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البند ١٤(ج) من جدول الأعمال المؤقت

فئات محددة من الجماعات الأفراد: النـــزوح الجماعي والمشردون

تقرير فالتر كالين، ممثل الأمين العام المعني بحقوق الإنسان للمشردين داخلياً

البعثة إلى كرواتيا*

* يعمـــم موجز تقرير البعثة هذا بجميع اللغات الرسمية. ويعمم التقرير نفسه، الوارد في مرفق هذا الموجز، باللغة التي قدم بها فقط.

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موجز

بناء على دعوة حكومة كرواتيا، اضطلع، فالتر كالين، ممثل الأمين العام المعني بحقوق الإنسان للمشردين داخلياً، ببعثة إلى كرواتيا في الفترة من ٦ إلى ٨ حزيران/يونيه ٢٠٠٥. والغرض من هذه الزيارة هو تقييم حالة حقوق الإنسان للمشردين داخلياً في البلد، بتركيزٍ على تحديد المشاكل المتبقية في هذه المنطقة وعلى الحلول الدائمة للمسائل العالقة.

وفي أثناء إقامته في كرواتيا، التقى ممثل الأمين العام رئيس الجمهورية، ورئيس الوزراء، وغيرهما من كبار المسؤولين الحكوميين على الأصعدة القومية والإقليمية والمحلية. وعقد أيضاً اجتماعات مع المجلس الكرواتي للأقليات القومية، ومع مسؤولين من الأمم المتحدة ومن منظمات أخرى حكومية دولية وغير حكومية. وخرج من زغرب إلى سلافونيا الشرقية الواقعة في شرق البلد. وكان يلتقي أيضاً حيثما ذهب أشخاصاً من المشردين داخلياً أنفسهم بغية الاستماع لهم مباشرةً لمعرفة القضايا الرئيسية التي تقلقهم.

ويستنتج ممثل الأمين العام من المعلومات المتاحة لـــه أنه، على العكس من المسائل المتبقية المتصلة بعودة اللاجـــئين، حُلَّت معظم مسائل انتشار التشرد الناشئة عن النـــزاعات المسلحة في إقليم يوغوسلافيا السابقة من حيث تأثير هذه المسائل على كرواتيا. ويُثني ممثل الأمين العام على الحكومة لقيامها في السنوات الأخيرة بتخصيص موارد كبيرة وإظهار إرادة سياسية عامة للتوصل إلى حلّ نهائي لمسائل التشرد الداخلي العالقة. وفي الوقت ذاته، يبقى عدد من الأشخاص الذين لم يسوّ وضعهم بعد وهو وضع متقلب في بعض الظروف.

وكان جميع الذين تكلم ممثل الأمين العام معهم على اتفاق عام على عدد المشردين داخلياً الذين لا يزالون مشردين وهو ٧ ٠٠٠ شخص لم يسو وضعهم بعد. والصعوبات الرئيسية التي تواجه هذه الفئة هي أنهم ينتظرون العـــودة إلى أمـــاكن إقامتهم الأصلية واسترجاع ممتلكاتهم التي أُخرجوا منها وحيازتها من جديد. وأحد العوامل الرئيســـية التي تُسبب البطء في تسوية عدد من الحالات ضخامة عبء عمل المحاكم والتنفيذ العشوائي للأحكام الصادرة عنها. ولا يزال عدد من الأشخاص يعيشون في مخيمات بعد مرور عقد على انتهاء النـــزاعات.

وفيما يتعلق بهذه الفئة، يوجد عدد من المسائل التي تميل إلى إضعاف الاستمرارية في الأجل الطويل لما يتم التوصل إليه من حلول للمشردين داخلياً، وهي مسائل يدعو ممثل الأمين العام الحكومة إلى معالجتها بغية تعزيز ما أحرز من تقدم.

وهذه المسائل التي كثيراً ما تتسم بطابع بنيوي أو هيكلي على الصُعد المحلية تشمل أنماطاً عميقة الجذور مـــن أنمـــاط التمييز ضد العائدين من أبناء الأقليات الإثنية، وكذلك ما يتصورونه من استبعاد لهم من المشاركة المناسبة في هياكل الحكم المحلية وفي الخدمة المدنية المحلية. وفي بعض المناطق، جاءت التطورات والحوادث السياسية الأخيرة التي رافقها عنف محلي متعارضة والأهداف التي أعلنتها الحكومة على المستوى القومي بشأن إعادة إدماج العـــائدين، ولا سيما الأقليات الإثنية، في مجتمعاتهم المحلية. وكثيراً ما ترتبط هذه المسائل بالصعوبات الاقتصادية والمجتمعـــية الأوســـع نطاقاً في المناطق المعنية، هذه المناطق التي لا تزال في حالات عديدة تعاني من ركود التنمية الاقتصادية والآثار المستمرة للنزاعات المسلحة، بما في ذلك وجود الألغام الأرضية.

التوصيات الرئيسية

يُرحِّب ممثل الأمين العام بالتزام حكومة كرواتيا على أعلى مستوياتها بالتوصل إلى حل نهائي لمسائل التشرد الداخلي في البلد. ويوصي الحكومة المركزية بالقيام بما يلي:

(أ) تنفيذ برنامج عمل نهائي لإنجاز ما تبقى من أعمال إصلاح الممتلكات المتضررة، وبناء مساكن بديلة، وإعمال الحق في استعادة الحيازة، وذلك بنهاية عام ٢٠٠٧. وينبغي لهذا البرنامج أن يبين بجلاء الموارد اللازمة وأن يتضمن أحكاماً بشأن الرصد بغية ضمان استخدام الأموال المخصصة لذلك استخداماً واضحاً في هذه الأغراض ضمن هذا الإطار الزمني؛

(ب) ضمان استشارة جميع الأشخاص الذين ما زالوا يعيشون في مراكز جماعية وضمان توفير بدائل واقعية بشأن وضعهم في المستقبل، على أن تُحدّد حاجاتهم بالذات ومسؤوليات وكالات الحكومة المحلية المحدّدة في تلبية هذه الحاجات. أما في حالة الأشخاص الذين يعانون من ضعف شديد بينهم، مثل المسنين الذين ليس لهم دعم عائلي، أو الأشخاص المصابين بصدمة أو مرض أو الأسر المعيشية التي تعيلها امرأة، فينبغي للحكومة المركزية أن تضمن لهم إتاحة مرافق عامة متخصصة، مثل المساكن الاجتماعية، سواء في منطقة إقامتهم الحالية أم في المناطق التي فروا منها؛

(ج) نشر صحيفة حقائق توجز بلغة مفهومة حقوق المشردين داخلياً بموجب القانون الكرواتي، وتذكر مكاتب وزارات الحكومة المعنية في زغرب وفي المناطق التي يمكنهم أن يطلبوا منها مزيداً من المعلومات، ومؤسسات مثل أمانة المظالم التي بوسعهم أن يطلبوا منها المساعدة في إعمال حقوقهم، وتوزيع صحيفة الحقائق على جميع المعنيين؛

(د) مواصلة جهودها الرامية إلى تقليل التأخير في حل القضاء للنزاعات العالقة بشأن الممتلكات، وذلك بتدابير منها التعجيل في المعالجة الإدارية لهذه الحالات واتخاذ تدابير تضمن التنفيذ الفوري للأحكام الصادرة عن المحاكم؛

(هـ) تطبيق تدابير قانونية بشأن امتثال السلطات الإقليمية والمحلية لأحكام القانون القومي، والقيام عند الاقتضاء باتخاذ الإجراءات القانونية المطلوبة لتنفيذ ذلك الامتثال، لا سيما فيما يتعلق بوضع الأقليات الإثنية في الحكومة المحلية وفي الإدارة المدنية؛

(و) وضع استراتيجية طويلة الأجل للتنمية الاقتصادية والبيئية للمناطق التي تأثرت بالنزاعات المسلحة، وذلك بغية إيجاد فرص اقتصادية وفرص عمل مستدامة في هذه المناطق؛ ويمكن أن تشمل هذه الاستراتيجية خُطةً مؤلفةً من مراحل لإزالة الألغام الأرضية الباقية من الأراضي الزراعية في مناطق النزاع خلال فترة سنوات محددة.

ويوصي ممثل الأمين العام أيضاً الأمم المتحدة والجهات المانحة بالقيام بما يلي:

(أ) وضع برنامج شامل بالتعاون مع الحكومة يحدد المجالات التي تستلزم دعماً دولياً بالمال والخبراء إضافةً إلى الموارد المتاحة على نحو معقول لحكومة كرواتيا، وذلك بغية تنفيذ التوصيات المذكورة آنفاً، وبخاصة ما يتعلق بالفئات الضعيفة التي تحتاج إلى حلول دائمة، ويبيّن بدقة المجالات التي تعود فيها المساعدة التقنية الدولية بالنفع على الحكومة في بلوغ هذه الأهداف؛

(ب) الرصد في إطار ولاية كل منهما لتنفيذ التوصيات المذكور آنفاً وإبلاغ السلطات في الحكومة المركزية بالعقبات أو الصعوبات التي تنشأ في أثناء تنفيذ هذه التوصيات.

Annex

REPORT OF THE REPRESENTATIVE OF THE SECRETARY - GENERAL ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS, WALTER KÄLIN, ON HIS MISSION TO CROATIA (6-8 June 2005)

CONTENTS

Introduction

1. Pursuant to an invitation by the Government of Croatia conveyed by letter of 12 April 2005, the Representative of the Secretary-General on the human rights of internally displaced persons conducted a mission to Croatia from 6 to 8 June 2005 in pursuance of his mandate to engage in coordinated international advocacy and action for improving protection of and respect for the human rights of internally displaced persons (IDPs) through dialogues with Governments, as well as non-governmental organizations (NGOs) and other relevant actors.[1]

2. The mission was undertaken as part of a visit to the region which also included missions to Bosnia and Herzegovina and Serbia and Montenegro.[2] This allowed the Representative to assess the situation in each of the countries visited in the regional context. While much has been achieved in the area of internal displacement in all these countries, there still remain outstanding issues to be addressed. He presented his major regional findings to the General Assembly in his annual report of 7 September 2005.[3] In contrast, the present report addresses the situation in Croatia alone, with a specific focus on the particular national experience of internal displacement and lessons learned from the response to the issues raised.

3. The main objectives of the mission were to: (a) assess the progress made by Croatia over the last decade in resolving issues of internal displacement; (b) illuminate lessons learned from those experiences; and (c) make recommendations to solve outstanding issues and strengthen the durability of the solutions that have already been reached.

4. In Zagreb, the Representative met with the President, Stjepan Mesić, and the Prime Minister, Ivo Sanader. He also met with senior government officials, including Lovre Pejković, Assistant Minister of Sea, Tourism, Transport and Development, Boris Koketi and Ljiljana Vodopija, Assistant Ministers of Justice, Dubravka Šimonović, Head of the Human Rights Department of the Ministry for Foreign Affairs, Luka Mađarić, Head of the Government Office for Human Rights, and Milena Klajner, Head of the Office of National Minorities. The Representative also met with Jurica Malčic, Ombudsman, and Alexander Tolnauer, President of the Council for National Minorities. He further had meetings with members of the United Nations Country Team (UNCT), NGOs and political representatives. In addition to these meetings in the capital, the Representative visited Osijek and Vukovar, where he met with the heads of the regional offices for refugees and displaced persons, officials of the field presence of the Organization for Security and Co-operation in Europe (OSCE), NGOs and IDPs. In these two locations, he visited the "Naselje prijateljstva" and "Blace" camps.

5. The Representative wishes to express his gratitude for, and recognition of, the full cooperation of the Croatian authorities. All meetings requested were held and all discussions took place in an open and constructive manner. The Representative would also like to thank the United Nations Resident Coordinator and the UNCT in Croatia, particularly the component of the Office of the United Nations High Commissioner for Refugees (UNHCR), for the excellent logistical and organizational support provided in connection with the mission, particularly during the visits outside of Zagreb. He also extends his appreciation for the valuable input provided during the mission by OSCE. He was also deeply impressed by the information provided to him by members of civil society, and expresses his thanks to the members of the aid community and the NGOs with which he met. Finally, the Representative would like to thank the IDPs who were prepared to share their experiences with him.

6. The Representative's conclusions and recommendations in the present report are informed by the Guiding Principles on Internal Displacement (the Guiding Principles).[4] In terms of the protection framework that he applies, the Representative observes that IDPs in Croatia as citizens of their country remain entitled to the protection of all guarantees of international human rights and humanitarian law ratified by Croatia or applicable on the basis of international customary law.

They do not lose, as a consequence of their being displaced, the rights of the population at large. At the same time, they have specific needs that are distinct from those of the non-displaced population and need to be addressed by specific protection and assistance activities. These rights of IDPs are reflected and specified in the Guiding Principles, which provide the basic international framework for the protection of IDPs. The primary duty and responsibility to provide such protection lies with the national authorities and IDPs have the right to request and receive such protection and assistance from the Government (guiding principle 3). As stressed in the Representative's report to the Commission on Human Rights in 2005,[5] protection must not be limited to securing the survival and physical security of IDPs but relates to all relevant guarantees provided to them by international human rights and humanitarian law. The State has the obligation to: (a) prevent violations of these rights from occurring or from recurring; (b) stop them while they are happening; and (c) ensure reparation and full rehabilitation if they have happened.

I. CONTEXT OF INTERNAL DISPLACEMENT IN CROATIA

A. Relevant political developments

7. Croatia has a total area of 56,538 km^2. According to the 2001 census, there is a population of 4,784,265 persons, with a rate of natural increase of -0.1 per cent.[6] More than 90 per cent of them are of Croatian nationality while the ethnic Serb population, estimated in the 1991 census at 581,663 (12.1 per cent of the total), had fallen to 201,631 (4.5 per cent in 2001).[7] According to the 2001 census, 9,500 persons have been recorded as belonging to the Roma community but official estimates place the Roma population in Croatia at actually numbering somewhere between 30,000 and 40,000,[8] thus making them the country's second largest minority after the Serbs. With, according to United Nations statistics, average life expectancy at 74 years and a per capita income of US$ 5,350, Croatia is a leader among those States emerging from the break-up of the Socialist Federal Republic of Yugoslavia. Ninety-five per cent of women are literate, compared with 98 per cent of men. An economy formerly dependent on industrial and agricultural sectors has been diversified and currently relies substantially on tourism and financial services.

8. Following a popular referendum in May 1991, the Croatian Parliament issued a declaration of independence from the Socialist Federal Republic of Yugoslavia on 25 June 1991. Following the declaration, armed conflict spread to the territory of Croatia, engaged by the Yugoslav People's Army and with the assistance of paramilitary forces from within and outside of Croatia. As a result of these conflicts, the Government of Croatia lost control of the areas of Eastern Slavonia, Western Slavonia and "Krajina", areas with a pre-war majority of ethnic Serbs or with a substantial ethnic Serb minority. In the course of this fighting, an estimated 220,000 ethnic Croatians fled these areas for other parts of Croatia. In Geneva, on 23 November 1991, and in Sarajevo, on 2 January 1992, ceasefire agreements were signed seeking to bring the fighting to an end.

9. On 15 January 1992, the member States of the European Community recognized the independence of Croatia. On 21 February 1992, the Security Council adopted resolution 743 (1992) establishing a United Nations Protection Force in the contested areas. On 22 May 1992, Croatia was admitted into the United Nations. In January 1993, fighting flared with Government of Croatia incursions into the contested areas. In May 1995, in a military operation named "Flash", government forces attacked Western Slavonia, recapturing significant amounts of territory. In August 1995, in a military operation named "Storm", government forces recovered "Krajina". In the context of these operations, an estimated 300,000 ethnic Serbs were displaced from their homes, with the majority becoming refugees in adjoining States.

10. On 12 November 1995, Croatia concluded the Erdut Agreement with local authorities. Security Council resolution 1037 (1996) gave effect to the Agreement, establishing a United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) for a one-year period. Subsequent Security Council resolutions prolonged the mandate

until 15 January 1998. Local elections were held in the region under the Transitional Administration on 13 April 1997. Pursuant to the outcome of these elections, bodies of local administration and self-government were established. In 1997, UNTAES, UNHCR and the Government of Croatia signed an Agreement on the Operational Procedures of Return [of refugees and internally displaced], which, inter alia, confirmed the right of the internally displaced to return to and from the Croatian Danube region. On 15 January 1998, Eastern Slavonia, Baranja and Western Sirmium were the last sectors to revert to the control of the Government of Croatia, with the final expiry of the UNTAES mandate.

11. Since the conclusion of the armed conflicts on the territory of the former Yugoslavia, the foreign policy of Croatia has reflected the long-term goal of membership in the European Union. On 29 October 2001, the European Union and Croatia signed an agreement for the Stabilization and Association Process. On 18 June 2003, Croatia became a candidate country for accession to the European Union. On 3 October 2005, the European Union decided to open accession negotiations with Croatia.

B. Human rights situation

12. The Constitution of Croatia sets out a modern chapter of protection of human rights and fundamental freedoms, including numerous economic, social and cultural rights. Of particular relevance to IDPs in the Croatian context, the Constitution guarantees the right of ownership of property (art. 48) and of payment of fair market value for expropriation of property by law (art. 50). It also secures liberty of movement and free choice of residence (art. 32) and the right to judicial review of administrative agencies and other agencies invested with public authority (art. 19). Members of national minorities are conferred equal rights (art. 15). Article 140 of the Constitution provides that duly ratified international treaties form part of the internal legal order and have the status of superior law. Constitutional rights may be vindicated by individual complaint to the Constitutional Court. Alongside this formal mechanism, article 92 of the Constitution confers upon a people's ombudsman the mandate of protecting the legal and constitutional rights of individuals with respect to public administration.

13. After reaching independence, Croatia became party to the core United Nations human rights treaties by succession or accession. Since then, the State has closely cooperated with the United Nations on human rights matters by submitting periodic reports to each of the human rights monitoring bodies assessing implementation of those treaties. Croatia has also been willing to confer upon persons subject to its jurisdiction the right to make complaints to international human rights monitoring bodies, including the Human Rights Committee (under the Optional Protocol to the International Covenant on Civil and Political Rights) and the Committee against Torture (under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). Regarding special procedures of the Commission on Human Rights, the then Representative of the Secretary-General on internally displaced persons, Francis Deng, visited Croatia in 1992 as part of a mission to the former Yugoslavia, reporting to the Commission on Human Rights the following year.[9] Until 2001, the Commission on Human Rights received annual reports from the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina. the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) on, inter alia, the situation in Croatia.[10] Country visits to Croatia by the above-mentioned Special Rapporteur were last undertaken in 1999 and 2000. With respect to the special procedures of the Commission, Croatia has taken the positive step of issuing a standing invitation to such procedures. Also over the period in question, a field office in Zagreb of the Office of the United Nations High Commissioner for Human Rights performed valuable monitoring and advocacy work further to the mandate of the Commission.

14. In addition to this engagement with the United Nations system, Croatia actively sought to promote human rights through regional systems for the protection of human rights. On 6 November 1996, Croatia became a member of the Council of Europe, ratifying, inter alia, the Convention for the Protection of Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. From 18 April 1996, OSCE has maintained field presences in Croatia, which have performed important work in monitoring and upholding human rights.

15. As to human rights issues which currently subsist, issues of impunity remain of primary concern. Over recent years, the extent of the cooperation of Croatia with the International Criminal Tribunal for the Former Yugoslavia as well as indications of selectivity and unfairness in domestic criminal proceedings have been criticized, and despite important progress made in recent times, a certain climate of impunity for war crimes and crimes against humanity is reported to linger. Similarly, a still substantial number of cases of disappeared persons arising out of the armed conflicts remain unresolved, with a number of perpetrators of such incidents still at large.

16. Regarding IDPs, the United Nations human rights treaty bodies have for their part identified a number of specific concerns. In November 2001, the Committee on Economic, Social and Cultural Rights highlighted legal and administrative obstacles faced by ethnic minorities in return and property repossession, disadvantages suffered by the same groups with respect to citizenship and residency requirements and unemployment issues in returnee areas.[11] In May 2002, for its part, the Committee on the Elimination of Racial Discrimination raised concerns that the national framework and policy for return and property repossession under President Franjo Tudjman favoured the return and resettlement of majority ethnic Croatians rather than minority ethnic Serbs.[12] In 2004, the Committee on the Rights of the Child expressed its concern about difficulties regarding access to education and health care for refugee and internally displaced children.[13]

II. RESPONSES TO THE DISPLACEMENT SITUATION AND RESULTS ACHIEVED

A. Return of internally displaced persons

17. In the area of internal displacement, the Government of Croatia has taken significant steps to address the relevant issues, particularly since the change of Government which took place in the year 2000. The Government has, first and foremost, made very clear its expression of political commitment to resolving the problems, and taken steps towards realizing this commitment not least through the inclusion in the Government of parties composed of ethnic minorities. In recent years, the Government has strengthened the legal position of ethnic minorities, expanded the executive apparatus addressing these issues and committed substantial financial resources to resolving outstanding property claims of IDPs in particular.

18. Since the end of the conflict, 211,510 ethnic Croatians had returned as of April 2004.[14] The return rate has been much lower among the displaced Serb population. Out of a total of more than 330,000 ethnic Serb refugees and IDPs uprooted since 1995, only 108,986 returns had been recorded as of April 2004.[15] Out of a total of approximately 330,000 Croatian refugees (mostly ethnic Serbs), 26,382 have repatriated with UNHCR assistance under the organized repatriation procedure and 108,194 have repatriated spontaneously according to the Government of Croatia, to make a total of 134,576 returnees as at 30 September 2005. With regard to IDPs, according to government statistics, 241,358 have returned internally to their place of origin, of whom 23,204 are ethnic Serbs from the Croatian Danube region. As of 30 April 2005, UNHCR reported a total number of 19,183 refugees from Croatia in Bosnia and Herzegovina and 102,863 in Serbia and Montenegro. The total number of IDPs in Croatia was 6,934, of whom 5,256 were ethnic Croatians

and 1,678 ethnic Serbs. Two thousand one hundred and ninety IDPs lived in collective centres, 3,066 were in private accommodations and 1,678 displaced persons were in the Croatian Danube region either in collective or private accommodations.

19. In contrast to the return of refugees, many of whom are still unable to return to their homes for many reasons, including legal obstacles related to the recovery of their property and patterns of discrimination,[16] official figures of the Government of Croatia indicate that substantial progress has been made towards final resolution of IDP issues. Even accounting for possible underreporting of certain figures due to a combination of truncated registration and re-registration periods, lack of awareness of rights, administrative obstacles and other factors, the trend tends clearly and steadily downwards.

Situation of ethnic Croatian and ethnic Serb displaced persons, 1991 to March 2005

Situation at end of year (unless otherwise indicated)	Ethnic Croatian displaced persons (in Croatia)[a]	Ethnic Serb displaced persons (in Croatian Danube region)[b]	Total
1991	550 000	-	550 000
1992	260 705	-	260 705
1993	232 103	-	232 103
1994	199 807	-	199 807
1995	210 592	-	210 592
1996	138 088	-	138 088
1997	101 660	31 667	133 327
1998	72 676	10 503	83 179
1999	46 273	4 739	51 012
2000	30 647	3 487	34 134
2001	19 991	3 411	23 402
2002	13 748	3 352	17 100
2003 (July)	12 359	3 323	15 582
2005 (March)	5 256	1 678	6 934

[a] While described as ethnic Croatians, these figures include a small proportion of up to 6 per cent non-ethnic Croatians.

[b] While described as ethnic Serbs, these figures include a small proportion of up to 4 per cent non-ethnic Serbs.

B. Relevant legal and institutional framework

20. At the multilateral level, on 2 June 2004, the Agreement on Succession Issues signed by the five successor States to the former Yugoslavia originally concluded in April 2001 entered into force. Annex G to the Agreement, entitled “Private Property and Acquired Rights”, is of particular relevance for the present circumstances. The annex accords protection to the private property and acquired rights of citizens of the former Yugoslavia. Under article 2, rights to immovable property located in successor States and to which citizens of the former Yugoslavia were entitled on 31

December 1990 "shall be recognized, and protected and restored by that State in accordance with established and standards of international law Persons unable to realize such rights shall be entitled to compensation in accordance with civil and international legal norms". Purported transfers of rights concluded under duress after that date are held void. Article 6 provides that domestic legislation of each successor State concerning so-called dwelling rights shall be applied equally to all persons who were citizens of the former Yugoslavia who had such rights. The annex emphasizes non-discriminatory treatment of all former citizens, including in access to the courts and administrations of the various successor States.

21. At the regional level, the Regional Ministerial Declaration signed in Sarajevo on 31 January 2005 by Bosnia and Herzegovina, Croatia and Serbia and Montenegro provides a framework for "just and durable solutions to the refugee and IDP situation". The signatories committed to solving the remaining displacement by the end of 2006, to facilitate returns or local integration of refugees and IDPs in their countries without discrimination and in accordance with the individual decisions of those concerned, and to provide assistance and support to refugees and IDPs in cooperation with UNHCR, the European Union and OSCE.

22. At the level of domestic law, the applicable regimes have in the past been, and remain, of considerable complexity. The legal position applicable to a particular situation could be affected by numerous laws, ordinances and government decisions and mandatory instructions, which have been amended on numerous occasions. The jurisprudence of the courts in interpreting these provisions has added an additional layer of complexity. Broad distinctions have often been formally drawn in law between "areas of special State concern", that is, areas which in the course of armed conflict were de facto removed from the control of the Government of Croatia, and other areas in the country. Further distinctions were also effected with respect to areas formerly under UNTAES control. Additional complexities were introduced by legislation dealing specifically with property rights deriving from tenancy/occupancy regimes applicable in the former Yugoslavia. Thus, for example, the Housing Act provided that so-called "specially protected tenancies" could be terminated in the occupant's absence without justification for a six-month period. In turn, the Supreme Court's jurisprudence held that "war events" as such did not justify non-use of a flat, and that moreover, "the fact that a flat that is not being used by its tenant is illegally occupied by a third person does not, per se, make the non-use [of the flat by the tenant] justified".[17] As a result of these provisions, many displaced persons lost rights with respect to properties they had occupied, despite, in numerous cases, having taken considerable steps to recover them.

23. Against this background, some key stages in the evolution of the legal framework warrant specific mention. From 1993 onwards, the major legislation concerning the legal position of displaced persons has been the Act on the Status of Displaced Persons and Refugees, as repeatedly amended. From 1992 to 1996, reconstruction of housing damaged or destroyed by conflict, State participation therein and individual eligibility thereof were governed by the Act on the Financing of Reconstruction, the Act on Loans for Reconstruction of Properties Damaged and Destroyed in the War, and the Act on the Designation of War Damage, accompanied by Regulations on areas where funds were to be spent according to the Financing Act, and on organizing and financing reconstruction of war-damaged family homes and economic facilities which sustained the most severe damage. Amendments in 1996 repealed these two regulations, with the regime being further adjusted by later regulations and amendments. The combined effect of these regulations was widely regarded, both nationally and internationally, as possessing an indirectly discriminatory effect against Serb minorities on account of the limitations on coverage of damage inflicted at different times, or on the time of return. Amendments to the Reconstruction Act in 2000 removed much of this character, and provided a more standard practice for processing reconstruction requests through the provision of clearer procedural rules. Options for claimants having suffered a certain level of damage to claim compensation in lieu of reconstruction were also provided.

24. From 1995 to 1998, the Law on Temporary Take-over and Administration of Specified Properties provided that Croatian citizens submitting a claim could be allocated new housing. Under this regime, an estimated 18,500 housing units were granted to Croatian displaced persons or refugees. In overwhelming measure, the entitlements to these units were conferred upon ethnic Croatians.

25. From 1996, the Law on Areas of Special State Concern established a specific regime for the conflict-affected areas. Under that law, in conjunction with the Act on Temporary Takeover and Administration of Certain Properties (until 1998) and related ordinances, the State of Croatia took temporary administration of property abandoned or otherwise not personally being used by the owners, and issued certain occupants with decisions on the use of the property. In principle, the State also assumed responsibility for the protection of such property. In 2001, this framework was supplemented by the Act on Subsidized Housing Construction, providing returnees with the options of lease of a State apartment or staggered purchase of their own apartment. In July 2002, important amendments were made to the regime, including a provision for housing assistance for former tenancy/occupancy rights holders in these areas. Further changes included dissolving decentralized housing commissions, which in certain parts of the country had been often viewed as engaging in arbitrary decision-making and procedural irregularities, and transferring responsibility to central Government. The burden of convenience was also shifted from occupants to owners, with (legal) occupants having to leave such property within time frames of 15 to 90 days depending on the nature of the alternative housing provided. These alternatives ranged from receipt of a State lease, lease of a damaged State house and allocation of building material, allocation of a State-owned construction plot and building material and allocation of building material for repair, reconstruction or construction of a family house or apartment. Formal eviction proceedings were to be lodged against those failing to vacate occupied properties. By a Special Conclusion and Decision of the Government in 2003, compensation was fixed for persons falling outside the time lines established by the Act for repossession of property. In 2003 and 2004, a number of administrative measures were adopted in order to accelerate the rate of property repossession.

26. Outside areas of special State concern, the 1995 Law on Lease of Apartments abolished the institute of tenancy/occupancy rights, leaving as lessees those who had not already privatized their apartments. Particular provision was made in June 2003 for former occupancy/tenancy rights holders, through the Conclusion of the Government on the mode of housing returnees who do not own either a house or an apartment, but who lived in socially owned apartments outside areas of special State concern, and the Decision of the Government on authorizing the relevant ministry to purchase apartments intended for housing of such returnees. Among other things, former tenancy/occupancy rights holders outside the areas of special State concern became entitled to apply for rental properties or to purchase State-constructed apartments at reduced rates. Applications under this scheme were accepted up to 30 June 2005.

27. This complex legal regime was twinned with a similarly complex administrative apparatus, with differing and changing competencies at national, regional and local levels concerning implementation and administration of the relevant laws. At the central level, dominant roles were played by the Ministry for Development and Reconstruction, subsequently the Ministry for Public Works, Reconstruction and Construction and then the Ministry for Maritime Affairs, Tourism Transport and Development. Within ministries, core functions were administered by the Directorate for Regional Development and then the Directorate for Displaced Persons, Refugees and Returnees. Alongside these units, specialist administrative bodies were established in the form of the Commission for Implementation of the Programme of Return and later the Coordination Commission for Areas of Special State Concern and the Commission for the Return of Refugees and Displaced Persons and the Restitution of Property. In conjunction with the complex mesh of legal instruments and decisions, extensive administrative instruments provided additional detail, notably the Programme of Return and

Accommodation of Expellees, Refugees and Displaced Persons (1998), followed by the Action Plan for Implementation of Repossession of Property (2002).

C. Protection of minority rights

28. Besides the human rights guarantees enshrined in the Constitution (see paragraph 12 above), the Constitutional Act on the Rights of National Minorities of 2002 is of special relevance for the protection of IDPs and returnees. It applies to groups of Croatian citizens whose members traditionally inhabit the territory of the country, who have ethnic, linguistic, cultural and/or religious characteristics differing from other citizens and who wish to preserve such characteristics. The Act prohibits all discrimination against members of national minorities so defined, as well as measures changing population proportions in such areas. The Act provides for representation of national minorities, inter alia in representative bodies at national and local level, and in administrative and judicial bodies, as well as participation in public life and administration of local affairs by means of councils and representatives of national minorities. Specifically, the Act provides for a right of representation in the national parliament (the Sabor) by way of special election constituencies and for mechanics aimed at ensuring proportional representation of national minorities in bodies of local self-government and representative bodies of regional self-government.

29. The Act also provides for a National Minorities Committee at the central level, composed of members of Parliament who are members of national minorities (art. 35 et seq.). The Committee has a mandate, inter alia, to engage in dialogue with "bodies of State authority", to propose measures for the improvement of the situation of national minorities, to procure relevant data from local and regional authorities and to engage in public advocacy on associated issues. At the same time, the Committee exercises certain financial prerogatives in the disbursement of public funds appropriated by Parliament for national minorities. These provisions go a considerable distance in integrating national minorities into the life of the nation at central, regional and local levels, and in building confidence that the divisions caused by armed conflict and associated displacement belong to history. With full implementation of the provisions of the Constitutional Law and associated instruments, such perspectives will become more deeply embedded in the fabric of the nation.

D. Lessons learned: the Croatian experience in addressing internal displacement

30. The experience of Croatia with internal displacement since its emergence in the country in the early 1990s, the period of armed conflict and the subsequent phase of grappling with remedial issues, has emphasized a number of lessons which serve not least as guidance to future responses in other States confronted with analogous situations. In the Representative's view, the following overarching themes may be enumerated:

31. **Importance of comprehensive, overarching regional arrangements**. It is rare that a situation of internal displacement is limited in its effects and implications to a single country. By contrast, it is much more common for a situation of internal displacement to have numerous bilateral and regional dimensions. A situation of internal displacement is a function of both refugee and IDP movements in flux across a number of States, and a solution seeking simply to address a single issue such as the IDP situation in one State risks neglecting broader issues in the regional context that are necessary for comprehensive resolution of the situation. With respect to Croatia, the 2004 Agreement on Succession Issues only recently entered into force, some 10 years after the conclusion of armed conflict on its territory, and the 2005 Sarajevo Declaration remains to be implemented. Inter-State agreements regulating return of refugees, which have a direct impact on the resolution of situations of internal displacement, are of vital importance to resolution of the underlying displacement issues. In the Croatian context, such agreements have been slow in coming and durable solutions of displacement issues have been accordingly delayed.

These kinds of agreements will also often require the close involvement of the wider international community in order to maintain political pressure towards reaching agreements, as well as to ensure that the rights and interests of vulnerable populations, including by IDPs, are appropriately reflected and respected in the formal framework.

32. **Necessity of accessible, comprehensive legislation, notably with respect to property issues**. Internal displacement stirs up numerous difficult legal issues, amongst which the most complex often involve resolution of property issues, including reconstruction, repossession and return. While the complexities of these issues will inevitably complicate to a certain extent legislation adopted to respond to the issues, it is at the same time vital that legislation is of a comprehensive, accessible nature. The experience of Croatia, with the sequential adoption of piecemeal legislation dealing at different times and in different ways with overlapping issues, supplemented by ordinances and decisions, produced a legal mosaic of exceptional complexity and opacity. The result was a legal scheme that became singularly inaccessible to IDPs seeking to determine their rights under domestic law and to vindicate them. In the Representative's view, this experience has demonstrated that, in principle, a single code of the rights of IDPs, covering the differing issues of relevance to them, is the most appropriate way of rendering rights in clear, comprehensive and accessible fashion.

33. **Importance of a sufficiently resourced judicial system and accompanying mechanisms by which rights may be vindicated**. The greater the complexity of legislation on any particular issue, the greater will be the recourse to the courts in order to determine the scope, in law, of the particular provisions in question, as well as to apply those provisions to a wide variety of factual situations. This necessity of frequent resort to the courts in the aftermath of internal displacement places higher than usual demands on the judicial system, which, in order to safeguard the internationally guaranteed human right to resolution of disputes before judicial instances within a reasonable period, requires the judicial system to be sufficiently resourced both in terms of judges, but also registry and support staff and accompanying infrastructure. The Croatian experience has shown the importance of recognizing such deficits at an early stage, in order to avoid situations where, as a practical matter, rights cannot be vindicated and a general disrespect for the rule of law, including the rights of third parties, and of impunity develops. The potentially very serious consequences of such a situation require careful preventive planning and allocation of resources at an appropriately early stage. The Croatian experience has also shown that, in an area of technical legal regulation, the option for alternative, non-judicial means both to vindicate rights and to ensure responsiveness of the administration to the needs and interests of citizens and others requiring attention and decisions of administrative bodies is of particular importance. In recent years, the Ombudsman has performed important functions - within the constraints of limited resources - in contributing to an administration operating by and within the rule of law.

34. **Importance of sufficiently centralized control over return, property resolution and reintegration processes**. In the initial stages of treating issues of internal displacement, notably in respect of property issues, significant leeway was allowed regional and local authorities in the interpretation and application of relevant law in specific cases. While a degree of local administration is appropriate and indeed necessary, care must be taken to preserve the rights of IDPs from arbitrary and at times capricious actions on the part of local administrators. The housing commissions operating at local and regional levels, which were abolished in the reform of 2002, illustrated a number of these difficulties. Local and regional administrators often wield a disproportionately large degree of practical power in such situations which, when coupled with significant discretion contained in legislation and administrative mechanisms, permits readily administrative action to reflect bias on the part of the administrator or that of wider sections of the local population. It is also essential that central authorities have the capacities, including necessary legal powers, to enforce full and proper application of the relevant law by local and regional authorities.

35. **Importance of clear political signals from the highest levels of government**. The current Government in Croatia has sent clear messages that the issues of internal displacement in the country were matters that needed to be resolved, as a matter of priority. As already noted, that commitment has been reflected by positive and overdue changes to the relevant legislative framework, as well as allocation of substantial budgetary resources, in particular to reconstruction efforts. The commitment of the central Government has further been underscored by the diverse political coalition it has assembled in the Sabor, including representatives of ethnic minorities, and the efforts it has made to include members of ethnic minorities in administrative and representative structures. The importance of such signals to execution at the regional and local levels of the policies and programmes of the Government should not be underestimated, as well as the importance of the message to IDPs themselves.

36. **Awareness of the relevance of appropriate accompanying measures in areas afflicted by internal displacement**. In recent years, the Government of Croatia has recognized that legal measures laying the groundwork for return and reintegration, including with respect to property issues, are not sufficient to ensure durability of return. Rather, such steps must be accompanied by positive targeted measures with respect to the economy, and social and physical environment of areas affected by displacement. In order to make returns permanent and sustainable, the affected areas must be in a position to offer reasonable employment prospects and economic opportunities. The physical environment must also be rendered free of physical dangers such as those posed by landmines and unexploded ordnance, as well as environmental damage such as the release of heavy metals and poisonous materials into the environment as a direct or indirect result of the armed conflict that led to displacement. In Croatia, the late stage at which such measures have been undertaken and begun to be implemented with sufficient conviction has delayed achievement of a situation that is sustainable over the medium and long terms.

III. REMAINING ISSUES OF CONCERN

37. The official figures show, and the Representative's discussions and visits have confirmed, that despite the progress achieved, the rate of decline in the numbers of IDPs has diminished in recent times. That is to say, there is a relatively small core of people whose situations remain unresolved. Upon conclusion of his discussions and field visits, the Representative was optimistic that with a concerted final effort by the Government of Croatia, with the assistance as appropriate of the international community and United Nations specialized agencies, Croatia could achieve a final resolution of the issues of internal displacement within the foreseeable future. In his view, the current situation can be assessed as follows.

A. Internally displaced persons in collective centres

38. For the most part those persons who wished to return and were able to return have done so, while those unable to do so form the bulk of the remaining persons. At the accommodation centres he visited, the Representative observed that few residents remained in centres constructed for much larger capacities. While in certain cases it was contended that individuals did not wish to leave the accommodation centres on account of the provision of services on the part of the State received there, the majority of persons remaining face considerable obstacles to return. Commonly, these are persons with particular vulnerabilities who depend on provision of State services such as housing, food and medical treatment. In particular, these are persons, often elderly, without known family members, conflict-traumatized individuals, the sick and female-headed households. In certain cases, persons wish to return or have resolved status issues, but are unable to in fact return on account of, for example, an absence of affordable transport. In the view of the Representative, it is no longer appropriate that the accommodation centres remain as catch-all facilities which, in practical terms, hold these groups of persons for what appears to be an indefinite future. Durable solutions need to be found for these especially vulnerable persons.

B. Property issues

39. While the reconstruction that has taken place and the corresponding resources invested have been impressive, the Representative took from his discussions that the steps towards achieving final resolution of property issues have slackened, for a variety of possible reasons. Indeed, significant sums of money appropriated by the Croatian Parliament have not been spent over the last year, for reasons which remain unclear to the Representative. The Representative stresses that the remaining tasks, when set against the work achieved, are not large, but require a final sustained effort. The options that have been developed of reconstruction, provision of building materials and purchase and lease possibilities provide an effective framework within which these final steps can be conclusively realized.

40. The construction of these housing units has an additional positive effect with respect to the situation of temporary occupants who, according to applicable policy, remain in their existing accommodation until alternative accommodation can be found for them. Under such a prioritization policy, it is clear that until sufficient construction efforts are undertaken, the repossession and recovery by displaced persons of occupied homes will continue to lag.

41. A related issue continues to be the overburdened judiciary. While case handling time frames are improving and the introduction of the possibility of application to the Constitutional Court to ensure expeditious proceedings in lower courts may be expected to further accelerate proceedings, the fact remains that the resolution of many cases takes unacceptably long and in turn, as a practical matter, applicants are denied the ability to effectively vindicate their rights. In some cases, sequential series of proceedings can greatly prolong the time required for resolution of a case. For example, an applicant having obtained an eviction order after prolonged proceedings may readily find himself or herself before the same court with claims for damage to property once recovered, which can take years to achieve resolution. The overall effect, in many cases, readily amounts to a denial of justice, in breach of international human rights obligations.

42. A second and related issue is the awareness of entitlement to certain rights and accompanying administrative "gatekeeping" requirements for the vindication of rights. As has been set out above, the applicable legal and administrative mechanisms for the resolution of property issues in Croatia have been, and remain, of a singular complexity and it is almost a matter of course that experienced legal advice would be required in order to provide individual applicants with a full assessment of their relevant rights. In a society emerging from serious conflict and where most of the remaining displaced persons continue to be particularly vulnerable, it cannot be expected that these persons will have the resources or otherwise have the faculties to apprise themselves fully and fairly of the relevant law and policy. While NGOs and international organizations have done very important work in raising awareness of rights and in informing displaced persons of their entitlements, the primary obligation lies with the State to empower citizens and others within the State's jurisdiction to be able, as a practical matter, to vindicate their rights. In particular against the background of decreasing international engagement in Croatia, the Representative is of the view that it is particularly incumbent upon the State to proactively engage in the provision of comprehensive and accessible advice to persons whose situations are not yet resolved.

43. Closely linked are procedural "gatekeeping" requirements conditioning access to rights, notably registration with particular authorities within certain deadlines. Again in the context of a post-conflict society, with a complex legal regime regulating enjoyment of fundamental rights such as the right to housing and property, the unfairness of excluding persons through the vehicle of registration deadlines from rights of which they were unaware is manifest. While recognizing on the one hand that legal certainty requires a measure of finality and on the other that in recent years relevant registration deadlines have been extended, the Representative notes that the deadlines have generally been absolute ones not permitting of exceptions. In his view, the requirements of

justice in this context require a valve permitting late registration in particular circumstances of hardship or difficulty, the onus of showing such a situation lying if necessary with an applicant. The courts would be an appropriate arm of Government - subject to the timely resolution of claims discussed above - to oversee such a process.

C. Obstacles to sustainable return of minority internally displaced persons

44. The Representative was concerned to hear that in a number of regional and local areas the respective authorities had fallen short of the political lead set by the central Government. The Representative was concerned that signals of exclusion and resistance to moving forward exhibited by local politicians and certain media are likely to create uncertainty amongst members of both majority and minority ethnic groups as to the current situation in the country and the degree to which the course of reintegration and forward development was in fact guaranteed.

45. Such divisions on ethnic bases were also shown at regional and local levels by oft-heard complaints that participation of ethnic minorities in local administrations, even when specifically provided for by law, was either non-existent or existed at insufficient levels. Such attitudes on the part of the State at this level also found reflection in behaviours of private individuals, with landlords, employers and others exhibiting hostile and dissuasive attitudes towards members of ethnic minorities seeking to live and work in certain areas. In some cases in recent years, physical attacks on members of ethnic minorities had been the most aggressive manifestations of such attitudes. Taken together, these manifestations have a particularly corrosive effect on communities at the local level and entrench mistrust and mutual apprehension. The Representative emphasizes that resolution of such latent issues at the local level and in the general population are indispensable to durable, sustainable resolution of issues of internal displacement. While (re-) creation of the physical and property infrastructure to accommodate returnees is a necessary first step, that is not of itself sufficient. On the contrary, measures to build social confidence, particularly through appropriate representation of minorities in local mechanisms of Government and effective enforcement of non-discrimination laws, are essential to lock in progress achieved and to build a durable basis for a common future.

46. While conscious of the measures undertaken by the Government to stimulate economic growth in the conflict-affected areas of the country, the Representative was concerned at witnessing the degree to which these areas lagged behind the rest of the country. The eastern Danube region, for example, once the breadbasket of the country and an economic powerhouse, remains a shadow of its pre-conflict stature. In some respects, environmental degradation resulting from the presence of mines and/or unexploded ordnance, as well as effects of the fighting itself, has diminished the accessibility or productivity of the land. Alternatively, the effects of the fighting on infrastructure, notably communal agricultural and industrial facilities, remain grave and the displacement of experienced labour forces as a result of the fighting decimated workforces with local knowledge, which have some distance to cover to return to pre-war levels. Less readily quantifiable effects of psychological and mental injuries inflicted by the conflict and displacement have also had effects on productivity in the region. The totality of these effects has resulted in extensive tracts of the country still suffering from severe economic dislocation and underdevelopment compared to the rest of the country, and an absence in large measure of the employment and investment economic opportunities necessary to undo, over time, the effects of the conflict and provide prospects for a sustainable future to displaced persons returning to these areas. In order to address these broader issues, which are central to constructing a sustainable future in these areas, the Representative considers that the Government needs to review how, in the light of the experience of measures taken to date, the admittedly complex economic and environmental issues can best be advanced.

IV. CONCLUSIONS AND RECOMMENDATIONS

47. **Particularly since the change of Government in 2000, Croatia has demonstrated impressive political commitment and allocated considerable resources to resolving issues of internal displacement. The recent conclusion of the Sarajevo Declaration also demonstrates the commitment to achieving durable solutions to interlinked displacement problems, though careful planning is required to ensure that returnees can find durable solutions rather than simply adding to the numbers of internally displaced. Currently in Croatia, a particularly complex legal regime governing notably property issues, coupled with an overburdened judiciary and reluctance at a number of regional and local levels to move beyond the ethnic divisions of the past towards a common future, has resulted in bottlenecks that continue to delay resolution of the issues of various groups of displaced persons. Policymakers and the media are also challenged to break down ingrained obstructive mindsets in parts of the general population. The Representative is, however, confident that with the guidance of his current recommendations, the Government, accompanied by appropriate assistance from the international community, will engage in a final concerted push to resolve the outstanding problems of internal displacement.**

48. **A relatively small number of IDPs still live in collective centres, many of whom are particularly vulnerable. In this regard, the Representative makes the following recommendations:**

(a) The Government should ensure that all persons still accommodated in collective centres are consulted and provided realistic alternatives concerning their future status, with an identification of their particular needs and the responsibilities of specific local government agencies to meet them;

(b) For particularly vulnerable persons such as the elderly without family dependants, traumatized and sick persons or female-headed households, the central Government should ensure that public specialized facilities, such as social housing, are made available to them, whether in their current area of residence or in the areas from which they fled;

(c) For persons who have identified places of return but are without the means to travel there, the Government should promptly procure the necessary transportation. For persons who have genuine alternatives in terms of housing but remain in accommodation centres from a desire to receive services that they would reasonably be in a position to provide for themselves, should be returned to the relevant areas.

As a result, the definitive closure of the accommodation centres should be possible in the medium-term.

49. **A still significant number of IDPs cannot return to their homes because the homes are destroyed, remain occupied by other persons who have not been evicted, or their former tenancy rights have been extinguished as a consequence of the privatization of buildings that were formerly owned collectively. For this group:**

(a) The Government should carry out a final action programme for completion of the remaining reconstruction of damaged property, construction of alternative accommodation and execution of rights of repossession by the end of 2007. The programme should clearly set out the necessary resources and contain monitoring provisions to ensure that the appropriated funds are utilized for these purposes within this time frame;

(b) The Government should improve its efforts to inform the remaining IDPs, whose situations in numerous cases reveal particular complexities, about their property-related rights. In particular, it should publish a fact sheet, including in relevant minority languages, summarizing

in accessible language the rights of internally displaced persons under current Croatian law and policy, the offices of relevant government ministries in Zagreb and in the provinces from which they can seek further information, and institutions such as the Ombudsman from which they can seek assistance in realizing their rights. In the elaboration of this document, consultation with appropriate non-governmental organizations with relevant experience of the issues would be valuable. Such a publication should be widely publicized and disseminated to all those concerned;

(c) The Government should redouble its efforts to reduce the delay in the resolution of outstanding property disputes by the judicial system, including by implementing, without delay, its Strategy for Justice Reform and Plan of Action, and by taking measures to accelerate the administrative handling of cases and to ensure prompt execution of court judgements;

(d) The Government should introduce "hardship" provisions into those provisions of its law and policy governing access to rights and entitlements, notably registration and filing requirements, in order to ensure that justice is done in the circumstances of all cases.

50. **There remains an unwillingness on the part of certain local authorities to implement some national policies, while certain patterns of discrimination, public prejudices against returnees and economic problems continue to pose important obstacles to the return of IDPs or affect the sustainability of such return. Consequently:**

(a) The Government should ensure full implementation of the relevant legal measures and, if necessary, take the necessary legal action to enforce compliance by regional and local authorities with the provisions of national law, notably in respect of the position of ethnic minorities in local government and civil administration, and concerning discrimination in the private sector. The Government should take steps to ensure that local administrators are sufficiently accountable to the central authorities for their execution of these functions and that assessment of their performance is undertaken transparently;

(b) With the contribution of expertise of international organizations and taking into account the views of the local populations, the Government should develop a long-term strategy of economic and environmental development for the regions affected by the armed conflicts, in order that sustainable economic and employment opportunities arise in these areas. This strategy should include a phased plan for the removal of remaining landmines from agricultural areas in the conflict zones over a specified period of years.

51. **The Representative recognizes that some aspects of his recommendations entail resource implications that in part may be beyond the current capacity of the Government of Croatia. A number of them also entail requirements of specific legal, planning and policy formulation and economic and environmental expertise to which the Government may have limited access. In conjunction with those needs as identified by the Government of Croatia after due consultation, the Representative calls on the international community, including notably donor States, regional organizations and relevant agencies of the United Nations, to mobilize the resources and expertise necessary to bring final closure to issues of internal displacement in Croatia. The Representative recommends that:**

(a) Relevant actors of the international community, in collaboration with the Government, draw up a comprehensive programme identifying where international financial and expert support is necessary beyond the resources reasonably available to the Government of Croatia to achieve the recommendations set out above, in particular with regard to vulnerable persons in need of durable solutions, and setting out in precise terms the areas

where international technical assistance would be of use to the Government in meeting these goals;

(b) International and regional agencies monitor, within their respective mandates, the implementation of the recommendations set out above and inform the authorities at the level of the central Government of obstacles or difficulties that arise in the course of their implementation.

NOTES

[1] Commission resolution 2004/55, para. 24.

[2] See the mission reports in documents E/CN.4/2006/71/Add.4 (Bosnia and Herzegovina) and E/CN.4/2006/71/Add.6 (Serbia and Montenegro).

[3] A/60/338.

[4] E/CN.4/1998/53/Add.2.

[5] E/CN.4/2005/84.

[6] See State party's reports to the human rights treaty bodies.

[7] *The Economist*, Croatia country profile 2003, p. 17; OSCE, 1991, 18 June 2002, Ministry for Public Works, Reconstruction and Construction (MPWRC), April 2002.

[8] National programme for the Roma, October 2003.

[9] E/CN.4/1993/35, annex.

[10] The final report of the Special Rapporteur is contained in E/CN.4/2001/47.

[11] E/C.12/1/Add.73, paras. 10-12.

[12] CERD/C/60/CO/4, 21, para. 13. See also CERD/C/304/Add.55.

[13] CRC/C/15/Add.243.

[14] Ministry for Maritime Affairs, Tourism, Transport and Development, 5 April 2004.

[15] UNHCR, 31 March 2004; ibid.

[16] See, for example, OSCE Mission to Croatia, April 2005, Access to Housing for Refugees; Report by Alvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe, on his visit to Croatia, 14-16 June 2004, CommDH (2005)3, Strasbourg, 4 May 2005, paras. 37-62.

[17] Judgment of the Supreme Court on Case No. Rev-3839/93.

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