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IGMAN INITIATIVE CONFERENCE ON



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"STATUS AND PROPERTY ISSUES OF CITIZENS AS A CONSEQUENCE OF THE DISINTEGRATION OF FORMER YUGOSLAVIA"

Sarajevo, 29 November 2011

The project "Expert Elaboration on Unresolved Issues among the Countries Signatories to the Dayton Agreement – Property and Status Issues of Citizens" is funded by the European Union.

Igman Initiative once again succeeded in gathering representatives of state bodies, non-governmental sector and media with an aim of including as many as possible decision-makers in resolving status and property issues of citizens of countries signatories to the Dayton Agreement. A conference on this specific subject matter is one of the activities anticipated by the project "Expert Elaboration on Unresolved Issues among the Countries Signatories to the Dayton Agreement – Property and Status Issues of Citizens" funded by the EU Enlargement Directorate General based in Brussels. Within this project carried out within the Igman Initiative network of NGOs, a group of independent experts was set up and assigned a task of giving proposals and offering feasible solutions for these issues through a comparative analysis of international obligations, standards and norms and legal frameworks of the countries signatories to the Dayton Agreement. The Igman Initiative independent expert team involves experts from competent ministries from the four countries in question. Igman Initiative co-presidents will hand in expert team recommendations to prime ministers and representatives of the competent ministries, parliamentary committees and of the international community in the countries signatories to the Dayton Agreement. The project also anticipates an all-out regional public and media campaign including a documentary production.



In addition to Igman Initiative representatives and its members, representatives of the international community and ministries of Serbia, Croatia, Bosnia and Herzegovina and Montenegro also took part in the conference. The participants were addressed by Vehid Šehi, project coordinator, Luc Lietaer, OSCE political advisor in Bosnia and Herzegovina, Aleksandra Popov, project supervisor and Ratko Bubalo, expert team coordinator.

Following the addresses, conference participants continued their work in three thematic groups: citizenship, property and pension and disability insurance.





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Work Group Conclusions

Citizenship

In Serbia and Croatia, there is a national approach to citizenship. Serious violation of the right to citizenship may be an obstacle for countries in the process of EU association. The legal framework in Bosnia and Herzegovina is restrictive towards B-H citizens who freely decide to take the citizenship of another country. Legislation in Montenegro has restrictive conditions when granting Montenegrin citizenship to refugees and citizens of other republics. By signing bilateral agreements on dual citizenship, issues of the so called conflict of citizenships would be resolved in accordance with the international principles. Documentation obtaining procedures should be simplified in all four countries.

Property

Obligations of governments of the countries signatories to the Dayton Agreement to their citizens should be defined and legal provisions and obligations stipulated in Annex G of the Succession Agreement should be pointed out. The issue of the return of property predominantly relates to Bosnia and Herzegovina and Croatia. The problem rests with temporary tenants who invested in their housing. In such circumstances, owners of the houses in the majority of cases cannot afford reimbursement of investment costs and are forfeited the right to it. International instruments could be of great help in the process of resolving property issues of citizens.

Pension and Disability Insurance

The civil sector may have an important role in resolving issues relating to pension and disability benefits. Legislatures of the countries signatories to the Dayton Agreement should be amended in a manner enabling NGOs to represent citizens before state bodies. High administrative and court fees are a great problem, as well as a limited period of validity of certain documents. Citizens encounter difficulties in the majority of cases. Lack of evidence of paid contributions and past service is also one of major problems encountered by the citizens.



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Statements of participants

Vehid Šehi , Igman Initiative co-president for B-H:



"...We wish to give politics back to citizens through the participation of protagonists of social events in the countries of the region, to be more specific to the groups organised in NGOs, trying to resolve their problems. We also want citizens to turn to politics as an honourable profession and if care is taken of general and not of individual interests, I hope we will have, following the completion of the expert group work, precise recommendations and proposals for resolving specific issues."

Branko Lukovac, Igman Initiative co-president for Montenegro:



"...In the past twenty years since the collapse of Yugoslavia, a great number of persons has had a status of displaced persons or refugees, and even others, who are not within these categories, are deprived of a number of rights they were vested in the former common state, such as the right to employment and pension and disability benefits, property rights or other rights they used to be entitled to. In spite of all efforts made so far in drawing up bilateral agreements between certain countries, there is a great number of persons whom many of the rights have been denied..."

Ratko Bubalo, Igman Initiative expert team co-ordinator:



"...We are making efforts to establish cooperation with state institutions both in collating necessary documentation and in seeking joint solutions that are most acceptable and that would enable a more even regional approach and equal legal standards for resolving certain legal difficulties encountered by the citizens..."



“STATUSNA I IMOVINSKA PITANJA GRAĐANA KOJA SU NASTALA KAO POSLEDICA RASPADA NEKADAŠNJE JUGOSLAVIJE”

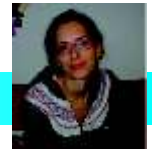


Drago Kovačević, Serbian Democratic Forum:



“The conference met my expectations. It is very important that conclusions of the group in charge of property rights of refugees imply that these are major legal issues. Vested rights are a key assumption of sustainable resolving the refugee issue and the Vienna Succession Agreement and its Annex G assert that assumption. Regretfully, there is not enough political will in this region to resolve these issues and the Igman Initiative has a genuine authority to make an impact on governments of these four countries to speed up their resolving.”

Dajana Džindo, Igman Initiative Youth Forum:



“...I can say that young people are very much interested in this issue in the context of fundamental rights of citizens. In spite of the fact that this and the like issues are rarely linked with interests of the young, I must note that we are aware that it is about an issue that could affect to a great extent the future of our peers. After all, it is about issues relating to members of our families, our friends and acquaintances. However, it seems that we find the issue of dual citizenship and rights it confers the most interesting. One must bear in mind that, as a consequence of our life in the former common state, a great number of the so called mixed marriages was concluded, and children born in those marriages have origins in two countries. Frequently, they encounter difficulties in exercising their rights when coming from one of them to another. It is something that is our concern and we closely observe activities of the Igman Initiative expert group and are greatly interested in its conclusions...”

Dr. Vesna Simović, Aide to the Minister of Labour and Social Security in Montenegro



“At the Sarajevo conference I for the first time got to know the Igman Initiative and my first impressions are positive. In my opinion, resolving property and status issues of the citizens on the territory of former Yugoslavia following its disintegration is one of key preconditions in establishing and ensuring stability of overall political relations in this part of the Balkans.

I wish to point out the significance of the inclusion of legal experts in the area of property, status and labour relations, as well as of the representatives of state bodies and NGO sector, as this way conditions for finding solutions to be the measure of a compromise of all partners involved in the process are created.”