

NON-PAPER

The Republic of Serbia has sheltered a total number of 850,000 people displaced by war since 1991. There are 97,000 refugees currently living in Serbia and 75% of them come from the Republic of Croatia. Republic of Serbia holds the view that one of the priorities of the good-neighbourly cooperation is just and durable solution of the refugee problem in the region in line with the Sarajevo Declaration signed in 2005 by the countries of the region, namely Serbia and Montenegro, Croatia and Bosnia and Herzegovina with the participation of the European Commission, OSCE and UNHCR.

Republic of Serbia has made it possible that 200,000 refugees, mainly from Croatia, receive the citizenship of the Republic of Serbia as the first step in their local integration. A significant number of refugees from the Republic of Croatia would like to return to Croatia provided that the conditions be secured for their sustainable return in accordance with the relevant international documents. Still existing problems regarding the rights of the refugees from the Republic of Croatia are as follows:

Return of tenancy rights

UN SC Resolution 1120 (1997) and the Sarajevo Declaration confirmed the right of all refugees to return to their former homes before the outbreak of war. More than 42,000 refugees from the Republic of Croatia have not been given back their tenancy rights (the right to the use of tenement and to buy up under favourable conditions, which is an acquired property right existed in the former Socialist Federal Republic of Yugoslavia). In this way, they have been discriminated against in comparison with the other citizens of the Republic of Croatia. Instead of returning their tenancy rights, the Government of the Republic of Croatia offered a housing care programme, a model of social housing, as the only solution for refugees whose tenancy rights were terminated. This issue could be resolved in three ways: through **restitution** (as was done in Bosnia and Herzegovina) by signing protected lease agreement under equal conditions relevant for other Croatian citizens; **alternative accommodation (housing)** or land and material for building the house; **monetary compensation**.

Convalidation of years of work experience

Although the Republic of Croatia abolished the application deadlines in 2008, the administrative obstacles and complicated procedures for entitlement to years of work experience for persons who resided in the territories that were not controlled by the Croatian Government in the 1990's, still exist.

Unpaid pensions

In the 1990's, a large number of pension beneficiaries (estimated to number 40,000) who remained in the territories administered by the UN or took refuge, were deprived of their pensions because the Croatian pension fund unilaterally suspended the payment of their pensions. The problem of the back pensions (for the period from 1991 to 1998) was the result of the application of the legal provision stipulating that the beneficiary was responsible for the circumstances which contributed to the non-payment of pension, even though their non-payment began on August 1st 1991 due to the suspension of monetary transactions between Croatia and its UN protected territories.

Property reconstruction

Until September 2004 the Office of the Commissioner for Refugees in the Republic of Serbia received 17,500 requests for the reconstruction of properties damaged in the conflict in the Republic of Croatia. Such requests submitted by more than 57,000 persons were forwarded, through the UNHCR, to the Croatian authorities. According to the European Commission Progress report for Croatia for 2008 there remain approximately 8,700 outstanding appeals against negative eligibility decisions, many of which have been pending for four years. Furthermore, reconstruction of houses has not been followed by appropriate investment in the development of those areas, new jobs and building of the infrastructure, thus making sustainable return very difficult.

Participation in privatization process

Refugees from Croatia, unlike other Croatian citizens, are completely left out of the participation in the privatization of social, state and public enterprises to whose development and prosperity they have made their full contribution.

Return of all occupied agricultural land to their legal owners

There are thousands of hectares of occupied agricultural land that has still not been restituted to the returnees and refugees who originally owned it.

By adopting the new Law on Agricultural Land in December 2008, the Croatian Parliament created a very difficult situation for the landowners - refugees and returnees. According to the Law, landowners will have to pay high fines for not cultivating their land. As a measure of last resort, the Law envisages that these holdings be rented out to other persons. Thus, a person who fails to cultivate his/her land will have to pay an annual fine of 15,000 Croatian kunas which is equivalent to two thousand euros per hectare. This measure will severely affect returnees and those who intend to return, because a large number of these people lack sufficient funds and machinery to cultivate their entire land holdings. In addition to penal sanctions, the Law also restricts the right to sell land. Accordingly, owners are not allowed to sell their holdings to persons of their choosing, but are obliged to offer it to the Land Buy-Up Agency responsible for evaluation and sales.

Returnee residence and citizenship status

A considerable number of returnees do not have Croatian citizenship under the Croatian regulations. Therefore, upon their return to Croatia, they are treated as foreign citizens and are subject to a rigid, complicated and expensive procedure in order to be recognized foreigner status with the right to temporarily or permanently reside in the Republic of Croatia. The problem is in inadequate regulations which do not recognize that these persons are actually not foreigners, but citizens who used to live in Croatia before the breakdown of the SFRY.

War crime trials

The existence of sealed indictments for war crimes has resulted in intimidation of refugees and prevention of their return. Disclosure of the list of indictees would put an end to manipulations with war crime indictees, because the abuse of sealed indictments is precisely one of the major obstacles to the return process.

Security situation

Occasional attacks against the physical integrity, dignity, property, religious sites and cemeteries of citizens of Serbian nationality call for a better, effective and direct action to be taken by the state authorities at all levels.