



REPUBLIC OF SERBIA

Organization for Security and Co-operation in Europe
Human Dimension Implementation Meeting
Warsaw, 29 September – 10 October 2007

S T A T E M E N T by

Commissariat for Refugees of the Republic of Serbia

Warsaw, 06 October 2008

Mr. Chairman,

Distinguished Ladies and Gentlemen,

Let me first take this opportunity to thank ODIHR and OSCE for giving to the Commissariat for Refugees of the Republic of Serbia the possibility to participate in this very important and useful meeting.

The Government of Serbia would like to use this opportunity to bring to your attention the issues of refugees and IDPs focusing on the still pending questions and the possible future developments.

Looking at the official state and UNHCR data, at the peak of the refugee crisis, Serbia was hosting **524,000 registered refugees**. Today, with 98,104 registered refugees still living in its territory, Serbia is the country hosting the largest number of refugees in Europe. In Serbia also reside 209,579 IDPs who fled from Kosovo and Metohija. Around 6,200 people still live in 76 collective centers. Some have lived there for more than 15 years.

Voluntary return to the place of origin has been and shall continue to be promoted as the first and the most desirable solution. However, according to official statistics, only 30% of the refugees have returned to Bosnia and Herzegovina and only 18%, to Croatia.

Approximately 200,000 refugees have acquired Serbian citizenship but there is still a need to provide assistance to those people, including unimpeded access to all acquired rights in their countries of origin, in order to transform this process into a sustainable and durable solution to the refugee problem.

Therefore, we underline the importance of restitution of all individual acquired rights of refugees in the countries of origin. Only restitution of individual rights or adequate compensation of property, tenancy, labor, pension and all other rights would provide refugees with much needed resources to opt between the repatriation and local integration.

Over ten years of return to BiH shows how repossession of property including the free disposition of socially-owned apartments has been one of the most significant incentives to the return of refugees as well as it has been a solid base for their full integration.

Unfortunately this positive example set by BiH authorities with the strong support of the International Community has not been followed by the Republic of Croatia;

In our opinion there is no durable solution to the problems of the refugees from Croatia unless a comprehensive solution is found for all property issues including terminated occupancy/tenancy rights (hereinafter – OTR). This particular problem affects more than 100,000 persons and relates to approximately 30,000 socially owned apartments.

On the moral and more humanitarian side, the cancellation of tenancy rights by authorities of Republic of Croatia and non-recognition of rights stemming from them creates an unnecessary discrimination of the refugees from Croatia comparing to those coming from BiH. On more legal terms it discriminates these people in relation to their fellow Croatian citizens. Unlike the rest of citizens of Croatia refugees are unable to return to their pre-war homes and places of residence. Furthermore, differently from other OTR holders in Croatia they were not given the possibility to privatize their apartments under privileged conditions.

Those refugees were stripped of their rights due to their inability to physically occupy the apartments, or return to them within a specific period of time during the armed conflict. Factors such as an ongoing armed conflict and gross violations of human rights were and are not recognized as justifying reason for leaving the apartments or not being able to re-possess them.

All acquired rights belong to each individual refugee, regardless of his/her decision about returning or not to their home countries. We should not allow that enjoyment of human rights is conditioned and that someone is stripped of his/her right only because of his/her decision about return. This especially when we all know that those refugees have been kept out of their country of origin for more than a decade through discrimination as documented in ¹Human rights watch reports.

The housing option currently offered by the Republic of Croatia through the housing care programs do not respond to the real needs of the refugees. In addition to the fact that they are only offered to returnees, they also manifest serious systemic flaws, such as - non-realistic deadlines, slow implementation, bureaucratic and legal obstacles, quality of housing, huge backlog, and expired application deadlines.

Access to those rights is now becoming crucial for closing this chapter of our past history in a decent and fair manner creating the basis for both – refugee return and refugee integration. We strongly believe that the refugees would be able to resolve their problem themselves if they had their rights restituted. If not they will remain the victims of past conflicts, instead of human beings with restored and respected dignity and rights empowered to help themselves.

In order to move forward on those issues alternative solutions should be found.

The Republic of Serbia will also continue with its efforts in supporting regional cooperation towards the resolution of the remaining refugee related issues.

However, full implementation of the Sarajevo Declaration to which the Republic of Serbia remains firmly committed, demands for a fair settlement for the remaining open issues. Otherwise we will only face a substantial failure of that entire process aimed at closure of the refugee file in the region.

¹ Human Rights Watch Report, September 2003 Vol. 15 No.6 (D) and Human Rights Watch Report, September 2006 Vol.18 No.7 (D)

Mr. Chairman, allow me to spend now few more words on the issue of IDPs from Kosovo and Metohija.

Since the unilateral declaration of independence of Kosovo, return of the displaced persons to their homes has dramatically slowed down, not to say it has practically stopped.

IDPs willing to return face problems of personal security, lack of freedom of movement, access to property and other basic rights. International community has to increase its efforts to eliminate those obstacles to the return. We have to emphasize that there is need for better coordination and cooperation between offices of OSCE in Belgrade and Pristina.

The IDP population consists of 32 minority groups. Especially large is the population of RAE that is very vulnerable in their displacement. The Republic of Serbia with the support of different donors is doing all in its power to provide assistance and to improve the living conditions of these people. The new Government of the Republic of Serbia is determined to resolve remaining administrative obstacles for the full access to rights guaranteed to IDPs as the citizens of the Republic of Serbia.

Republic of Serbia will continue to provide free access to healthcare, education, social care and employment opportunities to refugees and IDPs, as well as shelter to most vulnerable of them.

In conclusion, Mr. Chairman, let me point once more that Republic of Serbia will continue to protect, provide support and seek durable solution to all those displaced by the past Balkan crisis who still reside in our territory. To that end we continue to assign all our available resources, including financial means, as we have been doing in last 15 years with significant international support.

Until when a proper solution is found Republic of Serbia will need to continue to seek the assistance of the international community. Republic of Serbia remains open to a continued cooperation with the international community and our neighboring countries, to achieve those sustainable solutions for the problems of the displaced populations that we are all looking for.

Thank you Mr. Chairman