



Recommendation 1357 (1998)¹

Bosnia and Herzegovina: return of refugees and displaced persons

Parliamentary Assembly

1. The Parliamentary Assembly reaffirms its support for the full implementation of the Dayton Agreement, whose Annex 7 recognises the right of refugees and displaced persons to return to their homes of origin, to have restored to them the property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them.
2. The Assembly welcomes the measures taken by the international community to promote and facilitate the early, peaceful, orderly and phased return of refugees and displaced persons, and in particular the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR). The Assembly emphasises that all returns must be co-ordinated with UNHCR.
3. The Assembly recalls that about half of the approximately 2.2 million people who were uprooted by the conflict in Bosnia and Herzegovina were displaced internally and the other half became refugees in the countries of the former Yugoslavia (580 000) and elsewhere in Europe (635 000).
4. The Assembly welcomes the return, in 1996 and 1997, of 204 000 internally displaced persons to their homes and 172 900 refugees to Bosnia and Herzegovina, and the fact that a further 350 000 refugees have found long-term solutions in their host countries.
5. However, the Assembly is concerned that returns so far have been almost exclusively to areas where returnees find themselves in the majority ethnic group, whereas only some 35 000 people have returned to minority areas. Moreover, a total of 860 000 people remain displaced (450 000 in the federation and 416 000 in the Republika Srpska) and 689 000 refugees still await a durable solution in the form of repatriation, integration in present locations or resettlement in a third country. The fact that the overwhelming majority of the remaining refugees and displaced persons originate from areas where they would now be in a minority underscores the need for rapid progress in "minority" returns.
6. The Assembly deplores the obstacles which hamper speedier return – notably political, legislative and administrative obstruction on the part of the authorities of the Federation of Bosnia and Herzegovina and especially the Republika Srpska, human rights violations and discrimination against minorities, insecurity including the widespread presence of landmines, high unemployment, a low standard of living, severe shortage of housing, and absence of services and infrastructure.
7. The Assembly emphasises the urgent need for the international community to finance housing in which to accommodate internally displaced persons within Bosnia and Herzegovina presently occupying the homes of returning refugees, and the expansion of housing capacity in areas having received large numbers of returnees.
8. The Assembly considers it important that all international governmental and non-governmental organisations involved in the reconstruction and return process should ensure that they keep each other and the local authorities informed of their projects and plans, including sources of financing, in order to improve co-ordination and avoid duplication of effort.

1. Assembly debate on 29 January 1998 (6th Sitting) (see [Doc. 7973](#), report of the Committee on Migration, Refugees and Demography, rapporteur: Mr. Iwinski). Text adopted by the Assembly on 29 January 1998 (6th Sitting).



9. The Assembly recommends that the Committee of Ministers urge:
- 9.1. the authorities of Bosnia and Herzegovina:
- a. to develop inter-entity dialogue and co-operation at all political levels with a view to the full implementation of the provisions of Annex 7 of the Dayton Agreement;
 - b. to adopt a comprehensive framework policy to promote the return of refugees and displaced people, and to facilitate their integration;
 - c. to support UNHCR's "Open Cities" initiative as a means of rapidly accelerating the return of "minorities";
 - d. to support the implementation of the results of the municipal elections held on 13 and 14 September 1997, and in particular the installation in office of mixed municipalities;
 - e. to support more actively the efforts of the International Criminal Tribunal for the former Yugoslavia to have all indicted war criminals brought to justice;
 - f. to speed up the establishment of joint police forces;
 - g. to abolish all illegal practices by the police forces aimed at the intimidation of members of minorities, including the drawing up of secret lists of alleged war criminals;
 - h. to introduce effective law enforcement measures aimed at ending human rights violations and discrimination against minorities;
 - i. to put a stop to the illegal encouragement of and inducement to relocation as a means of "ethnic engineering" aimed at consolidating control over territory and blocking "minority" returns;
 - j. in accordance with the recommendations of the Office of the High Representative, to amend all property legislation, particularly on government housing, aimed at obstructing the return of pre-war residents and, once amended, introduce effective enforcement measures;
 - k. to remove all administrative obstacles to return such as war taxes, visas and customs fees, and speed up delivery of passports and travel documents;
 - l. to abolish the unacceptable practice of refusing to register returnees who have no accommodation, thereby leaving them with no social rights or benefits;
 - m. to remove obstacles to freedom of movement and communication, and in particular to implement procedures on uniform vehicle registration and introduce nationwide licence plates;
 - n. to intensify efforts to remove landmines;
 - o. to enforce the prohibition of anti-minority propaganda and promote reconciliation in the mass media;
 - p. not to be bound by the principle of reciprocity with regard to "minority" returns;
 - q. to give special attention to the vulnerable situation of the Roma/Gypsy minority and to re-establish their national minority status;
- 9.2. the member states concerned:
- a. to comply fully with UNHCR recommendations concerning repatriation of refugees, and work closely with UNHCR to ensure their safe, dignified, phased and orderly return;
 - b. to refrain from forced repatriation of refugees originating from minority areas in order to avoid further destabilisation of the ethnic composition of the country;
 - c. to continue to extend international protection to those categories of refugees deemed in need by UNHCR until all conditions for return in safety and dignity to the place of origin are assured;
 - d. to guarantee loans for reconstruction projects financed by the Social Development Fund, in particular in the housing sector, in addition to their efforts made elsewhere;
 - e. to follow the example set by certain member states in allowing refugees to visit Bosnia and Herzegovina and to come back to the host country pending a permanent decision regarding repatriation;

- 9.3. all member states:
- a. to step up contributions to the funding of reconstruction, in particular with a view to the provision of temporary and permanent housing as well as services and infrastructure within Bosnia and Herzegovina;
 - b. to increase their financial support for the cities declared "Open Cities" by UNHCR, and for other municipalities favourable to "minority" returns (twinning of villages, and so on);
 - c. to support income-generating projects and intensify investment in job-creation schemes;
- 9.4. the appropriate sectors of the Council of Europe:
- a. to continue to contribute to confidence-building and the development of a civil and democratic society in Bosnia and Herzegovina through legal expertise, training programmes and support for non-governmental organisations, as well as for the local democracy embassies.