.<sup>1</sup> Of these refugees, just over 1,000 are still living in collective centres. These numbers, when added together, are higher than the original caseload of refugees, in part because a significant number of people are thought to be registered both as returnees in Croatia and as refugees in Serbia.<sup>2</sup>

The conditions for refugee integration in Serbia are now rather positive. There are no legal impediments to employment, education or citizenship. While jobs are scarce, the refugee population has achieved a measure of self-reliance, demonstrating the commitment of the Serbian authorities to the refugee population.

Conditions for return to Croatia are also reasonably positive. The restitution of property owned by refugees and former refugees has largely been completed, and the security situation continues to improve. A new government and President in Croatia have created a much more positive atmosphere of collaboration between the two countries. This has led to the most recent agreement on refugees and return issues, in November 2010.

The reasons why a relatively large number of refugees remain in Serbia, while the rate of sustainable return to Croatia is proportionally low, are complex. They include both the incentives for people to stay as refugees in Serbia, particularly those in vulnerable circumstances, and the disincentives to return to Croatia.

For the vulnerable, refugee status in Serbia provides guaranteed shelter in a collective centre, however poor the conditions might be in such facilities, as well as access to medical care and food. Other incentives include the perception that registered refugees may be in a preferential position with regard to the allocation of social housing, as well as the belief that they may receive some form of compensation for lost occupancy and tenancy rights (OTRs).

As indicated already, among the remaining refugees an unknown but possibly substantial number of families keep both options open, maintaining registration as refugees while also being engaged in the process of return. The mobility that takes place between the two countries appears to be a key factor in the relative absence of poverty among refugees, especially when compared to those displaced from Kosovo. By means of mobility, the refugees are able to look for work and to access family, social and employment connections in both countries.

A key point remains the issue of OTRs. Those people who lost tenancy rights in Bosnia and Herzegovina were mostly able to regain them, under the supervision of the international community. In Croatia, however, many of those who lost their rights have been unable to regain them. Instead, the Croatian government offers those who wish to return, and who have no other possibilities, an alternative solution under the Housing Care Programme, which has been implemented only slowly and variably.

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<sup>1</sup> In addition, there are 21,417 individuals originating from Bosnia and Herzegovina who hold refugee cards.

<sup>2</sup> A 2006 study sponsored by UNHCR (Mesic and Bagic 2010) estimated that of a sample of returnees, only 41 per cent lived permanently in Croatia. The actual number of double-counted refugees is the subject of an ongoing data exchange exercise between the two governments. The latest figures, as of July 2010, suggest that only 63,500 people who had registered as refugees and war affected persons in Serbia have technically returned to Croatia.

Other barriers to return include poor employment prospects in the main areas of return (war-affected locations known as 'Areas of Special State Concern'), as well as the fear of war-crimes charges amongst families that include men of military age.<sup>3</sup>

The key conclusions and lessons learned from the protracted refugee situation reviewed in this report are as follows:

- UNHCR played a valuable and effective role in prompting states and the international community to come together to negotiate solutions for the refugees, and the High Commissioner's initiative was instrumental in revitalizing a stagnated inter-state process;
- mobility as a result of dual citizenship acts as a source of improved livelihoods, allowing people to access economic opportunities in both countries and providing an alternative to the traditional binary paradigm of either integration or voluntary repatriation;
- funding for refugee-related programmes and projects in the Western Balkans is increasingly unlikely to come from donor grants; instead, attention should be given to the exploration of capital investment sources, such as loans from international financial institutions and the private finance sector; and,
- the engagement of other UN agencies is required to ensure that a long-term legal and institutional framework is established for the continuing support for resolution of refugee-related issues.

With respect to recommendations, the review suggests that:

- UNHCR should continue to provide full support to the ongoing international process that is intended to bring about a durable and negotiated solution to refugee issues in the region;
- in view of the improved prospects for return, UNHCR should explore the steps required to declare a cessation of the Serbia/Croatia refugee situation, while ensuring that such steps do not prejudice the rights and interests of refugees and returnees;
- the needs of refugees and former refugees will increasingly converge with those of the general population, and future solutions strategies should take this situation into full account, especially in relation to the development of legal frameworks and public services; and,
- if it is to provide more effective support to the resolution of this protracted refugee situation, UNHCR must strengthen coordination and coherence between its offices in the region.

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<sup>3</sup> An agreement in mid 2010 between the governments of Serbia and Croatia enabled individuals to request official information on whether there were charges against them without having to go to Croatia.





## Introduction to the review

1. In 2008 the UN High Commissioner for Refugees launched an initiative to reinvigorate the search for solutions to protracted refugee situations around the world. One of the five that he selected for special and immediate attention was the situation in Serbia, where there remained around 70,000 refugees from Croatia who had been in exile for 13 years or more.
2. As a part of the initiative, country specific strategies and work plans were established, while a commitment was also made to “review the overall progress of the Protracted Refugee Situation Initiative and to report on its findings and recommendations in 2010.” The current review has been undertaken in that context.
3. The overall objective of the review is to assess how UNHCR has exercised its mandate for durable solutions, to examine the catalytic role it has played in engaging other players, and to ascertain what if any progress has been made in improving the quality of life for the refugees concerned. The review focuses specifically on the situation of Serb refugees from Croatia living in Serbia, as well as former refugees who have returned to Croatia.
4. The evaluation team established for this review comprised three members, two from UNHCR and an independent consultant who acted as team leader. Following a detailed review of relevant documents, the team undertook a mission to the field which included five days in Serbia and the same amount of time in Croatia.
5. The team met with a wide variety of stakeholders, including refugees and returnees, national and local government officials, including the Deputy Prime Ministers in both countries. Representatives of donor states, relevant institutions (including the EU and OSCE), key NGOs and UNHCR implementing partners were also interviewed in the course of the review, as were members of the UNHCR teams in Serbia and Croatia.
6. After the field mission, additional interviews were conducted with senior UNHCR staff both in the organization’s Geneva headquarters and the Brussels-based Regional Bureau for Europe. The team wishes to thank all of those individuals and organizations that have supported, facilitated and contributed to this review.



## The historical context

7. During the 1990s, as the rest of the world celebrated the end of the Cold War and the demise of apartheid in South Africa, the Socialist Federal Republic of Yugoslavia was convulsed by a series of conflicts that saw the country break up into independent states.

8. Between 1991 and 1995, these conflicts displaced more than two million people, many of whom moved from previously mixed areas into locations that were populated by people of the same ethnicity. In 1996, some 300,000 refugees from Croatia and a further 250,000 from Bosnia and Herzegovina were residing in the Federal Republic of Yugoslavia (FRY).

9. The treaties which ended these wars also set out the principles by which refugees and displaced people would be enabled to return home. Annex Seven of the Dayton Peace Agreement, signed in December 1995, set out the rights for displaced people to return to their homes, to have their property restored to them and to be compensated if that was not possible.<sup>4</sup>

10. The treaty did not distinguish between ownership and tenancy, referring instead to 'homes of origin'. The European Court of Human Rights, OSCE, UNHCR and the Office of the High Representative all interpreted this concept to include both private property and socially-owned apartments.

11. The Dayton Treaty, reflecting the international community's desire to reverse the ethnic cleansing that had taken place during the Balkans conflicts, was underpinned by the notion that uprooted populations should return to their homes, in preference to integrating in the areas to which they had been displaced. However, the intense tensions generated by the conflicts in the Balkans meant that conducive conditions for voluntary refugee return could not be created in a short period of time.

12. In Bosnia and Herzegovina, return was facilitated by a strong international military presence, as well as the political and legal authority wielded by the High Representative. Even so, not all of the refugees returned, and many sold or sublet their homes once they had regained their pre-war housing, land and property in order to live in a place of their choosing.

13. While Croatia was not a direct signatory to Annex Seven of the Dayton Agreement, it was a signatory to the Erdut Agreement, which established the conditions for a supervised peace and transition in Eastern Slavonia, a part of Croatia that borders Serbia and which had been under Serb occupation. This agreement also established the right to have property restored to people who had been forced to leave, as well as reconstruction assistance and compensation for

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<sup>4</sup> The treaty itself was signed by the states of Croatia, Federal Republic of Yugoslavia and Bosnia & Herzegovina. The states, however, did not sign the annexes to the treaty; annexes were signed only by the entities within BiH and the BiH federal government.

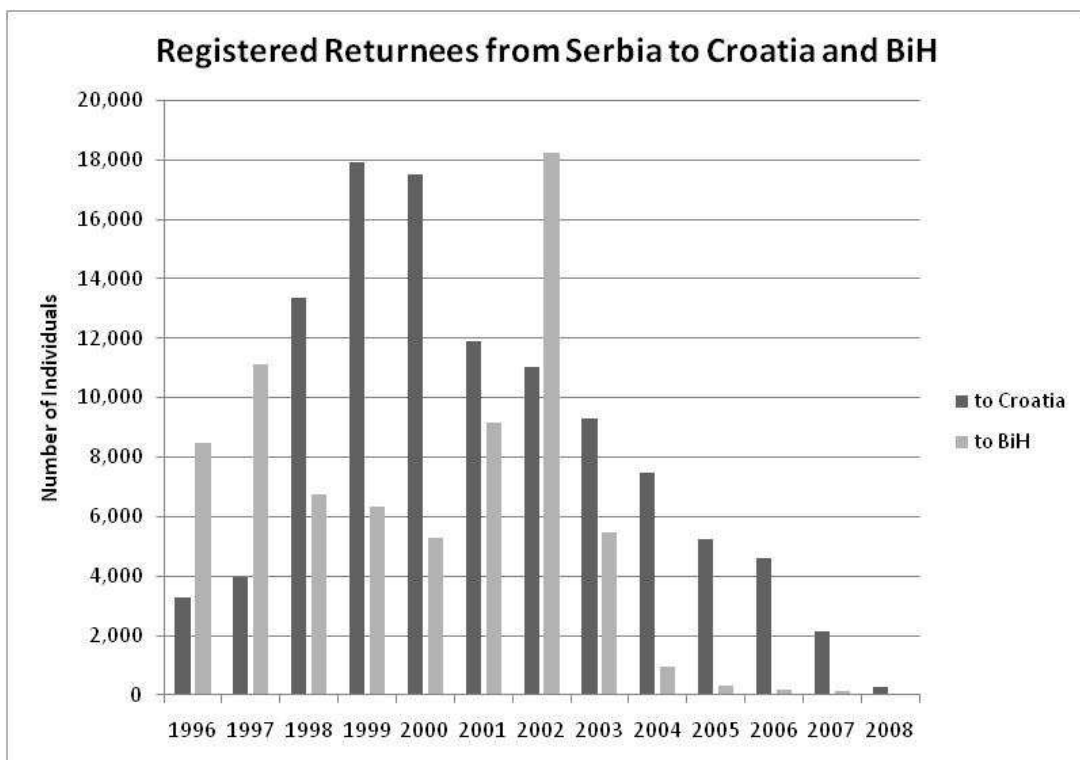
property that could not be restored to them.

### The Sarajevo Declaration

14. The 1999 Kosovo conflict led to renewed mass displacements in the region. The Milosevic regime's oppression of the Kosovo Albanian population forced large numbers of them to flee to the Former Yugoslav Republic of Macedonia (FYROM) and to Albania. NATO states retaliated with heavy bombing raids. The regime capitulated and its military and paramilitary forces withdrew from Kosovo, allowing the Kosovo Albanians to return.

15. At the same time, however, ethnic Serbs, Roma and other non-Albanians in Kosovo were forced to flee to Serbia proper by the threat of retaliation. This influx, amounting to some 200,000 people, created an additional burden for humanitarian organizations operating in Serbia and obliged many of the new arrivals to live in harsh conditions in collective centres during the severe winter of 1999-2000.

16. The deteriorating living conditions experienced by refugees in Serbia coincided with an improvement in the prospects of return to Croatia, where elections saw the ousting of a nationalist government in favour of a more liberal one. Ethnic Serb refugees from Croatia regarded these developments in a positive manner, and more than 35,000 returned to Croatia in 1999 and 2000.



17. Despite these developments, and as the preceding graph indicates, it was clear by 2004 that the number of refugees returning to their homes was in sharp decline.

The Sarajevo conference of 2005 was an attempt to address this situation. The three states and three international organizations concerned came together in an attempt to forge a solution to the refugee situation, and UNHCR played a lead role in achieving an agreement on a draft declaration.

18. Two of the commitments included in the declaration marked a significant change in the international community's approach to the region's refugee problem. The first was that it recognized the importance of refugee choice, rather than the imperative of return.<sup>5</sup> At the same time, it empowered each of the countries concerned to resolve the situation of refugees living on their territory, either by facilitating return, or by assisting them to integrate.

19. While some observers considered that the agreement was stillborn, some progress was made, particularly in the first months after signing. Each country prepared action plans and several meetings were held at the operational level. The onus on individual states to prepare action plans allowed countries to make progress at their own pace, rather than being locked into a regional process. While the pace was slow, the incentive of EU accession did stimulate some limited progress on the Croatia action plan.

20. The Sarajevo declaration invited UNHCR, OSCE and the EU to participate in assisting resolutions to the refugee problem, which came to be known as the '3 x 3' process, after the three states and three international institutions involved.<sup>6</sup> This created a platform on which the three international institutions could cooperate across the region to encourage governments to fulfil their obligations. This platform remains an important instrument for the resolution of the region's refugee situation.

### **The High Commissioner's initiative**

21. Following the Sarajevo declaration, bilateral and multilateral donors decreased their funding for refugees and IDPs. Their view was increasingly that the solution to the refugee problem was to be found in the political process, and not in the practical assistance given to refugees. And since the political process was struggling along at a snail's pace, they had less interest to fund what had become a stalemate.

22. In this context, the High Commissioner for Refugees announced that he had selected the Serbia-Croatia refugee situation as one of five protracted refugee situations around the world that he wanted to highlight. The declaration of this initiative was accompanied by the launch of a special appeal and a visit to the region from the High Commissioner himself.

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<sup>5</sup> "All refugees have an undeniable right to opt for their permanent residence, and fully resolved to undertake all the necessary national and administrative actions to allow the implementation of their decisions and to ensure a just solution to refugee situations in our countries," and "without prejudice to the precedence of the right to return, refugees who have chosen not to return will be assisted by their new host countries to locally integrate in accordance with their national legislation" Sarajevo Declaration, January 2005.

<sup>6</sup> The subsequent separation of Montenegro from the State Union with Serbia led to the renaming of the process to '4 x 3'.

23. The authorities in Serbia, once persuaded that the High Commissioner's initiative was in their interest, then used the opportunity to stimulate more regional interest in another conference and a potential donors' meeting. The idea of a 'regional trust fund' emerged at this time.

24. The response from Croatia was less welcoming; there was a feeling that Croatia had somehow been singled out unfairly as the only party which had not met its commitments. Moreover, the Croatian government had long claimed that the refugee crisis was over, that they had played their part in assisting returns through the Housing Care programme, and that, by implication, the remaining challenge was only for assisting integration in Serbia for those who did not want to return.

25. Nevertheless, the High Commissioner's initiative encouraged stakeholders in the region, particularly in Serbia, that it would be possible to organize 'one last push' to resolve the refugee issue, and that a regional trust fund could prove to be an instrument that would break the deadlock.

26. In particular, a trust fund was seen as a possible vehicle for channelling funds to those refugees in need, including, but not limited to, those who had lost tenancy rights, without it being seen as compensation. The re-energizing of the international community on the refugee issue pulled Croatia back into multilateral and bilateral discussions on refugees.

27. A UNHCR Supplementary Appeal, launched in May 2009, requested US\$7.8 million for one year, as part of a two-year, US\$15 million effort to resolve the refugee situation. However, only an additional US\$1 million was raised from the US Bureau of Population, Refugees and Migration (BPRM), with an additional US\$100,000 contributed by the Romanian government.

28. The main reason given by many donors for their lack of interest in the initiative was that they were already channelling funds through the EU. In their opinion, the majority of the remaining refugees had integrated into Serbia, and it was now up to the Serbian government to care for the vulnerable among them, as it does for those among the population in general.

### **The Belgrade Conference**

29. The rekindling of interest in the international process, stimulated by the High Commissioner's initiative, coincided with a significant warming in relations between Serbia and Croatia. First, in June 2009, a new Croatian Prime Minister, Jadranka Kosor, was appointed, followed in January by the election of a new President, Ivo Josipovic.

30. Almost immediately after this election, Mr Josipovic began reaching out to neighbouring countries in an effort to strengthen regional relations. The Serbian President, Boris Tadic, responded warmly and the two Presidents were photographed together at the Croatian seaside.

31. Earlier, in mid 2009, the Serbian government had seized the opportunity created by the High Commissioner's initiative and had started to plan for a regional conference to follow up from Sarajevo. In the context of warming relations between Serbia and Croatia, the initiative began to be received more positively in Zagreb.

32. After a shaky start, the three international institutions (UNHCR, OSCE and EU) managed to support the development of a realistic conference agenda, and prepared a discussion paper highlighting the key outstanding issues.

33. The conference, held in March 2010, brought together the Foreign Ministers of the four countries (Bosnia and Herzegovina, Croatia, Montenegro and Serbia), in contrast to the Ministers responsible for refugees (as in Sarajevo). This brought a perspective of international relations and diplomatic solutions rather than a focus on the issue of refugees, and may also have provided for a more constructive atmosphere.

34. The discussion paper presented by the international community highlighted statistics as a principal outstanding issue. Disagreement on the number of refugees and returnees continues to underpin the situation.

35. Croatia claims a higher number of returnees, the implication being that the number of refugees remaining in Serbia is lower. Serbia, on the other hand, claims that a higher number of refugees remain in Serbia. Accurate numbers of refugees and returnees are necessary to an understanding of the scale of the remaining challenges, and for planning and budgeting for solutions.

36. The conference communiqué highlighted agreement on three things: first, that an international expert dialogue would continue on the matter of statistics; second that priority should be given to a resolution of the accommodation problems of those still living in collective centres; and third, in a clear reference to the Housing Care programme, that 'ongoing programmes' should be carried through and made more transparent. The Ministers also agreed that an international donor conference and a multi-donor trust fund would be valuable initiatives.

### **EU accession**

37. A critical issue affecting the treatment of refugees and returnees and relations between countries in the region is the prospect of EU accession. Croatia has been accepted as a candidate country and is currently working to comply with the 33 chapters of the *Acquis* in order to be accepted as a new member, which could take place as early as 2012. Serbia's EU accession is further off, given the country's failure to deliver individuals indicted of war crimes to the International Criminal Court in The Hague.

38. Nevertheless, the requirements of EU accession are having a strongly positive impact on both countries. In Croatia, implementation of the Housing Care programme inside and outside the Areas of Special State Concern is, according to

the government's own benchmarks, "a key Accession Partnership priority."<sup>7</sup>

39. Access to justice and legal aid are also EU requirements, as are non-discrimination in employment, and respect for property rights, including reconstruction and restitution. All of these requirements can positively influence the conditions experienced by returnees.

40. Internal conformity with EU requirements is only one aspect of the accession process. The EU also insists upon good neighbourly relations. Some interviewees suggested that it was in Serbia's interest to delay Croatia's accession, and that Serbia might obtain a more generous compensation from Croatia for Occupancy and Tenancy Rights by doing so.

41. While this view seems logical at first sight, there are two strong arguments against it. First, foreign diplomats in Croatia clearly state that the country will only be judged on its compliance with the EU *Acquis* for matters entirely within its control. This means that it cannot be punished for having a refugee population outside its borders if there are no genuine impediments to return within Croatia.

42. The second is that Croatia, once it has acceded to the EU, will be in a much stronger position to delay Serbia's membership. If there is the slightest hint of Serbia trying to delay Croatia's accession, the Croatian government could easily place many more stumbling blocks in Serbia's path in return. The border dispute between Slovenia (in the EU) and Croatia (outside the EU) is a mild indication of the sorts of complications that might arise.

43. What seems most likely is that the logic of the second argument will prevail and that Serbia will go out of its way to be seen as supportive of Croatia's EU membership, in the hope of receiving similar reciprocal treatment. As a result, the Serbian government may be less likely to push strongly in the interests of OTR holders.

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<sup>7</sup> For a detailed assessment of Croatia's compliance with EU membership requirements, see the 2009 and 2010 Progress Reports, available at <http://ec.europa.eu/enlargement>



## The refugee and returnee situation

44. Of the original 297,000 refugees from Croatia who were living in Serbia in 1996, there are, nearly 15 years later, as many as 61,000 who still hold refugee cards.<sup>8</sup> Out of the original caseload, the majority – around 175,000 – have opted for naturalization in Serbia.

45. As of March 2010, around 93,000<sup>9</sup> individuals had been registered as returnees from Serbia to Croatia. Between 1996 and 2006, 13,600 refugees from Croatia were resettled to third countries from Serbia. As these figures do not add up, it is clear that there are differences in approach to registration and counting.

46. In this context, it is important to recognize that registration as a returnee to Croatia is not the same as permanent and sustainable return. Many people have been registered as returnees but not stayed in Croatia; they have returned to Serbia either to remain as refugees, or to naturalise.

Refugee registration and census results in Serbia				
Origin	June 1996	April 2001		Dec 2004 – Jan 2005
		Refugees	War affected persons	
Croatia	290,667	242,624	41,712	76,546
Bosnia & Herzegovina	232,974	133,853	31,958	27,541
Other	14,296	654	1,179	n/a
Total	537,937	377,131	74,849	141,685

47. The situation of those who are neither registered returnees in Croatia nor registered refugees in Serbia is not fully known. A limited amount of relevant information can be found in some recent research, but systematic studies of the former refugee population are hard to find. It can be assumed that they have found a durable solution somewhere, either by integrating in Serbia or as unregistered returnees in Croatia. Such people are in general able-bodied people of working age who have been able to find employment or establish another form of livelihood.

48. Conversely, and as explained later in this chapter, those who have remained in Serbia as refugees are more likely to be unemployed and consequently poorer than the general population. Of this group, just over 1,000 are accommodated in collective centres throughout Serbia. In addition, UNHCR offices in the field have registered around 8,500 extremely vulnerable refugees who are living in private

<sup>8</sup> In addition, there are 21,417 individuals originating from Bosnia and Herzegovina who hold refugee cards.

<sup>9</sup> Since the research for this report was carried out, the two governments have been holding data exchange meetings. Latest figures, as of July 2010, suggest that only 63,500 people who had registered as refugees and war affected persons in Serbia have technically returned to Croatia.

accommodation.<sup>10</sup>

*Refugees outside collective centres*

49. The most recent study of the remaining refugees in Serbia, prepared in 2008 by the Commissariat for Refugees, paints a bleak picture of the poverty, unemployment and poor housing conditions they experience. This is to be expected, as the 61,000 that remain registered as refugees, 15 years after their arrival, are generally those who are least able to support themselves. Without the support that they are receiving from the government, international organisations and local NGOs, their situation would evidently be even worse.

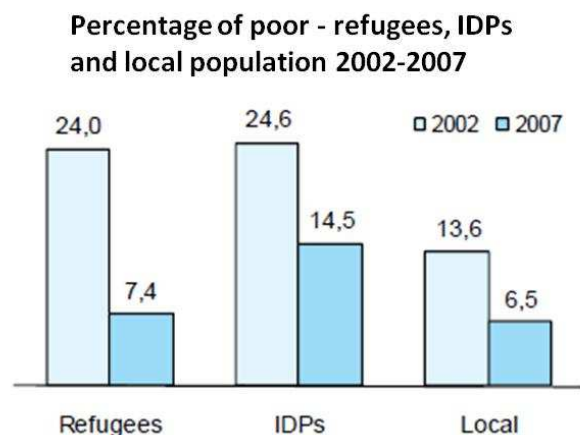
50. At the same time, there is a need for a degree of caution in assessing the situation of the remaining refugees. According to the Commissariat study, for example, just under 20 per cent of the refugees surveyed suffer from a chronic illness.

51. One year previously, however, a World Bank-sponsored Living Standards Measurement Study reported that “nearly one third of the population in Serbia (32 percent) reported that they suffered from a long-lasting disease or a health problem.” These figures would suggest (a) that the health of refugees is rather better than that of the general population, or (b) that the indicators employed by the two studies to assess the extent of ‘chronic illness’ and ‘long-lasting disease’ are quite different.

52. While the latter interpretation would appear to have most validity, it is interesting to note that the Living Standards Measurement Study was able to disaggregate refugees and IDPs from its general study of the population, and to compare data from 2002 with information collected in 2007. As the graph below indicates, the evidence appears to show a significant reduction in the percentage of ‘poor’ refugees during this five-year period, and a steadily narrowing gap between refugees, IDPs and the local population.

53. While progress appears to have been made in this respect, the Commissariat’s study also highlights a number of specific issues in relation to those refugees who are to be found outside of the collective centres.

54. *Personal documentation.* More than 44 per cent of the refugees surveyed required some form of documentation, mainly from the country of origin. Cost was cited as



Source: Living Standards Measurement Study Serbia 2002-2007, Statistical Office of the Republic of Serbia, Belgrade 2008

<sup>10</sup> These 8,500 are from a survey of one third of municipalities in Serbia. It can be assumed then, that the number is larger; how large, depends on the representativeness of the municipalities selected, both in terms of poverty, and in terms of the size of their refugee population.

the main obstacle to obtaining these documents.

55. *Return.* Around five per cent of respondents wished to return to Croatia, but cited property problems (including the need for reconstruction and the restitution of tenancy rights) as the main reason that they were unable to return. In addition, these respondents referred to the lack of infrastructure in rural areas of return, as well as fear of discrimination in relation to the labour market and legal proceedings.

56. *Housing.* For those wishing to locally integrate, housing is seen as the main requirement and basis for a solution, although it is not clear from the research whether the housing conditions of refugees living outside the collective centres is significantly worse than that of the general population. What is clear is that housing conditions are generally poor, and that the refugees surveyed saw some form of social housing as an appropriate solution.

57. Although the methodology of the Commissariat's study appears to have some shortcomings, it is unlikely that its description of the problems faced by refugees is entirely inaccurate. One can only question the extent to which remaining refugees are unique in facing such difficulties.

58. An additional issue, and one that was not addressed in the Commissariat's research, is that of Sexual and Gender Based Violence (SGBV). Domestic violence represents the main SGBV risk for refugee women in Serbia, with other types of gender-based violence occurring more sporadically.

59. In 2009-2010, 36 incidents of domestic violence were reported within the refugee population, including 18 women in private accommodation, and eight in collective centres. It is widely acknowledged, however, that these figures do not reflect the real scope of the problem, given the limited extent to which SGBV is reported.

### **Refugees in collective centres**

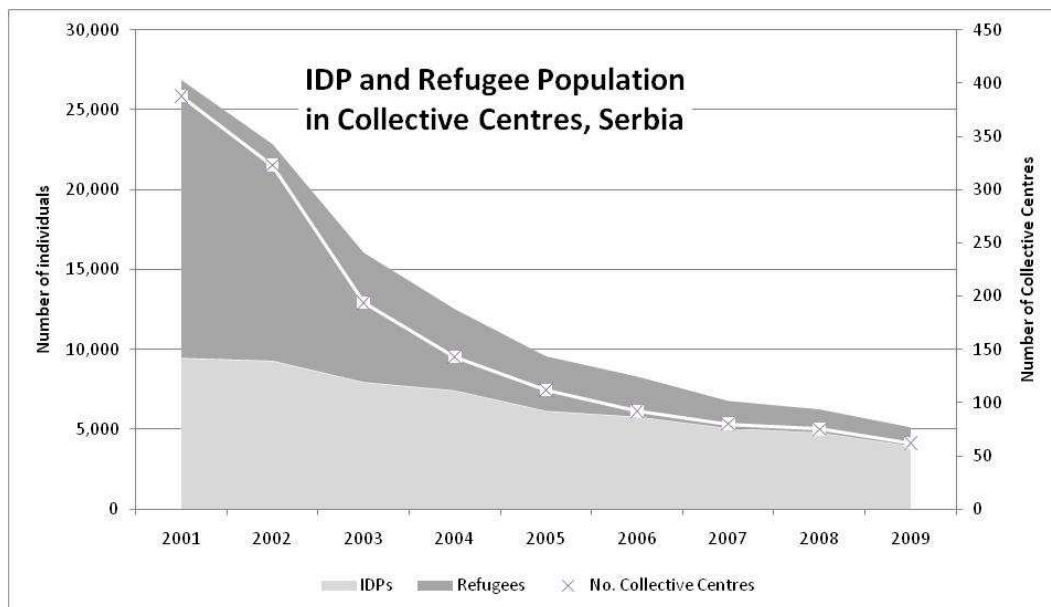
60. Over the last ten years, the number of collective centres has decreased significantly: from some 700 in 1996 to 42 in 2010. Former residents have found a number of different housing solutions, including private accommodation, social housing and 'self-build' projects.

61. By April 2010, there were 1,044 refugees remaining in collective centres (and 3,747 IDPs from Kosovo). Conditions are poor in most of these centres, the norm being very small living spaces, overcrowding, shared bathrooms and limited privacy. Sixty five per cent of the people living in these centres are aged between 19 and 59, with a disproportionately large number (27 per cent) being over 60. Men constitute the majority of residents.

62. The Commissariat's research, which included all of the 1,200 refugees living in collective centres at the time, shows that they are generally less well educated and considerably more likely to be unemployed than other refugees or the general

population. About a quarter of them had not completed primary education and only ten per cent had a job.

63. Unsurprisingly, those remaining refugees in collective centres are the most difficult for whom to find lasting solutions. Many have psychological or emotional problems or chronic illnesses which make it impossible for them to live independently. In addition, some families have moved to collective centres that have better access to Belgrade so as to avoid the cost and inconvenience of travelling to the capital city for medical care.



64. The majority of collective centre residents would prefer to integrate in Serbia than to return to Croatia or Bosnia-Herzegovina. And even those who want to return find that many administrative and legal obstacles stand in their way.

65. For example, one elderly couple interviewed in the course of this review were receiving pension benefits from Croatia and wanted to go back there, but could not do so because the plot of land on which they wanted to reconstruct their house had, in their absence, been 'joined' to another plot belonging to someone else. Ten years later, the couple are still awaiting a ruling on this matter by the court in Croatia.

### Integration in Serbia

66. Refugees in Serbia are provided with a refugee card which is valid for two years and automatically renewed by the Ministry of the Interior. No criteria or tests are applied in the renewal process.

67. Citizens of former Yugoslavia who were habitually resident in Croatia are

generally able to hold a Croatian passport. Refugees from former Yugoslavia in Serbia are entitled to assume Serbian citizenship, and both Serbia and Croatia allow dual Serbian/Croatian citizenship in most cases. Many former refugees have opted to retain such dual citizenship as it facilitates their movement between the two countries.

68. Many of the remaining registered refugees in Serbia have applied for Serbian citizenship (the exact numbers are not known) and have been approved. However, they have not taken the final step of giving up their refugee card in favour of a Serbian identity card. In this way, they believe they can hedge their bets and qualify for any compensation or other benefits that become available for refugees but which are not available to ordinary Serbian citizens or former refugees.

69. UNHCR field staff report that in many families, some members retain refugee cards while others have taken a Serbian identity card. There are no legal barriers for refugees to take up Serbian citizenship, and the cost is within their means.

70. The benefits of retaining both refugee and citizenship status within the same household become clear when considering the example of social housing. Some social housing schemes are not open to refugees, which means that refugees would have to give up their status in order to apply, and success is far from guaranteed.

71. However, retaining refugee status means that people retain the right to housing in collective centres – guaranteed and rent-free accommodation, even if conditions in the centres are poor. According to one unemployed refugee, “obtaining proper housing would be a reason to complete the naturalization procedure. However, at the moment it seems our chances of getting housing assistance from the Commissariat for Refugees, rather than local authorities, is higher. Thus we have limited opportunities and remain as refugees.”

72. On the whole, registered refugees in Serbia are entitled to health care at the same level as ordinary citizens. With respect to education, the children of refugees attend local schools and have the same educational opportunities as citizens. Access to social welfare services, however, is not an entitlement and inclusion of individuals into the system often requires lobbying by UNHCR.

73. Refugees in Serbia have the right to work, except in state institutions for which citizenship is required. In practice, however, and as indicated by the table below, unemployment levels are significantly higher amongst refugees than amongst Serbian citizens. This is in part because many refugees are unaware of the fact that Serbian citizenship is not a prerequisite for registering with the National Employment Service or having access to NES employment programmes.

Population	Study	Percentage employed
Refugees in private accommodation	Commissariat, Oct 2008	35.7
Refugees in collective centres	Commissariat, Oct 2008	9.1
General population	LSMS, May/June 2007	47.0

74. Refugees who were interviewed by the evaluation team consistently stated that despite their eagerness to get employed, they found it difficult to enter the job market. This, they explained, was not because of discrimination against refugees, but was merely due to the lack of jobs available in the country.

75. Most of those jobs which are available involve manual work, and are consequently not suitable for people with special needs. Vulnerable and elderly people who are unable to work are consequently reliant on the social security system, as well as any pension entitlements they are able to access, including from their country of origin.

76. Retired refugees are in principle entitled to pensions paid by the government of the country(ies) in which they made contributions to the relevant pension funds. This is complicated by a number of factors, including, for example, pension contributions which were paid to the breakaway Serb-controlled territories within Croatia during the wars, which are not recognised by the Government of Croatia.

77. The pension system also affects the incentives for naturalization. An example of this is the agricultural pension from the Government of Croatia. The value of this pension is very low, and so the Croatian government supplements it with a social security payment.

78. This supplement is only available to those whose main residence is registered in Croatia. By remaining as a refugee in Serbia, there are ways for agricultural pensioners to obtain this supplement. However, naturalization in Serbia would mean that it is lost.

### **Return to Croatia**

79. By March 2009, almost 93,000 people had been registered by the authorities in Croatia as returnees. However, a UNHCR-supported study in 2006 suggested that “no more than about 41 per cent of all registered Serb returnees have actually stayed (permanently) in Croatia.”

80. Compared to the original caseload of 297,000 refugees from Croatia in Serbia, the number of sustained returns is thus relatively small. What is not known is the number of people who were able to return to Croatia on their own initiative, and who do not feature in the official figures.

81. The limited number of people going back to Croatia was indicative of the many obstacles that confronted the returnees. First, ethnic Serbs who had been habitually resident in Croatia encountered difficulties in proving their right of residence and citizenship, in contrast to ethnic Croats who had not previously been resident but who were able to obtain citizenship quickly. Although Serb refugees who were habitually resident on the territory of Croatia before the wars are legally entitled to return, bureaucratic procedures remain long and complex.

82. Second, many homes were destroyed in the war and the cost of reconstruction has been out of the reach of many refugees. Moreover, a large number of ethnic Serb-owned homes that were still habitable had been occupied by ethnic Croat

settlers and displaced people. The legal framework governing the repossession process proved to be slow and costly.

83. Third, until 1991, people who lived in rented 'socially-owned' housing enjoyed a life-long tenancy and were even able to pass the tenancy right on to their children. When people left their homes during the war as a result of violence and insecurity, however, the local authorities repossessed these homes and made them available to refugees, settlers and displaced people, primarily of Croat ethnicity. The new residents were shortly afterwards given the right to buy the property on favourable terms, effectively blocking the possibility of the former residents to return to their original homes.

84. Fourth, many of the Serbs who fled in 1995 originated from predominantly rural areas. Those returning to such areas have been confronted with the problem of land mines, discrimination in access to markets for agricultural produce, as well as very poor road access, electricity and water supplies. Even if they were able to return to their own houses, they found it very difficult to establish sustainable livelihoods.

85. Fifth, a major consequence of the war was a very fragile security situation for Serb returnees. In addition, men of military age and their families were deterred from returning by a fear of war-crimes prosecutions and persistent rumours concerning a secret list of indictments.

86. Despite the legal obstacles, significant progress has been made in relation to the repossession of property, leaving a limited number (only 24 in 2009) of cases before the Croatian courts.

87. In terms of reconstruction, Human Rights Watch, in an otherwise critical report on the return of Serbs to Croatia, suggested four years ago that "the reconstruction of houses damaged or destroyed during the war has been a relative success story." According to the report, some 38,000 requests for reconstruction had been received, of which 12,830 had been given first instance positive decisions.<sup>11</sup> In 2009, UNHCR reported that "Croatia has reconstructed 146,921 family houses of which 35 per cent [are] for Croatian Serb returnees."

88. The response to the situation of people deprived of tenancy rights has been the Housing Care programme, which provides accommodation to people in need of it, including the right to buy at preferential rates in war-affected areas.

89. The beneficiaries of this programme include refugees, internally displaced persons and returnees, as long as they have the intention to permanently settle in Croatia, and do not have property rights elsewhere. There have, however, been allegations of an ethnic Croat bias in the administration of the programme, and little housing has been made available in urban areas.

90. A large increase in the Housing Care budget for 2010 and a new Action Plan established in March 2010 suggested a new resolve from the authorities in relation

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<sup>11</sup> *A Decade of Disappointment: Continuing Obstacles to the Reintegration of Serb Returnees*, Human Rights Watch, 2006, p.30.

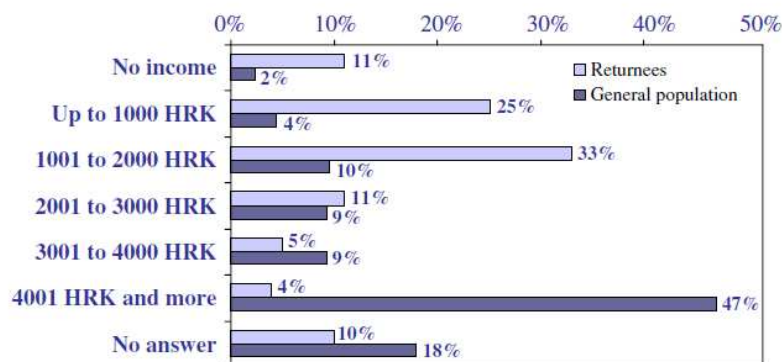
to this issue. The Action Plan envisages the formation of joint commissions with UNHCR, the EC, OSCE and USA, in order to ensure that the Housing Care programme is transparent, credible and speedily implemented. Significantly, the effectiveness of the programme is one of the key benchmarks being monitored for the EU accession process.

91. With respect to the issue of jobs and livelihoods, the Croatian authorities have taken a number of initiatives related to war-affected areas, including tax advantages and other incentives to encourage investment and job creation. If these initiatives are successful, the employment situation in poorer parts of Croatia, including those with large numbers of returnees, should improve.

92. At the political level, the Constitutional Law on the Rights of National Minorities foresees the right of minorities to proportional representation in local and regional government. This issue is complicated by the fact that minority quotas are being calculated on the basis of a 2001 census which excludes those refugees who have returned to Croatia during the past decade.

93. Even so, the governing coalition in Croatia includes a Serb party, and thus has an important incentive to address the situation of this minority group, especially its returnee component. As indicated by the graph below, the household income of returnees remains significantly below that of the population in general, and the process of reintegration consequently remains rather limited, and hinders the process of reintegration and reconciliation that UNHCR is striving to promote.

TOTAL HOUSEHOLD INCOME IN THE MONTH PRECEDING THE INTERVIEW –  
COMPARISON BETWEEN RETURNEES (N = 403) AND CROATIAN GENERAL  
POPULATION (N = 1000)<sup>11</sup>



Source: Mesic and Bagic (2010)

94. Finally, Croatia has amended its Criminal Code in order to facilitate the prosecution of people involved in hate crimes and appointed two Serbs to advise on security issues in war-affected areas. As a partial consequence of this, the security situation for Serb returnees has considerably improved over the last ten years.



## The role of UNHCR

95. In the period since 2005, UNHCR's work with refugees and returnees in Serbia and Croatia has been informed by the Sarajevo Declaration's recognition of the right of refugees to choose their place of integration or return.

96. With the majority of the remaining Serb refugees from Croatia expressing their preference to stay in Serbia, the priorities for UNHCR have been to support the local integration process while simultaneously ensuring the sustainability of return and reintegration in Croatia for existing returnees and those wishing to return.

### **Serbia**

97. The UNHCR programme for refugees in Serbia has to be seen in the context of the country's overall displacement situation. The 200,000 registered displaced people from Kosovo constitute a larger number and are a more pressing political priority for the authorities than the remaining refugees.

98. Serbia's geographical location and its intended accession to the EU also require the country to develop a set of laws and institutions that are able to manage a growing number of asylum seekers from countries such as Iraq and Afghanistan.

99. The UNHCR office in Serbia aims to end its operational engagement with the current refugee population by the end of 2011. By this time, it hopes that the two governments concerned will have taken full ownership of this issue, with a view to providing housing solutions for all those who are still in collective centres, as well as those in private accommodation and who are in desperate need of better quality housing.

100. The comprehensive needs assessment from 2008 reaffirmed that the priority needs of refugees were housing and livelihoods.

101. While the survey identified the perceived needs of a sample of registered refugees, it did not, however, make a comparison with the situation of the population at large. As a general rule, such a comparative focus should, whenever possible, be incorporated into the needs assessments undertaken by UNHCR.

### *Housing*

102. With respect to housing, three options are being pursued. First, the notion of 'social housing in supportive environments' entails the provision of a newly built apartment of modest dimensions, in a building which also accommodates a warden family. The warden is able to provide light assistance to other residents, as well as reassurance that help is close at hand. This solution is consequently of particular relevance to frail and elderly people.

103. Second, the 'village house' scheme offers families the chance to own an empty residence (Serbia has a major problem with rural depopulation) where they can earn a living from the land or otherwise in the rural economy.

104. Third, the notion of 'partial self-help projects' offers either construction materials or small loans to refugees so that they can repair houses that would otherwise be uninhabitable. In this respect, it should be noted that many refugees acquired land and began to construct their own houses upon arrival in Serbia, often without formal planning permission.

105. While these approaches to the housing issue have proved to be effective in meeting refugee needs, they are also quite expensive. Social housing in a supportive environment costs around US\$15,000 per person, meaning that the cost of providing such housing to all of the 1,000 refugees remaining in collective centres would be in the region of US\$16 million, excluding administrative costs.

106. The village housing solution costs around US\$11,000 per family, which is less expensive than social housing, but is still not cheap. The major constraint in providing both sorts of housing solutions for refugees and for closing down the collective centres is therefore one of funding.

#### *Livelihoods*

107. UNHCR has been implementing vocational training programmes for refugees in Serbia since 2001, with the objective of improving their employment opportunities. An evaluation of vocational training programmes by UNHCR's implementing partners, MicroFins and Micro Development Fund (MDF), was conducted in 2009.

108. The findings of the evaluation underline the effectiveness of both training providers, indicating that over 40 per cent of MicroFins trainees and around 29 per cent of those trained by MDF found jobs in the sectors for which they were trained. At the same time, the evaluation found that no labour market survey was conducted prior to the training, an initiative which might have increased the percentage of trainees finding employment.<sup>12</sup>

#### *Legal aid*

109. The final element of UNHCR's strategy for refugees in Serbia is the provision of legal aid. This is provided through implementing partners and experienced NGOs that are able to travel around the country and provide support to refugees as needed and requested.

110. Legal aid is provided to assist refugees with their identity documents, access to pension entitlements, naturalization and related legal and identity issues. Legal aid services are funded by donor grants, and there is still no long term

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<sup>12</sup> Tijana Milenkovic, 'Evaluation of the UNHCR Vocational Training Programme', 2009.

sustainability of legal aid provision, despite the continuing needs for refugees, former refugees and other citizens.

#### *Programme planning and implementation*

111. UNHCR's programme planning and design in Serbia takes place in consultation with implementing partners and key government agencies, particularly the Commissariat for Refugees.

112. In previous years, the joint UN planning tool, the United Nations Development Assistance Framework (UNDAF), was generally a compilation of individual UN agency plans, rather than a coherent attempt by the UN Country Team to identify and address key issues faced by the host country. One well-placed interviewee suggested that this had now changed, and that the UNDAF currently under preparation would present a more coherent view of the approach taken by the UN Country Team.

113. UNHCR's planning in Serbia takes into consideration the activities financed by two other key players: the EU and the USA. There are, however, two major constraints to UNHCR programming.

114. The first is that the level of inter-agency planning appears to be relatively weak, with plans from the key international agencies, including the EU, and especially other UN agencies, not dealing with refugee (and former refugee) needs in a long-term, coordinated manner.

115. Secondly, UNHCR is relying on donor grant funds for capital intensive housing projects. Since funds are modest, this means that progress on construction of alternative housing solutions for those in collective centres is very slow. In the meantime, the state is financing the accommodation in poorly maintained collective centres, which is not cheap. This means that the systemic allocation of funds is highly inefficient; it could be made more efficient by the use of capital loans from preferential lenders, such as the World Bank or European Bank of Reconstruction and Development, or the private sector.

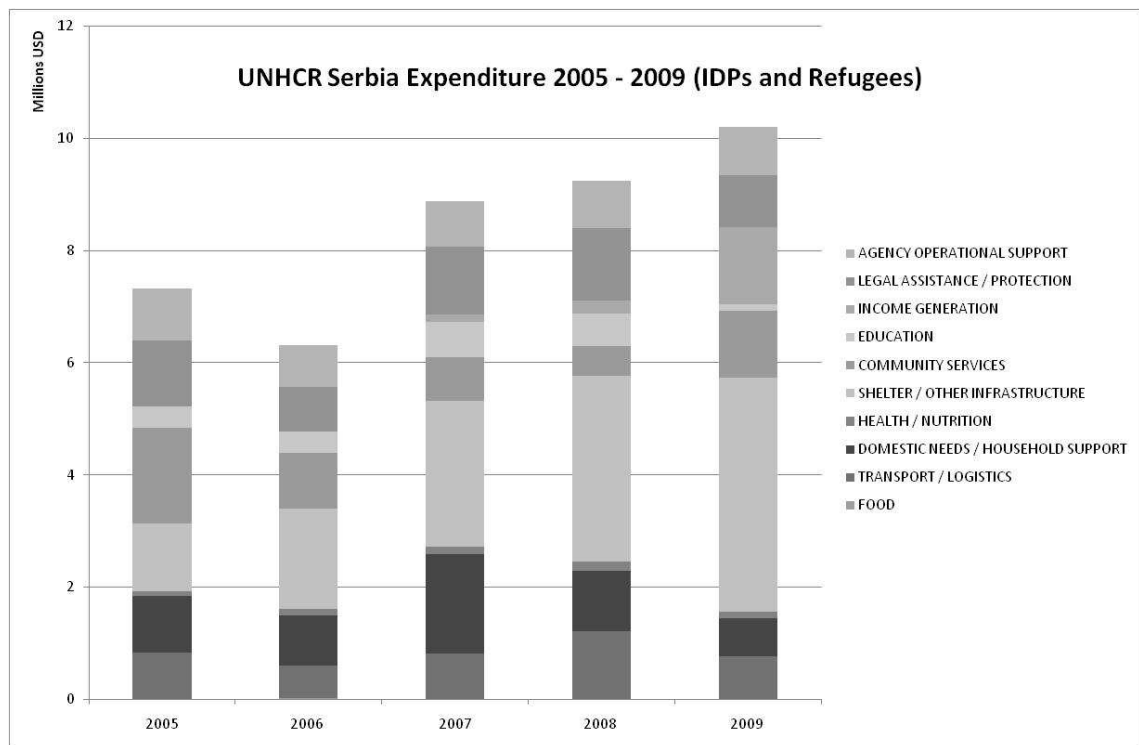
116. With respect to programme implementation, UNHCR's activities in Serbia are both effective and efficient. Targets are generally met, staff members are experienced and highly motivated, and the organization's implementing partners are knowledgeable and able. Beneficiary and host community satisfaction is generally high. A joint TV-based public information project initiated by the UNHCR Offices in Serbia and Croatia has played a particularly important role in assisting refugees to make informed decisions as to whether they should repatriate or opt for another durable solution.

#### *Resources*

117. Funding for the Serbia programme is, by and large, provided through unearmarked contributions to UNHCR, as well as earmarked funds from the EU, USA, and, to a much lesser extent, other governments.

118. In 2009, for example, the Romanian government and the USA contributed US\$100,000 and US\$1 million respectively to a special appeal for the High Commissioner's Initiative. Additional support to UNHCR programmes has come from a local philanthropic institution, the Humanitarna Organizacija Divac, sponsored by a former basketball player from Serbia.

119. The graph below, presenting data provided by UNHCR's Belgrade office, shows the key changes that have taken place in the resource allocation process over the last five years.



120. Firstly, expenditure has been modestly but steadily increasing. Secondly, the proportion of funding spent on shelter has grown considerably: from 17 per cent in 2005 to a current 41 per cent. Thirdly, expenditure on income generation and livelihoods has increased, from zero in 2005 and 2006 to nearly US\$1.4 million in 2009.

121. While current UNHCR expenditure on refugees in Serbia is in the region of US\$4 million, an assessment of costs related to the High Commissioner's initiative suggests that it would require around US\$15 million to launch a final push to resolve the situation. In terms of the organization's global expenditure, this would appear to be a rather modest investment.

122. In terms of alternative sources of funding, it is disappointing to report that the government of Serbia's use of a loan from the Council of Europe Development Bank (CEB) to finance the construction of low-cost housing for refugees is currently experiencing major design difficulties.

123. In raising funds from the CEB, it was anticipated that refugees themselves would be able to buy their apartments at a low interest rate, and therefore pay back their loans, channelled through a commercial bank with support from the Ministry of Finance. This model depended on the provision of land, free of charge, from local municipalities.

124. In practice, however, this approach has encountered a number of difficulties. Municipalities are generally unwilling to provide land for free, and only the better-off refugees are able to pay back the loans. The poorer and more vulnerable refugees (i.e. those remaining in collective centres) are generally unable to benefit.

125. Even so, the option of securing loan finances to provide social housing appears to be a strategy that is worthy of further investigation. Serbia's socially owned housing stock was sold off during the 1990s to occupants at very low rates, leading to high rates of home ownership and a scarcity of rental properties. There is consequently an urgent need, recognized by the Serbian government, to provide social housing solutions for poorer members of the population, especially those remaining in collective centres.

#### *Partnerships*

126. The UNHCR Office in Serbia has good working relationships with most of the agencies that are concerned with support to refugees: the Serbian Commissariat for Refugees, the Ministry of Labour and Social Policy, implementing partners and other NGOs.

127. Cooperation with other UN agencies is not so strong. Joint planning is, in principle, taking place within the UNDAF process, but the UN system as a whole has not undertaken a comprehensive review of refugee-related programmes and actors. A 2007-8 initiative to develop a joint UNHCR-UNDP area-based programme to support refugees and IDPs yielded few results and was halted.

128. The situation has not improved substantially since that time. Liaison with ILO on self-reliance and employment initiatives is hampered by the very limited presence of that agency in Serbia. Cooperation with IOM, despite (or because of) overlapping areas of activity, is particularly weak, and characterized by an unstated competition for the same pot of funds.

129. Currently, legal aid provision for refugees and IDPs is financed by grants from UNHCR and the European Union delegation in Serbia, and is separate from (very minimal) legal aid provision for other citizens. Government legal aid reform is under way, but is very slow and appears not to be yielding results in terms of actual service provision.

130. Legal aid provision for refugees and former refugees will be needed for many years to come, especially to assist them in accessing pension entitlements as they reach pension age. It is an area where the absence of joint planning and cooperation between the key agencies (EU, OSCE, UNHCR, UNDP) and the Ministry of Justice is keenly felt.

131. Another issue related to partnerships concerns the length of time that UNHCR can remain substantively involved in Serbia, especially as disengagement remains conditional on the availability of funding for the closure of the remaining collective centres. As Serbia moves towards EU accession, questions must be raised as to whether national, local and civil society actors could not assume greater responsibility with respect to the refugee issue.

## **Croatia**

132. The UNHCR office in Croatia has set the end of 2012 as the target date for the resolution of outstanding refugee return and reintegration issues, and thereafter will concentrate on the establishment of a fair and effective national asylum system. More specifically, the office has established an exit strategy that is based on “a responsible hand over of the residual issues to relevant governmental and non-governmental partners,”<sup>13</sup> based on:

- resolving remaining housing issues for former tenancy-rights holders and in relation to reconstruction;
- the full inclusion of returnees in social welfare systems and programmes; and,
- improving the provision of free legal aid.

### *Property, housing and reconstruction*

133. UNHCR’s policy position in relation to these issues is guided by an Executive Committee Conclusion from December 2009: “in principle, all refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile; noting, therefore, the potential need for fair and effective restitution mechanisms.”

134. As observed previously, the position of the Croatian government in response to outstanding occupancy and tenancy rights is not fully supportive of the principle of restitution or compensation. Instead, it offers the Housing Care programme, which is intended to provide housing solutions for those refugees whose rights were lost, who wish to return to Croatia and who otherwise have no housing option.

135. As the state has assumed responsibility for the implementation and financing of the Housing Care programme and reconstruction assistance, the main role of UNHCR is to monitor the programme and ensure that its implementation is effective in providing appropriate solutions to applicants. UNHCR also monitors rejected applications and provides assistance in the appeals process. Interlocutors from other international organizations regard UNHCR’s contribution to these tasks as extremely valuable, and its information and judgement to be unbiased.

136. The Croatian government also agrees to the value and impartiality of UNHCR monitoring, regarding the organization as a “credible irritant.” Moreover, as a

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<sup>13</sup> UNHCR Comprehensive Plan for Croatia 2011 (22 April 2010)

member of the recently established commission that is monitoring the Housing Care programme, UNHCR has been given a formal role in relation to this important initiative.

137. In the context of the High Commissioner's initiative on protracted refugee situations, the government of Croatia has also accepted UNHCR's support in speeding up the decision-making process and reviewing negative decisions relating to reconstruction and housing care. Such efforts are supported by an active UNHCR lobbying strategy that aims to reform aspects of the law affecting the situation of refugees and returnees.

#### *Livelihoods*

138. As noted earlier, the socio-economic needs of returnees in Croatia continue to be pressing; the acquisition of a housing solution does not guarantee an adequate livelihood and sustainable return. In this context, the UNHCR office in Croatia has sensibly requested the creation of a temporary Reintegration Adviser post to support this aspect of the organization's work.

139. To date, UNHCR Croatia has also been supporting some limited efforts in relation to vocational training, agricultural inputs and other forms of livelihood support. In conjunction with UNDP, UNICEF, and IOM, UNHCR is also supporting an area-based development programme funded by the Spanish MDG Fund. The project, titled 'Bridging Gaps', aims to improve community integration and to promote conflict resolution and reconciliation mechanisms.

140. In addition, UNHCR serves as an advisor to the Croatia Social and Economic Recovery Project, which is supported by the World Bank and which is intended to reinforce social inclusion in war-affected parts of the country, including areas of return. The World Bank told the evaluation team that it is willing to continue the project, and that it is awaiting a decision on the availability of matching funds from the government.

#### **Internal coordination and support**

141. The High Commissioner's Dialogue is not a formal policy or decision-making body. Nevertheless, UNHCR considers its deliberations to be an important source of guidance as the Office shapes its strategies and activities. In this respect, the 2008 meeting of the Dialogue played an important role in focusing international and local attention on the need to resolve the protracted refugee situation in Serbia and Croatia.

142. Unfortunately, however, the current UNHCR structure in the Balkans is not particularly well equipped for this task, the principal weakness being the absence of a coordination mechanism that is able to promote region-wide programmes and policies that are both consistent and complementary.

143. Given the political sensitivities that continue to characterize the region, it is recommended that such a mechanism, possibly in the form of a high-level Durable

Solutions Coordinator, be based outside of the Balkans in a location such as Vienna or Geneva.



## Conclusion and recommendations

144. The discussion paper prepared for the 2008 meeting of the High Commissioner's Dialogue on Protection Challenges describes in a very concise manner the challenges generated by protracted refugee situations, as well as the prerequisites for their resolution.

145. The latter include "a commitment to action in the political sphere; to the principle of international solidarity and responsibility-sharing; to cooperative and coordinated activities; to international human rights standards; and to the search for diversified and complementary solutions to refugee situations."

146. All of these commitments have been manifested with respect to the protracted refugee situation in Serbia and Croatia. Action in the political sphere has been essential in facilitating negotiations and settlements between the states concerned on issues such as dual citizenship, pension rights and freedom of movement.

147. The principles of international solidarity and responsibility-sharing have been put into practice by the international community, particularly the EU, OSCE and UNHCR, all of which have assisted in the implementation of the agreements reached in the Sarajevo Declaration and at the Belgrade Conference.

148. The member states of the EU, as well as Switzerland and the USA, have provided considerable resources to support the search for solutions. While they could have been strengthened, cooperative and coordinated activities have been undertaken by members of the UN system and other international organizations. International human rights standards, particularly the Pinheiro Principles on housing and property restitution, have played a prominent role in the process.

### **Refugees and returnees**

149. Refugees and returnees in Serbia and Croatia are generally in a worse socio-economic situation than other residents of the two countries, and in that respect continue to need special services and assistance. It is now time, however, to ensure that such services and assistance are provided in the context of programmes targeted at poorer and more vulnerable members of the population at large.

150. The situation of the 1,000 refugees who are still living in collective centres in Serbia is a source of particular concern, not only for the host country but also for the region and the international community as a whole. Their plight constitutes a failure of will and imagination and must be treated as a top priority by all stakeholders.

## **Mobility and dual citizenship**

151. This evaluation has confirmed that the traditionally binary approach to durable solutions (i.e. someone is either a 'refugee' in a country of asylum or a 'returnee' in a country of origin) is no longer a meaningful one. Indeed, there is growing evidence to demonstrate that refugees use mobility as a key strategy in their search for durable solutions, and that dual citizenship and freedom of movement can play an important role in this respect.

152. Given the likely accession of Serbia and Croatia to the EU, where cross-border freedom of movement is already a reality, this issue must be factored into the solutions strategies pursued by UNHCR and other members of the international community.

## **The central and continuing role of UNHCR**

153. Despite its intention to scale down and reorient its activities in the Balkans, UNHCR remains a key player in relation to this protracted refugee situation. In the context of the international '4x3' process, only UNHCR has a mandate that focuses exclusively on the protection of and search for solutions for refugees and other displaced people. While the other parties to the process are preoccupied with a wide range of issues, UNHCR's interest and involvement in Serbia and Croatia is far more specific.

154. UNHCR clearly lacks the political power and economic influence of actors such as the EU and USA. The organization does, however, enjoy the mandate, moral authority and widely recognized neutrality that is required to engage other stakeholders in the search for solutions to the refugee problem.

155. In Croatia, UNHCR's role in monitoring the situation of returnees has been appreciated by the international community, and has, whether directly or indirectly, had a positive influence on Croatia's willingness to address return-related issues such as housing, reconstruction and reconciliation.

156. The High Commissioner's initiative of 2008 undoubtedly had a positive influence on the search for solutions to refugee issues in the region. It kick-started a process that was moribund after the Sarajevo conference of 2005, and enabled a re-energized Serbia to organize a March 2010 conference in Belgrade which renewed discussions - both bilateral and regional - in relation to the resolution of the refugee situation.

157. The Dialogue and special initiative did not, however, have a comparable impact on UNHCR funding and programmes. The organization's special appeal of 2009 attracted a disappointing level of support, partly, it seems, because donors are looking for further progress on the political front, and partly because there are so many humanitarian crises in other parts of the world that are regarded to be a higher priority.

158. Looking to the future, some important questions remain in relation to UNHCR's role in the region. Serbia has opened the way for refugees from both

Croatia and Bosnia and Herzegovina to integrate in the country. As this is the case, refugees will become 'normal' citizens of the country as soon as they forfeit their refugee cards and, in a technical sense at least, UNHCR will no longer have responsibility for their care.

159. Former refugees will, however, have some continuing needs. Legal aid, for example, will be a common requirement for a people who become of a pensionable age. Those who have benefited from 'social housing in supportive environments' have an uncertain tenancy status that will require regulation. Former refugees also seem likely to face continued problems in relation to finding employment.

160. A final issue that will have to be addressed is that of the cessation of refugee status. In this respect, UNHCR could usefully engage both countries in discussions on this matter, so as to invoke the cessation clause for Serb refugees from Croatia within an agreed timeline.

### **Recommendations**

- i. UNHCR should also explore the ways in which a multi-donor trust fund or other donor funds might be used to leverage larger loan funds from international financial institutions, to be employed for capital investment projects such as social housing.
- ii. UNHCR should continue to support the governments of the region to prepare realistic refugee and returnee-related projects for presentation to donors.
- iii. In view of the improved conditions in the region, UNHCR should explore the possibility of declaring cessation of the Serbia/Croatia refugee situation, while at the same time giving full support to the establishment of effective mechanisms for the protection of the rights of refugees and returnees in both countries.
- iv. When revised statistics are available for refugee and returnee numbers and OTR claims, UNHCR should prepare a set of benchmarks for responsible disengagement from this protracted situation, drawing upon the cessation benchmarks used in other contexts by the Division of International Protection.
- v. In the context of its planned disengagement, UNHCR should work with government and other stakeholders in Serbia and Croatia to determine how remaining refugee and returnee needs can be met by means of programmes and services targeted at other disadvantaged sectors of the population.
- vi. At the same time, UNHCR and its partners, especially the Serbian government, should give top priority to the search for adequate housing solutions for the refugees who remain in collective centres.
- vii. UNHCR and the EU should support local capacity-building in relation to the continuing, sustainable provision of legal assistance, especially for those refugees who need to obtain documents from Croatia and who engaged in court proceedings in that country. The Ministries of Justice in both Serbia and Croatia should be key partners in this endeavour.

- viii. UNHCR should engage with government and other UN agencies in an effort to establish an appropriate legal framework for the protection of tenants living in supportive social housing environments in Serbia.
- ix. UNHCR should undertake or support research so as to develop a more detailed understanding of the way in which refugees and returnees in the region are using mobility to secure livelihoods and to find their own solutions. This analysis should draw upon the recent work undertaken by the Policy Development and Evaluation Service on mobility and solutions.
- x. At the same time, UNHCR should seek to engage the region's UN Country Teams more actively in long-term efforts to address issues such as employment, protection from discrimination, enhanced livelihoods, poverty reduction strategies, and access to services.

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## Annex A – Action Plan from the High Commissioner’s Initiative, December 2008

### ACTION PLAN

**Short term (end 2008):** a profiling exercise is being carried out for the entire refugee population. Results will be available before December. In particular, it is expected to obtain the following information:

- The number of vulnerable categories, including the type of vulnerability, will be reviewed, thus enabling UNHCR and the authorities to have exact information on they types of beneficiaries that will need assistance.
- The types of needs/assistance will also be available, thus enabling better targeting of assistance<sup>4</sup>.

**Medium Term (2009):** based on the results from the assessments, targeted project proposals will be formulated. Results will be shared with stakeholders. Partnerships will be forged with a variety of stakeholders to ensure coordination of all activities and that all needs are met.

**Medium/Long Term (2009 and beyond):** Projects leading to durable solutions for vulnerable categories of displaced people will be implemented. Local authorities are supported to ensure that all individuals with specific needs find solutions and are integrated in the national social network.

Furthermore, UNHCR’s planned interventions relate to the following strategic directions:

#### 1. Return to Croatia and clarification of property restitution

Actions	Timeframe
Provide limited repatriation assistance for those who need support (particularly transport of household belongings).	Limited repatriation assistance until the end of 2009.
Increase advocacy to find solutions for the issue of occupancy and tenancy rights, as well as for the other obstacles, within the Sarajevo process.	Engagement in property / pension negotiations until successful completion of the Sarajevo process, or other agreement between Serbia and Croatia is reached.

##### Expected results:

- Vulnerable refugees assisted to voluntarily repatriate to Croatia
- 19,000 Croatian refugee families in Serbia receive confirmation of occupancy/property rights and or compensation for lost property;
- Reduced number of Croatian refugees, as a result of their access to rights, particularly property restitution/compensation and access to pensions in Croatia.

#### 2. Capacity-building for naturalization and de-registration (support the Government to improve its technical capacity and streamline naturalization procedures)

Actions	Timeframe
Maintain an information flow between UNHCR and relevant local authorities to ensure accurate numbers on naturalized refugees	2009-2010
Monitor naturalization procedures through implementing partners and field presence	2009-2010
Raise awareness about naturalization, in cooperation with relevant ministries	2009-2010

##### Expected results:

- The Government clears the backlog and incoming naturalization applications; it is foreseen that during 2008-2009 some 60,000 refugees would naturalize
- A mechanism is in place for the automatic de-registration upon naturalization;
- The Government has accurate and up-to-date records of remaining refugees;
- Durable solutions for remaining refugees will be better targeted;
- Invoke cessation clause for Bosnian refugees.

<sup>4</sup> Initial findings from CCs already show that over 50% of its inhabitants are in need of some type of social housing in order to resolve their problems.

### 3. Improved socio-economic integration

Actions	Timeframe
Provide adequate infrastructure and improved access to public services through advocacy and cooperation with the Government and the private sector.	2009-2010
Provide income generation and micro-finance opportunities through micro-loans from a previously established revolving fund.	2009-2010
Provide vocational training for those people with specific needs, including single mothers.	2009-2010
Construct social housing for people with specific needs, such as the elderly and disabled.	2009-2010
Implement housing projects, such as distribution of building material, purchase of village houses and micro-loans.	2009-2010
Establish partnerships with the EU (through the IPA process) and other donors to ensure that needs are addressed comprehensively.	2009-2010

#### Expected results:

- Durable solution (housing) are identified for all refugees in CCs and vulnerable people in private accommodation;
- Refugees are able to access existing national social protection mechanisms;
- Refugees are trained to enter the job market;
- Social housing projects are handed over to local authorities upon their completion.

## PARTNERSHIPS AND SUPPORT

Continued engagement by UNHCR and the international community is essential to promote access to rights in Croatia, particularly those related to property, occupancy or tenancy rights and pensions.

Subject to the conclusion of the Sarajevo process and agreement with Government stakeholders, an intensive media campaign on local integration of refugees, with a special emphasis on housing solutions and naturalization, could be launched during 2009.

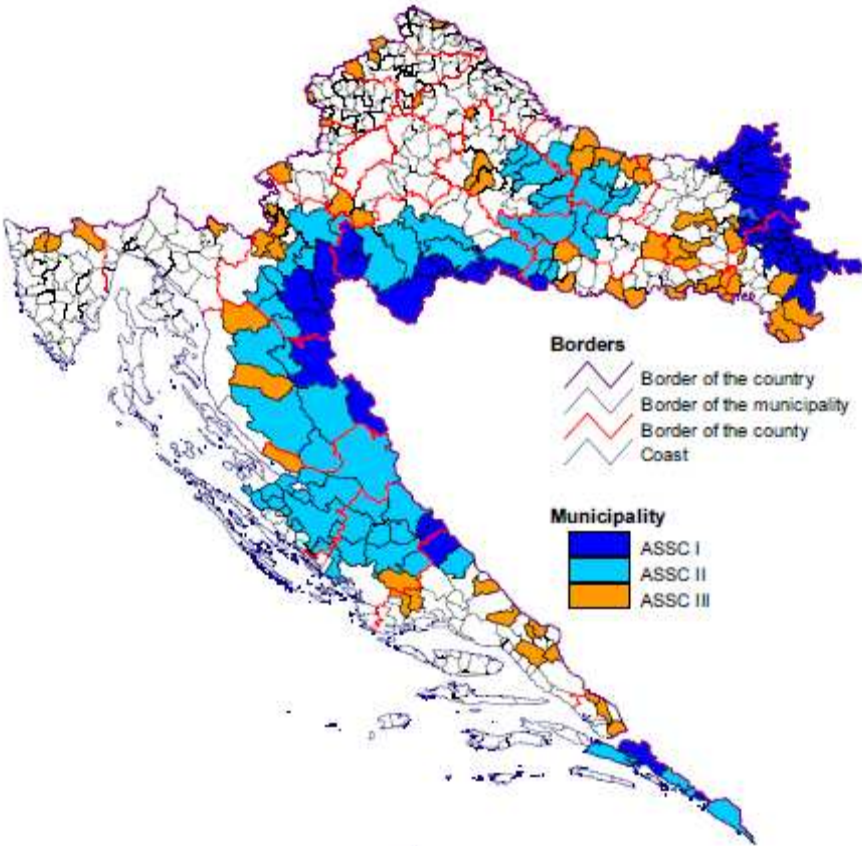
Durable solutions and integration programmes for refugees with specific needs are costly. Therefore, strong financial support is needed. The HC's initiative highlights

opportunities and obstacles to closing the refugee chapter in Serbia.

To achieve durable solutions for the remaining refugees, primarily those living in CCs and in private accommodation, Serbia needs additional resources. UNHCR's contribution is estimated at an additional USD 15 million in 2009-2010. Housing projects are particularly needed. Although costly, they have shown a high degree of sustainability. UNHCR would complement all the projected assistance programmes planned by other stakeholders, in particular those by the Serbian Government and the EC through IPA.

Annex B - Map of Areas of Special State Concern, Croatia

**AREAS OF SPECIAL STATE CONCERN**  
as stipulated in the Law on Areas of Special State Concern  
(Official Gazette, no. 26/03- consolidated text) - articles 4  
and 5.





**Regional Ministerial Conference on Refugee Returns  
Sarajevo, January 2005**

**DECLARATION**

**We, the ministers responsible for refugees and internally displaced persons in Bosnia and Herzegovina, Croatia, and Serbia and Montenegro**, met today in Sarajevo to identify our individual and joint activities that should be undertaken in the forthcoming period with the assistance of the international community in order to ensure a just and durable solution to refugee and IDP situation in our countries;

*Considering* that a just solution to this important issue must primarily be in the interest of safety, dignity and well-being of individuals and peoples, and should also contribute to peace and stability in Southeastern Europe, as well as to the efforts our countries are making to join the EU;

*Aware* of the fact that getting over the legacy of the war falls within the full normalization of relations between our countries;

*Confirming* our commitment to implement international conventions on refugee protection, notably the 1951 Refugee Convention and its 1967 Protocol, along with the 1995 General Framework Agreement for Peace in Bosnia-Herzegovina and especially its Annex VII as well as the existing bilateral agreements;

*Taking into consideration* the Programme for returns of and care for refugees and internally displaced person - Republic of Croatia, 1998; the Agreement on Cooperation between the future Government of the Republic of Croatia and the Independent Democratic Serb Party delegates to the Parliament of Croatia, 2003, the Strategy of Bosnia and Herzegovina for the implementation of Annex 7 to the Dayton Peace Agreement (BiH, 2002), the National Strategy on solving the issues of Refugees and Internally Displaced Persons (Serbia, 2002) and the National Strategy for Durable Solutions of Refugees and Internally Displaced Persons (Montenegro, 2005-2007);

*Taking into consideration* the progress made over the years in returns between our countries, and aware that outstanding challenges in refugee returns require our cooperation; and fully aware that all refugees have the right to return in safety and dignity;

*Reaffirming* that all refugees have an undeniable right to opt for their permanent residence, and fully resolved to undertake all the necessary national and administrative actions to allow the implementation of their decisions and to ensure a just solution to refugee situations in our countries,

**We have agreed as follows:**


1. Pursuant to our country programmes, we are committed to solving the remaining population displacement by the end of 2006, to facilitating returns or local integration of refugees and internally displaced persons in our countries, depending on their individual decisions, without any discrimination, and providing assistance and support to refugees and internally displaced persons in cooperation with UNHCR, the EU and OSCE;
2. Access to all rights and entitlements, including the right to accommodation, shall be ensured in a fair and transparent manner, while all social, legal, procedural or any other requirement for the implementation of the above-said shall be met in the spirit of the present Declaration.

3. Without prejudice to the precedence of the right to return, refugees who have chosen not to return will be assisted by their new host countries to locally integrate in accordance with their national legislation.
4. UNHCR, as well as the EU and OSCE are invited to assist our governments in the return process and local integration and to raise financial and other support and assistance from the international community;
5. Upon return or local integration, all refugees shall enjoy the same rights and shall have the same responsibilities as all other citizens, without any discrimination;
6. The above mentioned principles and goals shall serve as a basis for the development of individual action plans ("Road Map") in our countries, including a comprehensive list of all the tasks that must be undertaken and each country shall bear the individual responsibility for the implementation. Those individual plans of activities shall be unified in a joint implementation matrix;
7. Each country shall prepare its own action plan within the next three months. During the same timeframe UNHCR is invited to assist in creating the necessary databases.
8. We commit ourselves to appointing the representatives of the responsible ministries and other relevant bodies, and we invite UNHCR, as well as the European Union and OSCE to appoint their representatives to the Task Force.  
The Task Force shall meet at least four times a year to:
  1. unite individual action plans in a joint implementation matrix;
  2. review the data base referred to in paragraph 7 herein;
  3. review the remaining challenges from (i) repatriation programmes and access to the rights, (ii) economic development in the areas of returns and integration, (iii) exchange of data on durable solutions, and (iv) possible issues of local integration, including, *inter alia*, issues related to social protection of vulnerable groups, such as the elderly, patients and single mothers;
  4. monitor the implementation of the joint implementation matrix;
  5. prepare ministerial meetings which will take place at least once a year.

This Declaration is done in three original copies in the official languages of Bosnia and Herzegovina, the Republic of Croatia, and Serbia and Montenegro.

Done at Sarajevo, on January 31, 2005

  
 Mirsad Kebo,  
 Minister for Human Rights  
 and Refugees of  
 Bosnia and Herzegovina

  
 Božidar Kalmeta,  
 Minister of Maritime  
 Affairs, Tourism,  
 Transport and  
 Development of  
 Republic of Croatia

  
 Rasim Ljajić,  
 Minister for Human and  
 Minority Rights of  
 Serbia and Montenegro

## Annex D – Belgrade Conference Joint Communiqué, March 2010

### Joint Communiqué

The Ministers of Foreign Affairs of Bosnia and Herzegovina, Republic of Croatia, Montenegro and Republic of Serbia: H.E. Mr. Sven Alkalaj, H.E. Mr. Gordan Jandrokovic, H. E. Mr. Milan Rocen and H.E. Mr. Vuk Jeremic met today, on 25 March 2010 in Belgrade, at the International Conference "Durable solutions for refugees and internally displaced persons: cooperation between the states of the region". Also present at the Conference were the representatives of the following international organizations: the European Union, United Nations High Commissioner for Refugees, Organization for Security and Cooperation in Europe and the Council of Europe.

The Ministers have stated that the problem of refugees and internally displaced persons has not yet been fully resolved in any of these states and therefore it is necessary to intensify regional cooperation in order to achieve a just, comprehensive and durable solutions, primarily for the most vulnerable ones, aware that it would contribute to the further promotion of good-neighbourly relations and stability in the region, including mutual support in the European integration process.

They have confirmed the respect, enjoyment and access to rights for all refugees, regardless of their current status, their decision to return or integrate locally, in accordance with international standards. Reaffirmed in particular were also the principles embodied in the Sarajevo Declaration, adopted by these states in January 2005, implying the respect for the rights of the refugees to individual decisions regarding the country of their permanent settlement in respect of their return or local integration, including free access to the rights they are entitled to.

Guided by the goals and obligations of the major international documents in this field, the Ministers have agreed to intensify mutual cooperation in the coming period through regular meetings of the relevant national expert services. The purpose of the cooperation would be to determine the relevant data concerning all categories of refugees for whom it is necessary to ensure durable solutions which is at the same time a prerequisite for defining the necessary measures and activities to develop projects whose implementation would be supported by the international community. The national expert services will meet, for the purpose of regular and continued cooperation, twice a year and more frequently, as appropriate.

The Ministers have agreed that it is necessary, as a matter of priority, to solve a problem of accommodation of and assistance to refugees and internally displaced persons still living in collective centres, including the persons who are in a particularly difficult social position.

At the same time, they have agreed on the need to carry through and make more transparent the ongoing programmes in all countries covered by the process of return or local integration and establish mechanisms with defined time-frames and measurable goals.

Within a framework of agreed cooperation consultations with the international community will also be continued for the purpose of organizing, within a period of nine months, an international donor conference to discuss the setting up of a multi-donor fund to assist in the process of return or local integration of refugees and internally displaced persons, closing of collective centres and providing assistance to the neediest.

It was further agreed to convene a regional review conference at the beginning of 2011 to appraise the results achieved.

Belgrade, 25 March 2010

## Annex E – Summary of Social Housing Projects 2003-2009

### Social Housing in Supportive Environment SUMMARY OF IMPLEMENTED AND ONGOING PROJECTS

Projects implemented in period 2003-2009					
	Municipality/Town	Flats	Year	Donor	Implementation
1	Apatin	12	2003	SDC	SDC / Housing Center
2	Bač	12	2004	SDC	SDC / Housing Center
3	Bajina Bašta	13	2005	SDC	SDC / Housing Center
4	Beograd - Rakovica	24	2004	SDC	SDC / Housing Center
5	Valjevo	12	2004	SDC	SDC / Housing Center
6	Vlasotince / Crna Trava	12	2005	SDC	SDC / Housing Center
7	Vranje	20	2007	UNHCR	Intersos
8	Vrbas	13	2005	SDC	SDC / Housing Center
9	Guča / Lučani	12	2005	SDC	SDC / Housing Center
10	Zaječar	16	2008	UNHCR	Housing Center
11	Jagodina	12	2008	EAR	EP
12	Loznica	12	2005	SDC	SDC / Housing Center
13a	Kragujevac	12	2004	SDC	SDC / Housing Center
13b	Kragujevac	13	2005	UNDP	UNDP
13c	Kragujevac	25	2007	EAR	Housing Center
14	Kraljevo	30	2005	SDC	SDC / Housing Center
15a	Niš	13	2005	SDC	SDC / Housing Center
15b	Niš	28	2007	EAR	Housing Center
16	Novi Sad	13	2005	SDC	SDC / Housing Center
17	Pančevo	30	2004	SDC	SDC / Housing Center
18	Paraćin	12	2004	SDC	SDC / Housing Center
19	Požega	12	2003	SDC	SDC / Housing Center
20	Temerin	26	2005	SDC	SDC / Housing Center
21	Petrovac na Mlavi	20	2009	UNHCR	Housing Center
<b>Total 2003 - 2009</b>		<b>404</b>			

Projects in implementation 2009-2010					
	Municipality/Town	Flats	Year	Donor	Implementation
1	Vranje	20	2009	IPA 07	Housing Center
2	Leskovac	20	2009	IPA 07	Housing Center
3	Negotin	20	2009	IPA 07	Housing Center
4	Smederevo	20	2009	IPA 07	Housing Center
5	Prijepolje	13	2009	Foundation Divac	Housing Center
6	Sremska Mitrovica	36	2009	IPA 07	IOM
7	Velika Plana	16	2009	IPA 07	DRC
8	Rača	12	2009	IPA 07	DRC
9	Doljevac	12	2009	IPA 07	Intersos
10	Zaječar	16	2009	IPA 07	Intersos
11	Barajevo	15	2009	IPA 07	EP
12	Grocka	15	2009	IPA 07	EP
13	Vlasotince	10	2009	IPA 07	EP
14	Paraćin	17	2009	German Governm.	ASB
15	Blace	12	2009	IPA 07	ASB
16	Kuršumlija	12	2009	IPA 07	ASB
17	Surdulica	8	2009	IPA 07	ASB
18	Medveđa	8	2009	IPA 07	ASB
19	Gadžin Han	4	2009	IPA 07	ASB
20	Požarevac	20	2009	NIP 08	Commissariat for Refugees
<b>Total 2009-2010</b>		<b>306</b>			