

## ROUND TABLE

### **Protection of private property and acquired rights of refugees and displaced persons in accordance to provisions of the Annex G of the Agreement on Succession Issues**

**Vukovar, Hotel Dunav, 21-22 April 2005**

The Center for Peace, Legal Advice and Psychosocial Assistance, Vukovar, organized regional roundtable discussion on “Protection of private property and acquired rights of refugees and displaced persons in accordance to provisions of the Annex G of the Agreement on Succession Issues”. The roundtable was held from 21-22 April in Vukovar.

Royal Embassy of the Netherlands in the Republic of Croatia supported the organization of the roundtable.

Basic aim of the roundtable was to contribute to adequate interpretation, public informing and implementation of provisions of the Annex G of the Agreement on Succession Issues in the Republic of Croatia, Bosnia and Herzegovina, and Serbia and Montenegro (justification for the round table and proposed agenda are enclosed to this report).

Representatives of governmental institutions from Bosnia and Herzegovina, and Serbia and Montenegro; representatives of non-governmental associations and lawyers from the Republic of Croatia, Bosnia and Herzegovina, and Serbia and Montenegro; and representatives of the OSCE Mission to the Republic of Croatia, participated in the roundtable (list of participants is enclosed to this report).

Roundtable participants expressed their gratitude to those Ministries’ and state institutions’ representatives from Bosnia and Herzegovina, and Serbia and Montenegro who responded to the invitations and participated in the work of the roundtable; however, they regretted for the lack of participation of the representatives of the Ministry of Justice of the Republic of Croatia who had confirmed to participate but failed to come, and the representatives of the Office for Displaced Persons of the Republic of Croatia.

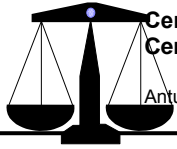
The UNHCR Zagreb representative and the representatives of the OSCE Belgrade, Civil Rights Project Sisak, Lex International Banja Luka, representative of the Government of the Republic of Srpska and the representative of the Ministry for Economic Relations and Coordination of the Republic of Srpska, excused themselves, as they could not participate in the work of the roundtable.

## ROUNDTABLE CONCLUSIONS SUMMARY

1. Implementation of the provisions of the Annex G of the Agreement on Succession Issues, as a legally obligatory international document for the former SFRY successor states can be observed from political, legal, humanitarian and social, development, security and regional cooperation aspect of fulfillment of international obligations taken-over by the successor states, especially in the sense of issues in relation to further EU accession process.
2. Provisions of the Annex G of the Agreement on Succession Issues present an important base for recognition and realization of property and acquired rights of citizens or legal entities of



- former SFRY in the territories of all successor states without discrimination at any ground and without preconditioning of the recognition and exercise of the aforementioned rights by current citizenship or, in case of an legal entity, the country of its headquarters.
3. Adequate interpretation and implementation of the provisions of the Annex G in every of the successor states, Croatia, B&H and SMN in particular, is of a great significance for resolution of the final status of refugees and/or expellees (refugees, displaced persons, and refugees/expellees regardless of their citizenship or the country of pre-war residence), meaning for creation of presumptions for their integration in the exile area or sustainable return to the country of pre-war residence, as well as the expression of free will in that sense.
  4. Annex G provisions and their adequate interpretation and implementation need to be observed in the scope of the implementation of Sarajevo Declaration on Refugee Return and Resolution for Refugee Problems in SE Europe by the end of 2006 and through the production of national “road maps” for practical actions to be taken by the successor states in accordance to the Declaration provisions. Ministers from Croatia, Bosnia and Herzegovina and Serbia and Montenegro responsible for refugee issues have signed the Declaration on 31 January 2005 in Sarajevo.
  5. Non-governmental organizations and other relevant domestic and international subjects need to encourage and influence on the governments of Croatia, B&H and SMN to, as soon as possible, start with the interpretation and practical implementation of the provisions of the Annex G by bringing the implementation acts and, according to the needs, adjusting national legislation to the Annex G provisions.
  6. Non-governmental organizations and other relevant domestic and international subjects need to encourage and influence on the governments of the former SFRY successor states to, in accordance with the Article 4 of the Agreement, establish Permanent Joint Committee formed of high representatives of every successor state (mixed body for supervision over effective implementation of the Agreement that can be used also as a forum for discussing issues that may occur during the implementation of the Agreement), and to, as soon as possible, initiate this body’s first formal meeting.
  7. When interpreting and implementing provisions of the Annex G, successor states need to be lead by the provision of the Article 9 of the Agreement – “ The states successors shall implement this Agreement in good faith and in the accordance with the United Nations Charter and the international law.”
  8. Governments of the successor states have to provide for adequate public informing on the interpretation and implementation of the provisions of the Annex G in order to avoid possible manipulations (for example, through inclusion of relevant information into the content of informative campaign for sustainable return of refugees that the Government of the Republic of Croatia runs in Serbia and Montenegro, and Bosnia and Herzegovina).
  9. Governments of the successor states have to make possible for the non-governmental organizations to, through better and more quality communication and cooperation with relevant governmental institutions, provide adequate and in-time information on how to and to what extend interested individuals can realize the rights regulated by the Annex G of the Agreement on Succession Issues.
  10. Having in mind the scope of recognized and realized property, acquired and tenancy rights in Bosnia and Herzegovina, and Serbia and Montenegro without discrimination at any ground, it is essential to appeal to the authorities of the Republic of Croatia to take necessary steps and make additional efforts in this direction.
  11. Recognition of property rights, acquired rights and tenancy rights to refugees and expellees should not be preconditioned by the lack of material resources within state budgets or by advanced return to the country of pre-war residence. Persons who, for any reason can not exercise aforementioned rights has to be ensured the right to compensation in accordance with the standards of civil and international law (Article 2 par 1(a) of the Annex G).



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