

United Nations Country Team
in Bosnia and Herzegovina

**COMMON COUNTRY
ASSESSMENT 2008**



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ASSESSMENT (CCA)
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1. Bosnia and Herzegovina (BiH) presents a unique development context for the work of the UN. The country has emerged from a post-conflict phase into a period of more stable development, with the long-term aim of becoming a member of the European Union. In this period of relative stability, the scope for reform, at all levels of government and administration, is both manifold and enormously challenging.
2. The country's potential is hindered; however, by a cumbersome constitutional structure, an inefficient administrative system and the low level of social trust and social capital among citizens. With its aim of supporting the development of BiH, the UN Country Team (UNCT) is currently undertaking its forward-planning cycle that will provide the basis for assisting the Government and citizens of BiH in achieving necessary reforms during the period 2010 to 2014.
3. The Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF) underpin this planning cycle, and are the principle country-level mechanisms for providing cohesion and coordination to the work of the UNCT. The CCA provides the analytic basis for the UNDAF to examine and prioritise the key development challenges in the country, as identified by the UNCT in collaboration with the Government. This information is then utilised in the UNDAF to set specific goals for future programming. It will provide the foundation for the next UNDAF cycle in BiH from 2010 to 2014, the timing of which has been aligned with the Government's national planning process.
4. Together, these documents form the basis of the UN's multi-year planning cycle, tailored to the specific development context of BiH. As such, they aim to address the national development priorities, to establish coordination between agencies and to decrease duplication and overlaps in their work. Produced together with the Government, the UNDAF is aligned with the Paris Declaration principle of government ownership.
5. This CCA has been prepared by the UN agencies resident in BiH, in consultation with non-resident agencies and representatives of the BiH Directorate for Economic Planning and the Ministry of Finance and Treasury. Consultations have also been held at entity level and with civil society representatives. The CCA draws upon research carried out by the Government, UN agencies and other organisations in the international community in BiH.

6. The conceptual framework for the analysis, contained herein, takes its impetus from a Human Rights-Based Approach (HRBA) to development, and the congruence of that approach with the EU's Social Inclusion Agenda. It focuses on those development challenges that relate to the promotion and protection of rights; the reduction of discrimination, inequalities and social exclusion and the production of an enabling environment for greater human development.
7. On this basis, seven key challenges facing the country have been identified and examined: Governance, Social Exclusion, Environmental Management, Human Security, Gender Inequalities, Migration and the Human Rights Infrastructure. In each case, the current situation is described and the main capacity gaps are identified.
8. The major challenges for good governance in BiH stem, in part, from the complex constitutional architecture, which has seen the emergence of a weak centre of government, duplicated administrative structures and inflated costs. Overall, governance structures at all levels suffer from overlapping accountabilities and a lack of coordination, without sufficient clarity over the division of financial, legislative and executive powers and responsibilities.
9. For public administration, this leads to inadequacies in policy-making, public finance and human resource management at the state and entity levels, while at the local level administrative fragmentation leads to inadequate service delivery. The country's ability to deal with the past violent conflict is also hindered by the inability of the court system to undertake the current backlog of war crimes cases.
10. Social exclusion is a significant problem for the country. Over half of the population faces one or more forms of exclusion, while 23.7% are at risk of poverty. Indeed, significant levels of poverty persist in the country despite favorable and steady economic growth. Unemployment levels remain high at 23.4% (26.8% for women and 47.5% for youth). The most vulnerable groups include the elderly, persons with disabilities, displaced persons, the Romany, families with two or more children, unemployed and low-skilled youth, and national minorities or constituent peoples living in minority situations.
11. In terms of the Government's ability to address social exclusion, there are significant problems in the social protection, health and education systems. Entitlement to social protection assistance in BiH is largely based on status rather than need, while the delivery of assistance at the local level is impeded by underfinanced and understaffed Centres for Social Work.
12. The education system, meanwhile, is characterised by high levels of discrimination on ethnic grounds and low attendance rates. The health system is fragmented and has inadequate financial resources: one fifth of the population is not covered by health insurance.
13. During the post-conflict phase in BiH environmental management was not prioritised. Thus, although the Government has now indicated that the environment is an emerging priority, the country's environmental management capacities need to be developed. Currently environmental management suffers from deficiencies in the policy and legal frameworks, the absence of a state-level mandate and capacity, and unclear divisions of responsibilities between different levels of government.

14. Environmental management is also weakened by inefficiencies in data collection and monitoring, and an overall lack of public information and education about environmental issues. These challenges affect the Government's ability to fulfil its obligations under those Multilateral Environmental Agreements it has signed.
15. Landmines, weapons and ammunition stockpiles throughout the country are a legacy of the war: 3.4% of the territory is still contaminated with mines, approximately 16% of households possess illegal weapons and there are a number of large stockpiles of surplus ammunition. In addition to the direct threat posed to human security, the existence of live landmines hampers the development of certain sectors, such as agriculture, environmental protection and tourism. An additional threat to human security is the lack of an adequately coordinated disaster management and risk reduction capacity at the State level.
16. While gender-based discrimination is ubiquitous throughout BiH society, three issues are of particular concern: exclusion from political processes, access to employment and the labour market, and gender-based violence. Exclusion of women from political participation is starkly illustrated by the fact that only 9% of leadership positions and only six of 64 ministerial positions in government, at State and Entity levels, are held by women.
17. In terms of economic inequalities, women in BiH constitute only 34% of the labour force and face an unemployment level of 26.8% compared to 21.4% of men. Research on domestic violence suggests that violence is directed at women and children five times more often than at men. The Government's ability to address these and other gender inequalities in BiH is obstructed by a lack of comprehensive gender-disaggregated data.
18. Emigrants currently represent 37.7% of BiH's population. In addition to those who left during the war another 110,000 BiH citizens have emigrated since, among whom 43,000 have changed their citizenship permanently. With a large Diaspora the contribution to the economy in terms of remittances is significant.
19. Improvements in EU visa requirements for BiH citizens are contingent upon improvements in Government standards of migration management. The Government faces a number of challenges regarding border management, which sees BiH being used as an origin, transit and destination country for irregular migration, trafficking and smuggling. The Government's capacity to address these issues is affected by the absence of a formal and coherent State-level migration policy, incorporating both immigration and emigration issues.
20. The human rights infrastructure in BiH is relatively extensive. Under the Constitutional Court there is a Human Rights Chamber; the State Parliament has a Human Rights Commission and a Gender Equality Agency exists at the State level. The Ministry of Human Rights and Refugees has a mandate to promote the observance of human rights and in so doing has set up a Council for Children. Reforms are under way for an Ombudsman's Office at the State level, although progress is slow.

21. Despite this infrastructure; however, considerable gaps exist in terms of coordination and the identification of clear lines of accountability and efficiency. The ability of citizens to address human rights violations is further weakened by an inadequate and inefficient judicial system.
22. The Government's ability to address the challenges outlined above will, in part, depend upon the quality of the new National Development Framework. Preparation of the next round of national development strategies is currently underway. Crucial to the success of that process is a clear understanding of the lessons learned from the previous strategy: the Medium-Term Development Strategy (2004 – 2007).
23. Analysis of the results of the MTDS has shown that the expression of the goals, indicators and priorities therein did not allow for reliable evaluation. In addition to identifying clearer goals, the Government's assessment of the MTDS has called for the next strategies to include a stronger M&E framework, a clear identification of financial and human resources needed for implementation, the mainstreaming of gender, the re-prioritisation of measures not implemented and the goals to be agreed through a consultative process.
24. The strategies under preparation will also need to be aligned with the international normative framework, especially those international conventions and agreements to which BiH is a party. International Human Rights Conventions, Multilateral Environmental Agreements and others (such as ILO conventions), which are advocated by the UNCT, can provide the basis for the articulation of national strategies that meet international standards.
25. The preparation of the national strategies also takes place within the context of the country's EU accession agenda, which involves alignment with EU agreements such as the European Partnership and the Stabilisation and Association Agreement. BiH's EU accession process is financially supported through the Instrument for Pre-Accession (IPA), which needs to be managed effectively for optimum results.
26. The centrality of the EU agenda calls for a special form of cooperation between the UNCT and the European Commission in BiH, in full support of the aspirations of BiH to EU membership. Therefore, the UNCT works in alignment with the EU agenda, through technical support in areas congruent with that agenda, while at the same time supplementing the EU approach with a more robust emphasis on human rights and poverty reduction.
27. The preparation of the next UNDAF will build upon a number of elements: the lessons learned from the previous cycle, the expertise of the UNCT in capacity development and aid coordination and the importance of joint programming. The identified Outcomes of the previous UNDAF cycle were: strengthened accountability and responsiveness of government to pro-active citizens, improved access to and quality of basic education, health and social protection services; improved Government and local community management of mine action, including mine risk education and mine victim assistance, and small arms and light weapons at national and local levels.

28. When the main development challenges currently faced by BiH are interpreted within the context of the national development framework, international normative standards and the EU agenda, three development challenges emerge with the potential to form the core of the BiH Government-UN programme of work in the coming UNDAF cycle, drawing upon the comparative advantage of the UNCT in BiH. These challenges are Social Inclusion, Capacity Development for Good Governance, and the Environment. An additional continuing challenge is that of Human Security.
29. These four priorities take into account changes in the development context of BiH, which has shifted from a humanitarian response, in the immediate post-conflict period, to a more stable development environment. In addition, they are in line with national and EU priorities, which will see Social Inclusion receiving greater attention and Disaster Risk Reduction and Environmental Management emerging as new priorities.
30. These four priorities will form the core of the UNDAF consultations. The UNCT programme of work that is developed will be designed through a consultative process involving the Government and civil society, and in cooperation with the international community in BiH.

Abbreviations and Acronyms

ABD	Area-Based Development
AWP	Annual Work Plan
BHMAC	Bosnia and Herzegovina Mine Action Centre
BiH	Bosnia and Herzegovina
CAT	Convention against Torture
CCA	Common Country Assessment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Intl Convention on the Elimination of all Forms of Racial Discrimination
CO	Country Office
CPAP	Country Program Action Plan
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DEP	Department of Economic Planning
DGO	United Nations Development Group Office
EPPU	Economic Policy Planning Unit
FAO	Food and Agriculture Organization of the United Nations
FBiH	Federation of Bosnia and Herzegovina
GG	Gender Group
HRBAP	Human Rights Based Approach to Programming
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally displaced person
IFAD	International Fund for Agriculture and Development
ILDPA	Integrated Local Development Project
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
IPH	Institutes of Public Health
LVA	Landmine Victim Assistance
LSMS	Living Standard Measurement Survey
MEA	Multilateral Environmental Agreement
M&E	Monitoring and Evaluation
MDG	Millennium Development Goal
MICS	Multiple Indicator Cluster Survey
MRE	Mine Risk Education
MTDS	Medium-Term Development Strategy

MVA	Mine Victim Assistance
NGO	Non Governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
OHR	Office of the High Representative
OSCE	Organization for Security and Cooperation in Europe
PRSP	Poverty Reduction Strategy Paper
RBM	Results Based Management
RC	Resident Coordinator
RCO	Resident Coordinator's Office
RMAP	Rights-Based Municipal Development Programme
RS	Republika Srpska
SALW	Small Arms and Light Weapons
SC	Steering Committee
SOP	Standard Operating Procedures
SUTRA	Sustainable Transfer to Return-related Authority
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDGO	United Nations Development Group Office
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations, Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UN-HABITAT	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organisation
UNIFEM	United Nations Development Fund for Women
UNMAC	United Nations Mine Action Centre
UNOHCHR	United Nations Office for the High Commissioner for Human Rights
UNV	United Nations Volunteers
UXO	Unexploded Ordnance
VCCT	Voluntary Confidential Counseling and Testing
WG	(UNDAF) Working Group
WHO	World Health Organization
WTO	World Trade Organization

Key BiH indicators

	Indicator	Figure	Units	Year	Source
Demographic	Population (est.)	3,315	000s	2007	LFS 2007
	Population by sex	51.4	% female	2007	LFS 2007
	Population by age (under 15)	17.8	%	2007	LFS 2007
	Population by age (15-64)	67.4	%	2007	LFS 2007
	Population by age (over 64)	14.8	%	2007	LFS 2007
	Birth rate	1	births per woman	2006	World Bank Development Indicators
	Natural growth rate: natural change (births minus deaths) (per 1,000 inhabitants)	-0.2	births - deaths	2007	EC - BiH Progress Report 2008
Economic	GDP (nominal)	20,950	KM millions	2007	BiH Central Bank Annual Report
	GDP (nominal)	14,655	US\$ millions	2007	BiH Central Bank Annual Report
	GDP per capita	3,802	US\$	2007	BiH Central Bank Annual Report
	GDP, real growth	6.0	%	2007	BiH Central Bank Annual Report
	Unemployment rate	23.4	%	2008	LFS 2008 (preliminary data)
	Unemployment rate by sex (female)	26.8	%	2008	LFS 2008 (preliminary data)
	Unemployment rate by sex (male)	21.4	%	2008	LFS 2008 (preliminary data)
	Unemployment rate, youth	47.5	%	2008	LFS 2008 (preliminary data)
	Labour force share by sex (male)	63.5	%	2007	LFS 2007
	Labour force share by sex (female)	36.5	%	2007	LFS 2007
	Inflation rate April 2008 (12-month average)	3.5	%; year-over-year	2008	BiH Statistics
	Inflation rate April 2008	7.5	%; year-over-year	2008	BiH Statistics
	Industrial production (FBiH)	8.6	%	2007	BiH Central Bank Annual Report
	Industrial production (RS)	1.4	%	2007	BiH Central Bank Annual Report
	Average net wage (FBiH)	662	KM per month	2007	BiH Statistics
	Pension (FBiH)	284	KM per month	2007	BiH Statistics
	Consumer basket (FBiH)	509	KM per month	2007	BiH Statistics
	Average net wage (RS)	585	KM per month	2007	BiH Statistics
	Pension (RS)	230	KM per month	2007	BiH Statistics
	Consumer basket (RS)	500	KM per month	2007	BiH Statistics
	Average net wage (BD)	684	KM per month	2007	BiH Statistics
	Pension (BD)	243	KM per month	2007	BiH Statistics
Consumer basket (BD)	438	KM per month	2007	BiH Statistics	
Average net wage (BiH)	630	KM per month	2007	BiH Statistics	

	Indicator	Figure	Units	Year	Source
	External debt of Government Sector / GDP	18.6	%	2007	BiH Central Bank Annual Report
	External debt servicing	3.0	% of exports	2007	BiH Central Bank Annual Report
	Foreign direct investment	2.89	billion KM	2007	BiH Central Bank Annual Report
	Foreign direct investment	13.8	% of GDP	2007	BiH Central Bank Annual Report
	Imports	13.9	billion KM	2007	BiH Central Bank Annual Report
	Exports	5.9	billion KM	2007	BiH Central Bank Annual Report
	Foreign trade deficit	8.0	billion KM	2007	BiH Central Bank Annual Report
	Gross foreign reserves	6.7	billion KM	2007	BiH Central Bank Annual Report
	Net free foreign reserves	393.7	million KM	2007	BiH Central Bank Annual Report
Poverty	Laeken indicator, "At risk of poverty rate" (relative measure; 60% of medial income)	23.7	%	2007	NHDR 2007 / Household Budget Survey
	Laeken indicator by sex (female)	23.7	%	2007	NHDR 2007 / Household Budget Survey
	Laeken indicator by sex (male)	23.7	%	2007	NHDR 2007 / Household Budget Survey
	Headcount	17.8	%	2004	World Bank LSMS (wave #4)
	Human poverty Index	13.9	%	2004	Human Development Report
Health	Life expectancy (male)	72.1	years	2006	World Bank Development Indicators
	Life expectancy (female)	77.3	years	2006	World Bank Development Indicators
	Infant mortality rate (per 1,000, under 5)	15	deaths	2006	World Bank Development Indicators
	Infant mortality rate (per 1,000, under 1)	7.5	deaths	2006	EC - BiH Progress Report 2008
	Maternal mortality rate (per 100,000 births)	5.05 (e)	deaths	2001	UN Statistics Division
	Infant low birth weight rate	4.5	%	2006	UNICEF BiH (MICS 2006)
	Child immunization rate (Tuberculosis)	95.8	%	2006	UNICEF BiH (MICS 2006)
	Child immunization rate (Polio)	79.0	%	2006	UNICEF BiH (MICS 2006)
	Child immunization rate (DPT)	78.0	%	2006	UNICEF BiH (MICS 2006)
	Child immunization rate (Measles)	75.0	%	2006	UNICEF BiH (MICS 2006)
	Child immunization rate (full immunization)	61.2	%	2006	UNICEF BiH (MICS 2006)
	Adult HIV prevalence rate	< 0.1	%	2005	World Bank Development Indicators
	Population connected to main water supply system	< 60 (e)	%	2007	UNDP BiH MDG Update Report, 2004: UNDP est.)
Population with sewage disposal	< 40 (e)	%	2007	UNDP BiH MDG Update Report, 2004: UNDP est.)	

	Indicator	Figure	Units	Year	Source
Education	Primary school attendance rate	98.4	%	2006	UNICEF BiH (MICS 2006)
	Secondary school attendance rate	79.3	%	2006	UNICEF BiH (MICS 2006)
	Women with no school education	17	%	2007	National Human Development Report (2007)
	Men with no school education	6	%	2007	National Human Development Report (2007)
Human Security	Mine coverage	3.42	% of landmass	2008	BiH Mine Action Centre
	Returnees (from abroad since GFAP - 1995)	446,611	individuals	Dec. 31, 2007	UNHCR BiH
	Returnees (of displaced persons since GFAP - 1995)	578,400	individuals	Dec. 31, 2007	UNHCR BiH
	Returnees (total since GFAP - 1995)	1,025,011	individuals	Dec. 31, 2007	UNHCR BiH
	Internally displaced persons	130,984	individuals	Dec. 31, 2007	UNHCR BiH
Lifestyle	Internet penetration	20.3	%	2007	International Telecommunication Union
	Number of cell phone users per 1000 population	274.2	owners	2003	EC - BiH Progress Report 2008
Infrastructure	Density of rail network (per 1,000 km ²)	20.1	operating lines	2007	EC - BiH Progress Report 2008
Human Development	Human Development Index	0.804		2004	NHDR 2007)
	Gender Development Index	0.801		2004	NHDR 2007
	Government leadership positions held by women (presidential, ministerial, deputy)	9	%	2007	BiH Government

1.1 The UN Planning Cycle at Country Level

The Common Country Assessment (CCA) and the UN Development Assistance Framework (UNDAF) are the principle mechanisms at country level for the operationalization of the United Nations reform process launched by the then Secretary General Kofi Annan in 1997. The main aim of the reform process is to establish greater UN cohesion and coordination through UN Country Teams (UNCT) in order to increase efficiency and effectiveness in addressing national development priorities and to decrease duplications and overlaps. The CCA/UNDAF process is fully aligned with the Paris Declaration principles of government ownership and leadership of the country's development agenda.

The Common Country Assessment

The CCA is the common instrument of the UN agencies, prepared in consultation with the national government to provide an analytical assessment of the country's development situation. The document is not an exhaustive analysis of the development situation of BiH but is a reference document setting out the main features of the country's development situation. It identifies key development issues on the basis of the Millennium Development Goals (MDG) and other international commitments expressed in the Millennium Declaration, international conventions, summits, conferences and human rights instruments. Above all, the CCA establishes the basis for setting the priorities in the UN Development Assistance Framework.

This CCA has been devised in alignment with the national planning process of BiH and builds on the considerable wealth of available analytical documents including, in addition to UN and Government documents, the EC 2008 Country Progress Report and the World Bank's Country Partnership Strategy. As is the usual practice with the UNDAF planning cycle, the CCA work was started in the penultimate year of the current UNDAF period, 2005 – 2009, and was completed in October 2008 in order to feed into the preparation of the new UNDAF document.

The CCA has been written in close collaboration and coordination with the Government of BiH. The Directorate of Economic Planning (DEP) and the Ministry of Finance and Treasury are the main government partners for the UNCT and have been represented in the CCA Working Group. The DEP is a government body, established by the Council of Ministers BiH, directly responsible for providing the final report on the Medium-Term Development Strategy BiH 2004-2007 (MTDS) and for the development of the next national strategic planning documents in BiH.

The CCA has been prepared by the resident UN Country Team (UNDP/UNV, UNICEF, UNFPA, ILO, UNESCO, IOM, WHO, UNHCR, UNIFEM) in consultation with the non-resident agencies (UNEP, IFAD, UNIDO, FAO, UN Habitat) and the Government, with quality assurance being provided by senior staff of the UN Development Group Agencies at the regional level.

The UN Development Assistance Framework

The UNDAF is the common strategic framework for the operational activities of the UN System at the country level, with a special focus on programme harmonization. Its starting point is a human rights-based approach to development and it provides a collective and coherent strategy addressing the national priorities and needs, jointly identified with the Government. Particular attention is paid to how the UN Country Team can assist the Government in implementing a socially inclusive development agenda, complementary to the EU accession agenda and that takes into account the support needed for compliance with international conventions and treaties.

The new UNDAF in BiH will provide the operational framework for UN development assistance in the country for the period 2010-2014. The UNDAF will provide the common UN operational framework for achieving objectives identified as national priorities and will focus on areas of comparative UN advantage in BiH. The entire CCA/UNDAF process takes into account the status of BiH as a potential EU candidate country and the country's aspiration to become a member state of the European Union. The UNDAF will provide the basis for both individual and joint agency agreements with the Government. The UNDAF will also underpin the ability of the UNCT to deliver as one through the development and implementation of an increasing number of joint programmes during its lifetime.

1.2. The BiH National Planning Process

The new national planning process was officially initiated in September 2007 by the BiH Coordination Board for Economic Development and EU Integration, which includes the Chairperson of the Council of Ministers BiH, the two Entity Prime Ministers, State and Entity Finance Ministers and representatives of the State Ministry of Foreign Trade and Economic Relations (MOFTER), the DEP and the Directorate of European Integrations (DEI). One of the key decisions of the BiH Coordination Board was to ask the DEP to prepare two development strategies for BiH: the Country Development Strategy (CDS) and the Social Inclusion Strategy (SIS), both of which will cover the period 2008-13. The strategic priorities forming the basis of BiH's development strategies have been identified and are reflected in the CCA.

Whereas the MTDS 2004-2007 was developed on the basis of World Bank and International Monetary Fund methodologies, addressing poverty reduction issues, the new BiH strategies will follow EU methodology reflecting the country's aspiration to become an EU member state. In line with this goal, the CDS and SIS will serve as the basis for preparation of a National Development Plan and a Joint Inclusion Memorandum (3-year period). These documents are mandatory prerequisites for EU membership once the country receives the status of candidate country.

1.3. The CCA Conceptual Framework

The Rights-based Approach to Development

In recent years human development thinking has been strengthened by the human rights perspective being operationalised as the Rights-based Approach (RBA) to development. The foundations for this approach are the basic international instruments for human rights protection and for economic, social and cultural rights.¹ An RBA is normatively based on international human rights standards and operationally directed at promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress. Under the RBA, the plans, policies and processes of development are anchored to a system of rights and corresponding obligations established by international law. This helps promote the sustainability of development work, empowering both men and women to participate in the formulation of policies that affect them.

The United Nations Millennium Declaration explicitly places both human development and human rights at the centre of the international agenda for the new millennium. When UN member states renewed their commitment to promote human development and protect human rights they also agreed on eight quantified and time-bound development goals: the Millennium Development Goals. These provide a focus for efforts to reduce poverty, a common basis for measuring progress and are important milestones for the realisation of the often neglected economic and social rights, such as women's rights.

The RBA also underpins the capacity development approach of the UNCT. By emphasizing the importance of duty-bearers and rights-holders the logical extension of the RBA is therefore to address the capacities of these two groups by strengthening responsive institutions and empowering citizens. By building partnerships with both government and civil society the capacity development approach provides the basis for facilitative and participatory approaches, which directly involve excluded groups and are responsive to national priorities and objectives. These approaches together provide the basis for good governance and produce an enabling environment for greater human development.

The Rights-based Approach and Social Inclusion

Incorporating a rights-based perspective into the work of the UN on poverty reduction underlines a concern with equality of opportunities and non-discrimination. As poverty is often rooted in the exclusion of people from economic opportunities and social interaction due to ethnic affiliation or membership of marginalised groups, a rights perspective contributes to addressing such underlying causes of poverty.

In the European context these forms of exclusion are best encapsulated in the concept of "social exclusion". The European Commission defines social exclusion as a process whereby people, "are prevented from participating fully in economic social and civil life and/or when their access to income and other resources (personal, family, social and cultural) is so inadequate as to exclude them from enjoying a standard of living and quality of life that is regarded as acceptable by the society in which they live."²

¹ One of the significant landmarks in this regard was the adoption in 1966 of the "International Covenant on Economic, Social and Cultural Rights" by the United Nations.

² European Commission, 2004, "Joint Report on Social Inclusion 2004", Office for Official Publications of the European Communities, Luxembourg, COM (2003), 773 final, Brussels, p.8.

This refers to restricted access of the labour market and other opportunities for earning a living, such as exclusion from information, consultation, decision-making and other citizenship rights. “Social Inclusion” is consequently the lead paradigm under which the EU is addressing inequality and uneven development. Mindful of the fact that significant progress has been made with regard to the MDG in BiH, the UNCT utilises a social inclusion framework as a more finely-tuned, effective and appropriate approach to the particular context of BiH.

Through combining the principle of non-discrimination with a social inclusion perspective, appropriate to the BiH context, the UNCT maintains a specific focus on vulnerable groups. In BiH, the most vulnerable groups – those facing the highest levels of social exclusion - include the elderly, people with disabilities, refugees and returnees, people living with HIV/AIDS,³ children and the Romany minority.⁴ Households with more than two children are particularly vulnerable to social exclusion, while all forms of exclusion are exacerbated when considered from a gender perspective. In addition, ethnic fragmentation contributes to the exclusion of minorities living in ethnic majority areas, where rights to equal access to schools, health and social welfare are often denied. Young people face particular difficulties due to problems of access to the labour market and there is widespread disillusionment.

³ In addition to people living with HIV/AIDS, those at risk of HIV/AIDS, groups such as MSM, sex workers and intravenous drug users are also highly vulnerable to social exclusion.

⁴ There are also significant affinities between a social inclusion approach, as a multidimensional approach to poverty and exclusion, and a Sustainable Livelihoods approach. Similarly to SI, the SL examines the web of inter-related influences that affect people’s abilities to create a livelihood for themselves and their households, through their access to resources and livelihood assets, that may include natural resources, technologies, their skills, knowledge and capacity, their health, access to education, sources of credit, or their networks of social support.

2. The BiH Development Situation

2.1 Background

2.1.1 A Society in Transition

The social and economic effects of the 1992 – 1995 war are still being felt in BiH. Recent surveys show that more than 70% feel that the war was the defining factor in their lives⁵ and only 7% of people living in BiH believe that most people can be trusted.⁶ Consequently, many of the challenges in terms of governance and development in BiH today are related to the recent past. The conflict contributed to a significant loss of social capital – the ties and relationships that bound pre-war BiH society together.⁷ It is in this context that BiH currently struggles with the challenges of three major transitions: the post-conflict reconstruction phase is being superseded by the long-term development phase; one-party political rule has been replaced by a multi-party democracy and a market-based economy has been implemented in place of the previous mixed planned socialist / market system. BiH clearly faces a unique set of development challenges. However, steady progress is being made toward the achievement of these three major transitions, all of which must be completed in order for BiH to fulfill its Euro-Atlantic integration aspirations.

2.1.2 On the Way to the EU

Despite the significant transitional challenges, the people of BiH benefit from an extremely favorable factor in their development process: a shared common vision. A large majority of BiH citizens see the country's future in terms of its integration within the European Union,⁸ viewing the accession process as an opportunity for achieving a socially cohesive and prosperous future. BiH's signing of the Partnership for Peace Agreement with NATO in late 2006 and the signing of the Stabilisation and Association Agreement (SAA) in June 2008, are concrete signs of BiH's commitment and progress towards Euro-Atlantic integration. While European accession requires a series of policy and legislative changes it is more than simply an exercise in technical adjustments. BiH must achieve not only similar socio-economic development to other member states, but must also incorporate the shared values of the European family of nations. The

⁵ Oxford Research International & UNDP, 2007, *The Silent Majority Speaks: Snapshots of Today and Visions of the Future in Bosnia and Herzegovina*, Sarajevo.

⁶ ORI and UNDP, 2007, *The Silent Majority Speaks*.

⁷ ORI and UNDP, 2007, *The Silent Majority Speaks*.

⁸ ORI and UNDP, 2007, *The Silent Majority Speaks*.

accession process requires and demands equitable, socially inclusive development based on human rights, and the UNCT is well positioned to support the BiH Government with this goal.

2.1.3 A Political and Economic Snapshot

While the 1995 Dayton Peace Accords marked the end of the war and the beginning of a sustained peace they also created a complex political and administrative structure, contributing to the slow pace of reform. The structure of the State Government, the two Entities (the Federation of Bosnia and Herzegovina and Republika Srpska), Brčko District, with the Federation further divided into 10 Cantons, means that consensus building and decision making is complex and time consuming. This is a major obstacle to BiH's development progress. The signing of the SAA opens a window of opportunity to speed up reforms and development progress. Yet tackling the structural root causes for BiH's limited reform is hindered by delays in constitutional reform.⁹ In the meantime, efforts to improve the efficiency of the public sector through Public Administration Reform and Local Governance programmes are continuing.

The delays in constitutional reform must also be interpreted in light of an increasingly difficult political situation in the country. While both the Government and citizens share a vision of a future of EU membership there is little by way of a common agreement on how to achieve such a vision. On the contrary, in the lead-up to the October 2008 local government elections there has been a marked rise of nationalist rhetoric in the country.¹⁰ Furthermore, in early 2008 the National Assembly of Republika Srpska adopted a resolution in which it mentioned the possibility of holding a referendum on self-determination,¹¹ which directly contradicts the Dayton Accords. Therefore, there is currently a divisive atmosphere in the political and public spheres in the country that is in contradiction to the shared longer term vision.

Macroeconomic stability has been achieved due to prudent fiscal and monetary policies. The Government achieved a balanced budget in 2007 and, although recent trends are troubling, low inflation has been the norm under the Currency Board arrangement. Real GDP growth has been fairly stable, averaging approximately 6% per year since 2000, in line with policy projections, but below potential and not sufficient to achieve significant decreases in overall unemployment, which remains stubbornly high at 23.4%.¹² Youth unemployment is approximately twice as high, a disconcerting fact both in terms of the present and the anticipated future economic and social repercussions. A significant trade deficit and low productivity are other macroeconomic challenges. Poor coordination among different layers of government on economic policy is one of the reasons why these economic challenges persist. It is not yet known how far the global economic crisis will impact on BiH but any slowdown in growth will have a negative impact on an already poor employment rates.

⁹ See also, European Commission, "Bosnia and Herzegovina 2008 Progress Report", Brussels, 5 November 2008, p. 7-8

¹⁰ Council of Europe, 2008, "Honouring of obligations and commitments by Bosnia and Herzegovina", Doc.11700, 15 September 2008.

¹¹ Council of Europe, 2008, "Honouring of obligations and commitments by Bosnia and Herzegovina", Doc.11700, 15 September.

¹² The Agency for Statistics of Bosnia and Herzegovina (BHAS), the Federal Institute of Statistics, the Republic Institute of Statistics of the Republic of Srpska, 2007, *Labour Force Survey*.

2.1.4 Demographics

Attaining a clear depiction of the demographic situation in BiH is severely hampered by the lack of a recent population census. The last census was held in 1991 at which time there were 4,377,033 residents of BiH. This was prior to the 1992-1995 conflict and the massive population movements that accompanied it, which saw approximately 40% of the population displaced within or outside the borders of BiH.¹³ It is estimated that over 200,000 people were killed – among them, nearly 17,000 children. Some 35,000 children are estimated to have been wounded and approximately 1,800 disabled. According to official statistics, around 450,000 people became refugees and 580,000 were displaced. Despite the significant numbers of people who returned to their pre-war place of residence¹⁴ many have settled elsewhere. There are currently 41,013 displaced families in BiH, including 125,072 displaced persons (of whom 45% are in FBiH, 54.1% in RS and 0.9% in BD).¹⁵ The war therefore significantly altered the pre-war demographic map in ways still not yet entirely understood in the absence of census data.

A census yields a huge body of information on the demographic and socio-economic condition of the population, and a census will improve the Government's ability to achieve its development goals by enabling it to allocate its scarce resources more efficiently.¹⁶ Comprehensive and accurate data on the population is a precondition for a disaggregation that would provide a clearer picture of the health, sex and age characteristics of the population, as well as differences among the different regions of the country. However, there is now a government decision to hold a census in 2011 in line with other EU countries' timelines.

The lack of a census particularly affects the rights of the minority populations in BiH and increases their inability to participate in civil and political life. The information gaps created by a lack of census data are combined with gaps in civic and birth registrations. For example, there is ample evidence that Romany children are not being registered at birth, which is combined with the lack of civic registration (due to different barriers) of adult Romany. Hence an accurate estimation of the Romany population as a minority most vulnerable to socio-economic exclusion is lacking.

Another direct consequence of the lack of a census is that the Government and other parties must rely on estimates. These estimates can vary considerably. In the BiH Medium-Term Development Strategy (2004 to 2007) the population was estimated at 3,828,397:¹⁷ more than half a million less than prior to the war. The figure was calculated by the State Agency for Statistics for Bosnia and Herzegovina (BHAS) in 2002. A more recent estimate by BHAS puts the population figure slightly higher at 3,842,762.¹⁸ There are; however, various other estimates that range from 3.3 million in the latest Labour

¹³ ORI and UNDP, 2007, *The Silent Majority Speaks*, p.19.

¹⁴ Of the total number of 1,025,011 recorded returns of refugees and displaced persons, around 72% have returned to FBiH, around 26% to the RS and around 2% to BD (UNHCR, 31 December 2007).

¹⁵ BiH MoHRR, "Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement, Sarajevo June 2008, DRAFT".

¹⁶ More accurate data on the population would allow BiH to meet the requirements of the Programme of Action adopted at the 1994 International Conference on Population and Development, held in Cairo in 1994, at which 179 countries agreed on the inextricable link between population and development, and that empowering women and meeting people's needs for education and health, including reproductive health, are necessary for both individual advancement and balanced development.

¹⁷ Government of BiH, BiH Medium-Term Development Strategy, 2004 – 2007 (Revised 2006), p.68.

¹⁸ Agency for Statistics of Bosnia and Herzegovina, <http://www.bhas.ba/eng/Default.asp>, estimate from June 2006 (cited 4 July, 2008).

Force Survey¹⁹ to 3.9 million estimated by the World Bank.²⁰ Given the number of figures that abound, the population of BiH may have dropped from the pre-war 1991 figure by anywhere between 0.5 and 1 million people.

Regarding other aspects of the population profile, estimates suggest that approximately 46% of the population currently lives in urban areas.²¹ Life expectancy at birth is 74 years (72.1 for men and 77.3 for women), which is five years higher than the average throughout Europe and Central Asia. Infant mortality stands at 13 per 1000 live births, less than half the average in the ECA region.²² The total fertility rate is estimated by BHAS at 1.176 (2006),²³ which is markedly below the population replacement level. Research indicates that 59.4 percent of households in BiH do not have children.²⁴

The demographic snapshot of the country suggests that BiH has an ageing population with low fertility rates that will impact upon its sustainability in the coming years.

2.2 The Development Challenges

2.2.1 Governance

The Constitution

BiH's current constitution, an Annex to the Dayton Peace Agreement (DPA), is characterised by a high level of asymmetry. It established BiH as a State of three constituent peoples (Bosniaks, Croats, Serbs), residing in two Entities: the Federation of Bosnia and Herzegovina and Republika Srpska, with a small area in the north, Brčko District, coming under international administration. Both Entities have their own governments and civil structures: the FBiH is highly decentralised with 10 cantonal governments, each with a large degree of autonomy; whereas the RS has one centralised government. The country has 14 governance units, five levels of administration, and over 150 ministries meaning that international partners, including the UN, have to negotiate efficient and functional partnerships with up to 14 ministries in any given sector.

In addition to a cumbersome administrative structure, one of the key legacies of the constitution is the institutionalisation of discrimination. The constitution defines three "constituent peoples" of BiH: Bosniaks, Serbs and Croats. The remaining groups are termed "Others". The constituent peoples maintain a privileged position with regard to governance structures as only representatives of these three groups can be members of the Presidency.

Beyond the construction of a governance structure, the constitution says very little about how power should be divided and government conducted; nor does it provide

¹⁹ BHAS, RS Statistical Agency & Federal Statistics Office, Labour Force Survey 2007, p.24.

²⁰ World Bank, "Data and Statistics for Bosnia & Herzegovina", <http://web.worldbank.org/>, cited 4 July 2008. In addition to the State Statistical Agency, two Entity level agencies also exist who publish regular bulletins with population estimates based largely on data from local municipal registry offices.

²¹ World Bank, 2007, "Bosnia and Herzegovina at a glance".

²² World Bank, 2007, "Bosnia and Herzegovina at a glance".

²³ The BiH Agency for Statistics defines the TFR as "the total number of live births by a female in reproductive ages". The number is based on estimates of the number of women and the age structure. The Entity statistical agencies do not calculate the TFR due to the absence an accurate calculation basis.

²⁴ UNICEF, 2007, Multiple Indicator Cluster Survey 2006, (MICS 2006).

for a set of mechanisms for co-operation between the government levels or for dealing with new issues that do not fit into the pre-set categories. As a result, this constitutional architecture has facilitated the emergence of a weak centre of government as well as a number of functional inefficiencies, such as duplicated structures and inflated costs.²⁵ The current system of government and public administration consumes around 50% of the country's GDP, while BiH's global ranking is in the bottom 20% of countries in terms of "government effectiveness", in fact the lowest of the 15 East European countries. Consociational power-sharing arrangements in all levels of executive and legislative decision-making as well as a limited scope of competencies at State level, constitute formidable challenges to the capacity of BiH to develop policies and implement reforms. This is especially worrying given the necessity for accelerated reforms in the context of EU accession.

Public Administration

The unusual characteristics of BiH's federal system are coupled with administrative shortcomings, which are reflected in the Government's policymaking, public finance management and human resource management functions. Whereas there is some clarity as to the accountability and roles of the State and Entity-level government systems, the relationships of accountability at the Entity-Municipal level in the RS and the Entity-Canton-Municipal level in the Federation are often convoluted. This negatively affects the functioning of social services where the roles are often overlapping or accountabilities are shared without sufficient distinction as to the financial, legislative and executive powers and responsibilities.

Co-ordination among the different levels of government and between the institutions of individual governments is inadequate, leading to a lack of policy coherence. This is coupled with a lack of evidence-based policy making, stemming from a dearth of quality data, deficient capacities to interpret the data available and the failure to incorporate analytical conclusions into policy. Other governance problems faced by BiH come from the under-usage of information and communication technologies (ICT) which could facilitate coordination and effectiveness in and across governments.

Key capacity gaps need to be addressed in public administration, in particular in financial management, procurement management and monitoring and evaluation. The most significant weakness of the public finance management system is that, despite the introduction of mid-term expenditure frameworks, budgets are not yet regarded as strategic tools for driving priorities and analysing performance. Budgeting processes therefore require more effective management.

When it comes to the core of public administration – the civil service - the abilities and dedication of the people are vital and achievement of the highest quality of human resources is one of the biggest challenges. Existing human resources management systems in the civil service need increased transparency, merit-based procedures and the promotion of professionalism, while the politicization of the civil service needs to be reduced.

Poor management of public expenditures results in chronic under-funding and poor targeting of the sectors vital for poverty reduction and human development, especially basic education and health service provision. Public opinion polls have consistently

²⁵ Michael Keating, 2007. *Federalism Study, Bosnia and Herzegovina*, University of Aberdeen and European University Institute, Florence, Italy.

shown that during the last several years trust in governmental institutions and public administration is rather low, and 64% of people believe that all or most officials are corrupt.²⁶ Yet, although the reform process has, to date, been very slow, it is expected that the signing of the SAA in June 2008 will provide new impetus to expedite the necessary reforms.

Local Governance²⁷

Governance at the Municipal level faces significant challenges under the current fragmented structure. The rights and responsibilities of local authorities remain ill-defined by higher-level authorities. This lack of clarity often results in certain responsibilities being delegated to local officials without the provision of adequate resources to manage the requisite tasks. Unequal distribution of resources across municipalities exacerbates this problem.

The diverse legal and administrative frameworks, and resource allocations, limit access to basic public services and the achievement of unified service standards for all citizens, the absence of which contributes to social exclusion. Significant reforms are required, but apathy at the political level, complexity at the administrative level and fiscal inefficiency continue to act as hindrances. This situation is particularly problematic as it reduces capacities to absorb development funds, in particular those programmed under IPA.

At the same time, there is no bottom-up mechanism in place to enable local officials to receive guidance from their constituents. Citizens suffer from a general feeling of disenfranchisement that acts as a disincentive to participating in activities that would strengthen civil society. This problem is particularly acute with regard to returnees.

Civic Engagement and Civil Society

Crucial to questions of inclusion is the notion of free, open, and active participation within civic life. In BiH civic engagement is free in the sense that the constitutional and legal framework guarantees the right of freedom of association and assembly. Civic engagement is also relatively open. However, people in BiH are generally not actively engaged in civic processes that would enable them to have a greater voice in the country's development.

The civil society sector in BiH has a large and diverse collection of organisations (CSO's).²⁸ Recent research on civil society suggests that the total number of NGOs operating in BiH is around 4,600, of which approximately 57% are involved in service provision, 27% in advocacy and 16% on other activities. The majority of these organisations receive funding from donors (both local and international) or from their own members, via grants or donations.²⁹ Despite some government funding,³⁰ the sustainability of the sector remains in question.

²⁶ ORI and UNDP, 2007, *The Silent Majority Speaks*.

²⁷ Although a number of synergies exist, unique to the BiH context is the fact that PAR and Local Governance have developed as largely separate reform and development strategies in BiH. The foundation for this was laid in the March 2003 "PAR Pledges" of the State and Entity Prime Ministers to the Peace Implementation Council, which singled out LSG as a separate reform area rather than fully incorporating the local government dimension in the other five reform areas.

²⁸ UNDP, 2007, *National Human Development Report on Social Inclusion*, Sarajevo.

²⁹ Department for International Development, "Bosnia and Herzegovina: Labour and Social Policy in Bosnia and Herzegovina: The Development of Policies and Measures for Social Mitigation", Paper 3, 2004, p.1.

³⁰ Swiss Agency for Development and Cooperation and the Open Society Fund, Bosnia and Herzegovina, "Government Allocations for the NGO Sector in Bosnia and Herzegovina in 2007," July 2008

The relatively dynamic civil society sector engaging in the provision of social services and the promotion of civic education and human rights represents an opportunity to fill important gaps in the delivery of services, especially to the most vulnerable populations. The civil society sector; however, suffers from an unclear status and the lack of a legislative framework that would formalize its roles and ensure standards, as well as adequate financing from government sources for the delivery of social services, where appropriate. In the absence of a legal framework the legal status of volunteers in BiH is also unclear.

The ability of civil society to fulfil the role of strengthening democratic political processes is quite weak, due to the lack of interest in political participation and civic engagement. 60% of respondents surveyed in the *Silent Majority Speaks* stated that they “would never” join a political party, be a member of a citizens’ group or participate in a demonstration.³¹ This disengagement derives, in part, from a general lack of understanding of the meaning and functioning of civil society as a catalyst for development and perceptions of corruption in the political sphere. Voluntary actions, such as mutual aid, service to others and advocacy, do occur in the private sphere but remain largely unrecognised publicly. As a result, awareness of the potential contribution of volunteering to social inclusion, enhanced social trust and social capital, and sustainable development remains low.

Justice

Justice and reconciliation are essential to the future stability of BiH. Underlying reconciliation is the challenge of dealing with the past: how to bring war criminals to justice, how to do justice to victims and survivors, and how to reweave a war-torn society for the generations who will live with the legacy of the past conflict.

Since 2003 BiH has taken great strides to develop an effective criminal justice infrastructure at the State level. BiH State institutions such as the High Judicial and Prosecutorial Council, the Court of BiH and the Prosecutor’s Office of BiH have played a key role in the State’s ability to process war crimes in a manner approaching the standards set by the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. The Court of BiH, based in Sarajevo, now regularly presides over war crimes cases and the BiH Prosecutor continues to investigate cases, issue indictments, and argue such cases before the Court. These new institutions can be credited for delivering a level of criminal justice which inspires public confidence: according to the EC’s 2008 Progress Report, “trials have generally been held within a reasonable time and in compliance with internationally recognised fair trial standards.”

The impending closure of the ICTY by 2010 and plans to reduce international judicial and prosecutorial support to BiH institutions are juxtaposed with the current transfer of a large number of ICTY generated war crimes investigations to the Prosecutor’s Office of BiH. By all accounts, the urgent need to address this backlog of sensitive cases will substantially increase the work load of BiH institutions. One estimate suggests that 12,000 more persons need to be processed, which will result in around 6,000 cases.³²

A recent assessment of the capacity of the courts to undertake such cases found that none of the courts assessed, with their present resources, would be able to fairly, efficiently and effectively investigate, prosecute or adjudicate a substantial number of war crimes cases.³³ This assessment also found that there are numerous capacity gaps, including

³¹ ORI & UNDP, 2007, *The Silent Majority Speaks*.

³² Unpublished estimates of the BiH Prosecutor’s Office.

³³ UNDP, 2008, “Solving War Crime Cases in Bosnia and Herzegovina”, Report on the Capacities of Courts and Prosecutor Offices’ within Bosnia and Herzegovina to Investigate, Prosecute and Try War Crimes Cases.

limited ability of all courts to apply a uniform law and sentencing capacity to these cases limited ability of the prosecutors and the courts to provide witness protection and support, a lack of resources to dedicate full time prosecutors and judges to work solely on war crimes cases and a lack at the cantonal and district level of specially assigned and trained investigative staff. There are simply insufficient court houses, court rooms and interview facilities appropriate for cases or investigations involving traumatized or protected witnesses and cases involving a large number of accused persons. In human resources terms, the current rating system for judges and prosecutors based on quota or norm requirements discourages professionals from working on complex cases such as war crimes, while the system itself lacks the ability to recruit adequate numbers of prosecutors and judges to specialise in war crimes.

In addition to the challenge of delivering retributive justice through criminal prosecutions, it is widely recognised that countries emerging from violent conflict need to take a more holistic approach by developing broader transitional justice strategies designed to recognise and remedy past abuses, such as truth-finding endeavors, memorials and reparations programmes. Such an approach to transitional justice is not well anchored in BiH.

2.2.2 Social Exclusion

Although in aggregate human development terms BiH is progressing well, social exclusion remains a pressing problem. Underlying aggregate progress is a series of social fractures, and a general increase in inequalities of income, educational and health outcomes. The post-war period primarily addressed humanitarian issues but did not effectively tackle discrimination and social exclusion, many forms of which have since become entrenched. In terms of discrimination, the root causes in BiH are linked to political and administrative fragmentation along ethnic lines, the lack of an enabling environment for the participation of civil society and attitudes within families and communities. The ability to address discrimination is hampered by the constitutional structure which is inherently discriminatory and tends to foster rather than ameliorate divisions, thereby contributing to low levels of social trust and high levels of social exclusion. Furthermore, by focusing on the “three constituent peoples”, the constitution lends itself to the exclusion of “Others”, in particular the Romany³⁴ population who constitute one of the most vulnerable minorities in the country.

Measurement of social exclusion in BiH suggests that over 50% of the population is socially excluded in some way. Furthermore, 22% of the populace experiences some form of extreme exclusion and 47% are at risk of long-term social exclusion.³⁵ Among the most vulnerable are:

- The elderly, who face the highest risk of poverty with more than half of those who are 65 and over excluded from the pension system;
- Persons with disabilities, who face significant vulnerability to poverty as well as high levels of exclusion from education and health services;
- Displaced persons, amongst whom poverty levels are at 37%, especially those still living in Collective Accommodation³⁶. Displaced and returnee children

³⁴ Notably, the Government has recently joined Albania, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, and Slovakia as a member of the Decade of Roma Inclusion.

³⁵ UNDP, 2007, *NHDR*.

³⁶ As per MoHRR data, 20,256 out of 125,072 displaced persons are children and 3,136 families (1382 children out of 8,536 persons) are living in Collective Accommodation.

often experience exclusion due to stigmatisation, segregated school curricula, lack of transportation to school or barriers to accessing basic services;

- The Romany, 76% of whom are without primary education and 92% of whom are unemployed or working in the informal economy (the highest unemployment level among Romany in the south east European region); Romany children are not being registered at birth and are denied many human rights as a result. Some 27 percent of Romany live in poverty, and two-thirds of school-age Romany children do not attend school.³⁷
- National Minorities and constituent peoples in a minority situation;
- Families with two or more children who face high risks of poverty due to high unemployment and lack of social protection measures;
- There are high correlations amongst the economic status of households with children and low social and health indicators, including decreased attendance in secondary schools, decreasing developmental opportunities and lower access to basic health services such as immunization;³⁸
- Unemployed youth without sufficient levels of education to enter the job market; and,
- Low-skilled youth who are either unemployed or engaged in the informal economy.

Overall, these groups are not only at the highest risk of income poverty and unemployment, but also have far more difficulty accessing public services and participating in political life. Children, women and people living with disabilities remain particularly vulnerable to multiple forms of exclusion or multiple barriers from the realisation of their respective human rights. In terms of young people, there are concerns over increasing levels of violence against, amongst and by young people in BiH, as well as over levels of drug use.³⁹ Regarding the latter, while there is little data available on the prevalence of drug use in the population, research among users suggests that drug use starts at a relatively young age in BiH (15 to 17 years). Among young drug users there is a fairly rapid progression to injection at the age of 20.⁴⁰

Reform of the juvenile justice system is one of the essential requirements for integration into the EU. An increase in the number of victims of internal trafficking, some of whom are under 18 years of age, has also been reported.⁴¹

Despite efforts to improve the status of persons with disabilities the indicators on educational attendance, access to employment and adequate social services remain low.

In addressing all of the above-mentioned challenges, the UNCT places particular emphasis on the gendered dimensions of discrimination and exclusion. When they are also members of vulnerable groups women too often face double discrimination, reinforced by the processes of post-conflict and economic transition in the country.

Poverty

Despite the steady rate of economic growth, significant poverty persists in BiH. The most recent data from the “Living in BiH” Living Standards Measurement Survey

³⁷ UNICEF, 2007, *Social Exclusion with a Special Focus on Roma Children in South East Europe*.

³⁸ UNICEF, 2007, MICS3.

³⁹ UNICEF, 2007, “Biological and Behavioural Survey among Injecting Drug Users (IDU)”, Bosnia and Herzegovina.

⁴⁰ UNICEF, 2007, “Biological and Behavioural Survey among Injecting Drug Users (IDU)”, Bosnia and Herzegovina.

⁴¹ United States, Department of State

(2004) estimated that 17.8% of the population was living below the poverty line,⁴² while a sizeable proportion (approximately 30%) lives just above the threshold. Relative poverty measurements are perhaps more relevant for the current BiH context given that the severe poverty suffered during and immediately after the war has been eradicated. Using a 60% medial income threshold, the Laeken “at-risk-of-poverty” indicator pegs the overall poverty rate at 23.7%.⁴³ Poverty of this sort was rare in pre-war BiH.

Poverty especially affects families with three or more children; two thirds of these households are poor and the depth of their poverty is more severe than that of any other vulnerable group in the country. Two of the key factors contributing to the stubbornly high poverty level in BiH are the high unemployment rate, which illustrates how the gains from improved economic growth have not been equitably shared, and weak social protection systems. Of the 680,000 poor people in the country fewer than half receive social benefits. This is particularly the case for families with children. Of 3,000 such households in the MICS3 survey only 10 percent receive some form of social assistance and only 6 percent receive child allowance.⁴⁴

Unemployment, Inactivity and Informal Employment

Weak governance of the labour market, a destroyed and market-distorted economic base and poor implementation of privatization have contributed to the high numbers of people who face many difficulties in getting and keeping decent jobs. According to the latest Labour Force Survey data (2007), open unemployment remains stubbornly high at 23.4%, though this did represent a two percentage point improvement compared to the rate in 2006. Unemployment affects returnees in a minority situation even harder, as they face discrimination on top of generally poor economic conditions. Similarly, the Romany population and internally displaced persons tend to experience unemployment rates that are higher than the average rate for the overall population. Gender continues to be a characteristic that influences employment prospects. The rate of unemployment of women is more than five percentage points higher than that of men (26.8% and 21.4% respectively).

The very high rate of inactivity is affected by gender inequalities within the labour market, which sees extremely low participation rates of women. The participation rates of men are only slightly below those of Bulgaria, Croatia and Romania; whereas those of women are around 20 percent lower than their Balkan neighbours, the latter being already very low.⁴⁵ The MICS3 survey indicates that only 27 percent of women generate income through regular employment in comparison to 55 percent of men, and only 16 percent through self-employment in comparison to 45 percent of men. Women in rural areas have even less chance of generating income through wages or self-employment.

Youth unemployment has also emerged as a key issue. In 2007 the rate of 58.4 percent was one of the highest youth unemployment rates in the world and although it has dropped considerably in 2008, to 47.5%, it remains extremely high.

Almost nine out of ten unemployed people in BiH have been searching for work for one year or more. This compares very unfavorably with other Southeastern European countries where rates, although higher than in the EU, are still much lower than in BiH

⁴² Headcount: 681,000 people

⁴³ The calculation is based on data from the 2004 Household Budget Survey.

⁴⁴ UNICEF, 2007, MICS3.

⁴⁵ ILO, 2008, Review of Employment Policy of Bosnia and Herzegovina.

(e.g. in Bulgaria the rate is 59 percent, 54 percent in Croatia and 57 percent in Romania). In the EU the rate is 45 percent.⁴⁶

Having a job is not always a long-term solution to reducing social exclusion: although they work, approximately 34 percent of BiH workers are engaged in the informal economy. This figure rises to 50 percent for young workers.⁴⁷ Unstable, low paid and casual jobs in the informal economy increase workers' exposure to social exclusion. Lack of protection coupled with a volatile economic situation can quickly turn informal employment into joblessness. Unemployed and inactive persons in BiH are particularly at risk of income poverty due to the weak social security system, which does not adequately provide a safety net for the most vulnerable.

There are also correlations between levels of education, unemployment and poverty in BiH, with 49% of people with less than secondary education living in poverty as opposed to 39% of those with secondary or higher education.⁴⁸ The NHDR 2007 indicates that 65% of youth have completed only primary education. The statistics on the educational attainment of the Romany population indicate that 65% have never attended or completed primary education. Moreover, almost 80% of companies are of the opinion that the education system does not adequately prepare youth for the world of work.⁴⁹

Notwithstanding the enormous employment challenge, BiH has not yet shaped employment policy objectives and devised strategies to achieve them. More specifically and in contrast to many other countries of Southeastern Europe the following policy and programme issues have not yet been addressed in the country: (i) development of an active policy on employment, (ii) enforcement of employment protection legislation to cover unprotected workers in the informal economy, (iii) development of an education and training system that responds to labour market requirements, (iv) implementation of employment services and active labour market policies, especially those targeting individuals that are at risk of social exclusion or living in poverty, (v) review of income insurance system during unemployment that prevents workers falling into poverty during unemployment spells, (vi) design of a coherent system of income policies that can efficiently redress inequality and social exclusion, and (vii) establishment of appropriate mechanisms promoting social dialogue on employment.⁵⁰

Social Welfare and Pension Systems

The social welfare system in BiH is made up of 13 systems and is regulated at the Entity level, unlike the other countries in the region. The system is characterised by different functional and participation gaps, namely in legislation, policy, capacity, planning, financing, implementation, monitoring and evaluation and a lack of collaboration between different governmental levels.⁵¹ Under the Dayton Constitution, social welfare became the responsibility of the Entities. No State-level institutions are involved in the regulation or provision of services in BiH. However, the State is involved to some degree in refugee, health, labour and employment and education issues through the Ministries of Human Rights and Refugees, and Civil Affairs.

⁴⁶ ILO, 2008, Review of Employment Policy of Bosnia and Herzegovina.

⁴⁷ ILO, 2008, Review of Employment Policy of Bosnia and Herzegovina.

⁴⁸ ILO, 2008, Review of Employment Policy of Bosnia and Herzegovina.

⁴⁹ Davorin Pavelic, *Study on Youth and Employment in BiH*, CISP, Sarajevo, 2006.

⁵⁰ ILO, 2008, Review of Employment Policy of Bosnia and Herzegovina.

⁵¹ See also, UNDP, 2007, "Pension Reform and Social Protection Systems in Bosnia and Herzegovina" (summary in Annex).

There is a proliferation of laws, policies and strategies in BiH that are meant to address the particular vulnerabilities of the population and there is no effective mechanism for the coordination and harmonisation of the policies. In both FBiH and RS the social policy framework is defined at the Entity level, but financing and implementation of policy is the responsibility of lower government tiers. The transfer of funds from the Entity levels is generally inadequate, leaving the lower tier governments unable to actually implement the benefits conferred by the existing social welfare legislation.

The high unemployment rate and a large informal sector have a strong negative impact on the revenues of the social protection system, which in turn is not capable of providing assistance to the 350,000 individuals who are living below the poverty line. According to the World Bank, social transfers reach only one-quarter of the poor.⁵² Those individuals are mostly found in households with two or more children, or where the head of household is younger than 25 or/and has only elementary education.⁵³ Other vulnerable categories that have limited access to resources and services are the Romany population, refugees, returnees, IDPs and the unemployed.

At the Municipal level, Centres for Social Welfare, as direct service providers in the social protection sector, are underfinanced and understaffed, often working in inappropriate premises and without adequate equipment. They are largely unable to provide people with information about their rights and/or entitlements to social protection, nor are they able to provide a full range of the counselling, protection and oversight functions which they are mandated to perform. As a result, the majority that is in social need is excluded from social transfers stipulated by the social welfare system, even when they are deemed eligible for cash entitlements, as well as for adequate social protection services.

Compared to the EU average of 19%, BiH spends around 16% of GDP on social protection. Spending on social protection, as well as eligibility criteria depends on the social protection measures and financial capacities of each administrative unit. Moreover, the social assistance recipient criteria differ from one canton to another.⁵⁴ Although public spending in the field of social protection is close to the regional average, according to the revised BiH MTDS 2003-2007, almost two thirds are allocated to the category of demobilized veterans. The MDTS showed that 66.2% of total welfare spending was for disabled war veterans in 2004, compared to 16.1% for vulnerable population, 8.3% for child welfare and 1.5% for refugees and IDPs.⁵⁵ This suggests a lack of effective mechanisms to identify and allocate funds to people in need. Moreover, several municipalities in rural areas and with the largest population in social need have the least resources available for social protection.

Social protection in BiH is thus characterised by fragmented and inadequate funding, unequal and often inadequate delivery of services and unequal access to support.

As far as the pension system is concerned, the distribution of benefits is neither equitable nor sufficient (while poor households rely on pensions for 90% of income, women's benefits fall below the poverty line and men's benefits are barely above it). Coverage is incomplete (only two-thirds of workers have jobs with social protection benefits; only 54% of the elderly receive a pension) and discriminatory (78% of men receive

⁵² *Bosnia and Herzegovina - Fiscal Challenges and Strengthening Perspectives for Growth; Review of Public Expenditures and Institution*; World Bank; September 2006.

⁵³ MTDS 2004-2007

⁵⁴ Before the war the number of experts working in the social work centres used to be defined based on the population of the territory that each centre covered. Today; however, there is no standardisation that would organise social protection.

⁵⁵ UNDP, 2007, *NHDR*.

a pension but only 41% of women; over 90% of public sector workers have jobs with social protection benefits, compared to less than 10% of farmers).⁵⁶

The Education System

As in many other areas, the structure of the education system in BiH is divided and fragmented. There are 14 education systems in the country (1 State, 2 Entity, 10 Cantonal, 1 Brčko District). Besides weaknesses in curricula development and planning, the financial planning within the education system is weak and affects the quality of education: 85% of the education budget is allocated simply to staff costs whereas almost no resources are allocated to improve the quality of education processes through professional development of teachers or improvement of school facilities.⁵⁷ As a result, while the percentage of GDP spent on education is adequate, at 4.3% in 2005, education outcomes are low.⁵⁸

The education system also suffers from gaps in data collection that would enable evidence-based policy and programme planning. This is due to administrative fragmentation and weaknesses in statistical capacities. The statistical agencies at entity and state level do produce some data on the numbers of children and teachers in schools (by headcount) but differing methodologies lead to discrepancies. In addition, in the absence of further analytic work there is no official data on more substantive education indicators such as enrolment levels, school completion or drop-out rates, teacher-student ratios or gender parity levels. Additional research, such as this, exists largely as a result of studies and surveys supported by international agencies.

Existing data from 2006 shows that the net primary school attendance rate increased from around 94% to 98.4%, but the attendance rate for Grade 1 was reduced from 94% to 90.7%.⁵⁹ In 2006 the net secondary school attendance rate was at 79.3%. Around 2.3% of children of secondary school age are still attending primary school. An estimated 6% of children who are not enrolled in primary school, as well as those adolescents who drop-out of the education system after primary school, represent especially vulnerable groups.⁶⁰ The Public Expenditure Review conducted by the World Bank in 2004 shows that the enrolment rate of children from poor families is much lower than their “non-poor” peers, which puts them in a considerably more vulnerable position with regard to poverty. 57.2% of poor were enrolled in secondary schools (compared to 76.4% of non-poor) and only 9.3% in higher education (compared to 27.3% of non-poor).⁶¹ The level of discrimination against minorities remains high with regard to education: 76% of Romany aged 15-24 are illiterate, at least 64% of Romany children do not attend primary school, only 20% are enrolled in secondary education and 1% in tertiary.⁶² In addition, instances of young Romany enrolled in a university are rare (out of 7,000 students at Tuzla University only two are Romany).⁶³ The European Commission underlines the fact that only around 30% of Roma children complete primary education.

⁵⁶ UNDP, 2007, *Social Protection and Pension Systems in Bosnia and Herzegovina*, Sarajevo.

⁵⁷ UNICEF BiH, 2006-2007, “Analiza potreba nastavnika u pogledu stručnog usavršavanja; Analiza budžeta za kvalitet u osnovnom i srednjem obrazovanju, HUIJC”.

⁵⁸ As in many sectors, there are 13 separate budgets, schools are not involved in budget planning, resources intended to improve the teaching quality do not exist and over 85% of the education budget is allocated to staff costs with nothing remaining for maintenance, professional development, resources/materials, etc. Improving the efficiency of public spending in education is a pressing matter.

⁵⁹ UNICEF, 2007, MICS3

⁶⁰ The pre-school attendance rate is one of the lowest in the region.

⁶¹ World Bank, 2006, PEIR.

⁶² UNICEF, 2007, *Social Exclusion with Special Focus on Roma Children in South East Europe*.

⁶³ UNDP, 2007, *NHDR*.

The complex structure of the education system and a Constitution that allows for education to be requested in one of the three languages of the “constituent peoples” contributes to the fact that cultural and ethnic isolation is built into the education system. The entire education system in the country is divided based on ethnic grounds with three separate curricula created for each of the three constituent peoples, which impacts upon social cohesion. Cultural fragmentation is thus perpetuated and institutionalised in the education system. The clearest manifestation of this is the phenomenon of “divided schools” or “two-schools under one roof”, where children are segregated on the grounds of ethnicity. This occurs in approximately 50 schools in BiH. Such segregation is in sharp contrast to existing human rights treaties which have been signed and ratified by the country, in particular the UN Convention on the Rights of the Child (CRC).

Higher education also comes under the separate remit of each of the 14 education ministries. The eight universities in BiH (except Tuzla) are loose associations of 90 autonomous faculties and other institutions. There is no legislation or procedural mechanisms to ensure homogeneity of academic standards or to allow the comparative assessment of the performance of these institutions. Higher education in BiH faces serious issues related to both coordination and management.⁶⁴ Some progress has been made with regard to increasing the comparability and compatibility of BiH university degrees within the Bologna Process, with the passing of the Law on Higher Education in BiH in August 2007.

The Health System

Health services suffer from inefficiency, a fragmented administrative structure and inadequate financial resources.

In terms of the health of the population, BiH has a problematic mix of determinants of ill-health and morbidity. These are largely determined by the consequences of conflict and transition but also by lifestyle factors. Some groups, such as people with disabilities, minorities and displaced persons, often have special health needs but face greater exclusion than the general population in accessing quality health care. This is not only a problem for individuals but also for society as a whole, for example when not all segments of the population are effectively covered by vaccination programmes or have access to basic health services.

The total full immunization rate of children was only 61.2% in 2006 with the rates for Polio at only 79%.⁶⁵ Considerable weaknesses in the cold chain system and a Polio outbreak in Romany communities in 2007 both indicate a strong need to continue working to strengthen the immunization system in the country. A worrying breastfeeding situation has been assessed, as only 17.6% of children under six months are exclusively breastfed and only 20.4% aged 0-11 months are adequately fed.⁶⁶

In 2006 a UNICEF survey found that 20.2% of children in BiH are obese and 7.4% are moderately stunted and 2.5 severely stunted. 3.2% of children are moderately wasted and 0.8 severely wasted. Wasting and obesity are more prevalent amongst the girls and are more frequent in the urban than in the rural regions.⁶⁷ Anaemia due to iron deficiency is also very common in pregnant and breastfeeding women in BiH and it represents a very

⁶⁴ European Commission, “Review of Higher Education in Bosnia and Herzegovina”, available at http://ec.europa.eu/education/programmes/tempus/countries/bosnia_en.html

⁶⁵ UNICEF, 2007, MICS.

⁶⁶ UNICEF, 2007, MICS.

⁶⁷ UNICEF, 2007, MICS.

serious health problem.⁶⁸ Out of 1,222 pregnant women included in a recent study 475 (38.9%) had haemoglobin values below normal. Only 35.7% of women aged 15-49 years, married or in union, are using (or their partners are using) some kind of contraceptive method, with significant difference between urban (29%) and rural (39.3%) areas.

BiH has a high rate of Tuberculosis with 51 sufferers per 100,000.⁶⁹ Groups particularly vulnerable to the disease include those living in poverty, ethnic minorities, Romany, prisoners and displaced persons. Although there is a low prevalence of HIV/AIDS in BiH, with 33 people living with HIV/AIDS currently on antiretroviral therapy, attention to the issue is required in order to prevent an increase of infections.

The health insurance coverage rate in BiH is only around 80%, far from the goal of universal health coverage. Entitlements vary significantly from region to region, according to available resources. The percentage ratio between the number of “insurees” (persons covered by contributions) and “insured persons” (persons not covered by contributions, but as a family member of an insuree) in FBiH is 54.95% and 45.05% respectively, indicating a high degree of dependency.

2.2.3 Environmental Management

Until recently environmental management and governance issues have been largely overlooked due to more pressing post-conflict issues, coupled with a lack of capacity at the State level. The environment is not expressly mentioned in the Constitution (neither in the competencies of the State of BiH nor the Entities). The regulation of environmental issues through laws, regulations and standards takes place at the Entity level. In terms of coordination, the Inter-Entity Steering Committee for the Environment, established in 1998, is a reasonably effective mechanism providing for coordination and communication. It consists of eight members and deals with environmental issues delegated to it by the Entities.

In 2003, the Law on the Ministries and Other Administrative Bodies of BiH assigned certain responsibilities for environmental protection to the State level Ministry of Foreign Trade and Economic Relations (MoFTER). This gave MoFTER responsibility for the definition of policy, fundamental principles, coordination of activities and harmonization of Entity plans with international standards in agriculture, energy, environmental protection, and the development and exploitation of natural resources.

The main policy document on environmental issues is the National Environment Action Plan (NEAP) adopted in 2003 in both Entities. It identifies eight priorities: water resource management and waste water treatment, sustainable development in rural areas, environmental management (information systems, integral planning and education), protection of biological and landscape diversity, waste and waste management; economy and sustainable development; public health and demining. Although the NEAP led to numerous project proposals it did not designate responsible actors. It provides general orientation, but has had little effect on the distribution of functions and responsibilities in the relevant public institutions. Currently, both Entities are in the process of preparing new Strategies on Environmental Protection which are intended to be the main documents for dealing with environmental issues.

⁶⁸ UNICEF BiH, Research Project: Haemoglobin Values in Pregnant and Breastfeeding Women in Bosnia-Herzegovina, 2007-2008.

⁶⁹ WHO/IUATLD, 2008, The Global Project on Anti-tuberculosis Drug Resistance Surveillance. Geneva, 2008, World Health Organization, Geneva.

Recent UN and ECE reviews⁷⁰ of the Environment Sector have detailed serious failings in policy, legislation and implementation. The State level administrative mandate is limited and the legislative functions are weak; laws specifically targeting the environmental sector do not exist at the State level,⁷¹ although a draft State Environment Framework is currently being prepared with assistance from the EU. There is a low level of awareness among politicians (at all levels) of environmental issues, as well as on the linkage between the environment and development. Public information and education are also lacking. These represent serious challenges to mainstreaming environmental governance.

A comprehensive environmental monitoring network does not exist in BiH. This leaves the country without regular and reliable data on environmental indicators at State, Entity or Municipal levels.⁷² Partly due to the complex institutional structure, environmental information does not flow easily and is not usually shared between institutions.

2.2.4 Human Security

A number of issues continue to pose problems for BiH in terms of human security. Some of these are a direct result of the 1992 – 1995 conflict, in particular issues regarding remaining landmines, weapons and ammunition. Currently, 3.4% of the territory of BiH is contaminated with landmines (approximately 1,700 km²). The most recent estimate of the number of remaining mines is 220,000. Mines therefore continue to pose a major threat to the lives of BiH citizens. Casualty rates (both death and injury) in BiH have; however, steadily declined since the end of the war. Child casualties decreased to one in 2006 and 2007, and no child casualties have been reported in 2008. All casualties are now apparently adult men intentionally entering mined areas due to economic reasons.⁷³ Of the 52 casualties reported during the period 15 involved accidents in unmarked areas. Landmines also impede development in tourism, agriculture and environmental protection.

Another legacy of the war is the widespread presence of small arms and light weapons (SALW) and ammunition. An estimated 19% of the population possesses SALW and 16% or approximately 495,000 households possess these weapons illegally. Although considerable progress has been made regarding the destruction of weapons and ammunition, the high levels in civilian and military possession, as well as BiH's large military stock of surplus ammunition, continue to pose a threat to human security.

The ability to address disaster risk reduction is another key aspect of human security. BiH does not yet have a coordinated disaster management and risk reduction capacity at the State level, because responsibility is highly decentralized among State ministries (the Ministry of Security, the Ministry of Foreign Trade and Economic Affairs and the Ministry of Civil Affairs) on the one hand, and the country's Entity, Cantonal and Municipal governments on the other. The Government's capacity to deal effectively with existing and future human security threats therefore remains inadequate.

⁷⁰ Environmental performance reviews: Bosnia and Herzegovina In: Environmental Performance Reviews Series (ECE), no. 20 / ECE, Geneva (Switzerland); EC Functional Review of the Environmental Sector in Bosnia and Herzegovina Final Report, April, 2005;

⁷¹ The 3rd Draft of the State Law on Environment is currently under review: there has been no state level environmental law enacted for the last 5 years.

⁷² Necessary data includes the state of water, waste-water, air quality, solid waste, soil and nature protection, radiation and noise/vibration.

⁷³ For collecting firewood and scrap metal for instance.

The lack of coordination is also evident in specific initiatives such as the existing National Avian Influenza Contingency Plan. Coordination is expected to improve; however, following the adoption of a State Disaster Risk Reduction Law in April 2008. This Law envisages the establishment of a national coordination body on disaster management. However, work remains to be done on clearly defining priorities and steps to be taken in upgrading the country's capacities to plan, assess, prevent or mitigate the effects of natural or other types of disasters.

Another aspect of human security is ensuring that gender is fully integrated within the security sector in BiH and that the related reforms take account of specific gender perspectives. In BiH women are notably absent from various sectors of public life including the security sector and political decision-making structures. At the State Border Service, the Agency for Intelligence and Protection (SIPA) and the police forces of both Entities, less than 10% of the staff is female. All police ministers and heads of police services are men. Women's right to participate and contribute to the security sector continues to be denied and there are still wide gaps in the implementation of policies and laws designed to protect women's human rights. Awareness has increased on the need to mainstream gender within the public sphere of BiH. A critical ingredient for success is that all processes of reform and long-term development planning are inclusive and draw on the knowledge and experience of both women and men.

2.2.5 Gender Inequalities

Gender-based inequalities in BiH are particularly pronounced in three areas: political participation, labour force participation and gender-based violence.

The Gender Development Index (GDI) for 2004 was 0.801.⁷⁴ Although this showed a degree of improvement over 2003 in comparison to neighbouring countries, BiH is only 9th of 11 countries in South Eastern Europe, only just above Macedonia and Albania.⁷⁵ The Gender Empowerment Measure (GEM) of 0.496, calculated in 2007, shows gender inequality in political and economic participation as well as lack of power over economic resources as measured by earned income.⁷⁶

Only 9% of government positions are held by women at the leadership, ministerial and deputy levels. Of the 64 ministerial positions at the State and Entity levels only six are held by women. This is despite the revision of the State-level electoral law in 2006, which now requires candidate lists for elections to contain at least 30% women.

Women face consistently higher levels of economic insecurity and vulnerability than men. Although women make up just over half of the population they constitute only 36% of the labour force, among the lowest in the region. Furthermore, the female activity rate is almost half that of the male activity rate (31.0% vs. 57.7%),⁷⁷ women face a higher unemployment rate than men (26.8% vs. 21.4%)⁷⁸ and consequently women have only 35% of the labour market share.

Gender-based violence is also an issue of concern in BiH. Recent research suggests that in BiH domestic violence is directed against women and children five times more often than

⁷⁴ UNDP, 2007, *NHDR*.

⁷⁵ UNDP, 2007, *NHDR*.

⁷⁶ UNDP, 2007, *NHDR*.

⁷⁷ Labour Force Survey 2007.

⁷⁸ Agency for Statistics of Bosnia and Herzegovina, Labour Force Survey, 2008, Preliminary Data, September 2008.

against men.⁷⁹ In terms of domestic violence against children, 35.6 percent of children aged 2 to 14 are subject to at least one form of psychological or physical punishment by their parents/caretakers or other household members. According to the EC's 2008 Progress Report, "Criminal acts of violence in the family recorded by the authorities rose by more than 50 percent in 2007".⁸⁰ Finally, the absence of coherent and reliable gender-sensitive and disaggregated data negatively impacts on the development of appropriate programmes and, monitoring and evaluation systems that could address gender inequalities.

2.2.6 Migration

Emigrants currently represent 37.7% of BiH's population.⁸¹ In addition to those who left during the war another 110,000 BiH citizens have emigrated since, among whom 43,000 have changed their citizenship permanently. With a large Diaspora the contribution to the economy in terms of remittances is significant. Estimated at USD 1,943 million in 2004, remittances represent 17.2% of GDP.⁸² Indeed, the actual figure could be much higher, since not all remittances pass through official channels. Thus, along with foreign direct investment, remittances represent an extremely important source of foreign currency for BiH.

Immigration issues in BiH are framed within the EU agenda, since improvements in EU visa requirements for BiH citizens are contingent upon improvements in the Government's standards of migration management. The Government faces a number of challenges that emanate from BiH's proximity to the EU and its still weak border management, which among other factors results in BiH being used as an origin, transit and destination country for irregular migration, trafficking and smuggling. The effective handling of irregular third country nationals is an increasingly relevant issue for the Government of BiH due to the third country clause in Readmission Agreements signed by the Government, in particular the Readmission Agreement with the EU which came into effect on 1st January 2008.

The Roadmap for Visa-Free Travel was presented to the BiH Government by the EU prior to the signing of the SAA. The Roadmap identifies four sets of issues to be part of a dialogue between the Government and the EU: document security, illegal migration, public order and security, external relations and fundamental rights linked to the movement of persons. Particular issues upon which the Roadmap focuses include improving document security through the introduction of biometric travel documents, better managing of migratory risks, improving efficiency in law enforcement cooperation including cooperation with Europol, and enhancing measures to fight organised crime and corruption.

BiH has made significant improvements in its migration management capacities within a relatively short period of time and currently possesses all basic migration management structures and legislation. A four-tier migration management model is in place including pre-entry, on-entry and after-entry organization, as well as limited international cooperation, although pre- and after-entry capacities remain sub-standard. Primary legislation now incorporates many of the standards and procedures necessary to operate at acceptable levels, including defined entry, stay, removal and asylum procedures and these have been assessed to be broadly compliant with EU and human rights standards.

⁷⁹ UNDP, 2007, *NHDR*.

⁸⁰ European Commission, „Bosnia and Herzegovina 2008 Progress Report“, Brussels, 5 November 2008, p. 18

⁸¹ World Bank Development Prospects Group, *Migration and Remittances Factbook*, 2005.

⁸² Remittances in 2004: USD 1.8 billion (IMF Balance of Payment Statistics, 2004, as cited in Mansoor and Quillin, eds., „Migration and Remittances,“ The World Bank, 2006), Nominal GDP in 2004: USD 10,020 billion (BiH Central Bank, 2007 Annual Report).

Importantly, BiH has recently taken steps to allow for the secure detention of irregular migrants as well as removals/expulsions. No formal migration policy exists in BiH, regarding either immigration or emigration. Policy responsibility theoretically rests at State-level, as per accepted norms elsewhere, however the procedures and capacities normally utilised to create policy are not in place.

2.2.7 The Human Rights Infrastructure

The human rights monitoring and protection structures in BiH suffer from gaps in coordination, clear accountabilities and efficiency caused by the country's administrative fragmentation as well as the overall process of administrative restructuring. At its 58th meeting, held on 25 November 2005, the Committee on Economic, Social and Cultural Rights concluded that the constitutional framework for BiH confers limited responsibility to the Government at the State level and "creates a complex administrative structure, which often results in a lack of harmonization and implementation of laws and policies relating to equal access by the populations of the two Entities, cantons and municipalities."⁸³

Although there is a functional Constitutional Court its decisions are not necessarily fully respected by different administrative levels in BiH. The Human Rights Chamber, created under the Dayton Agreement, was recently transformed into the Human Rights Commission within the remit of the Constitutional Court. The EC's 2008 Progress Report notes that in some cases decisions of the Human Rights Commission have not been properly implemented, which has led to cases being lodged before the European Court of Human Rights.⁸⁴

The BiH Ombudsmen system is undergoing reform to construct a central BiH Ombudsmen Institution, but the process of transition is slow and is marked by political influences on these, in principle, independent bodies. In the meantime, the Entity Ombudsmen Institutions continue to function without direct transfer of expertise and know-how to the State level institution.

The Human Rights Commission of the BiH Parliament has ensured specific focus on children and other specific rights groups but suffers from a lack of influence. The BiH Ministry of Human Rights and Refugees has a specific mandate to monitor, report on and promote human rights in BiH. As such it has created the BiH Council for Children, whose work has recently been stalled due to political disagreements at State level. The RS has created the RS Council for Children and has recently adopted the law on Ombudsmen for Children. The MoHRR, as some other State-level institutions, does not have direct counterparts at the lower administrative level and thus has to implement its mandates through development of broad networks of relationships with sector ministries at State, Entity and lower levels. The Gender Equality Agency was created to promote, inter alia, CEDAW, under the auspices of MoHRR, and has its counterparts in the entity Gender Centres.

As described above, the established human rights infrastructure in BiH is relatively extensive but often falls victim to political interest, lack of coordination and administrative fragmentation. The human rights status of vulnerable and excluded groups is additionally hampered by the lack of clarity in the principles of human rights and status of specific groups of the population, and there is an ongoing debate on issues that may potentially impact upon policies, legislation and the functioning of the judicial system.

⁸³ Committee on Economic, Social and Cultural Rights, UN E/C.12/BiH/CO/1 24 January 2006.

⁸⁴ European Commission, "Bosnia and Herzegovina 2008 Progress Report", Brussels, 5 November 2008, p. 15.

3. The National Development Framework

3.1 MTDS Results Assessment

The Mid-Term Development Strategy BiH (MTDS) is a development document of the BiH Government, endorsed by the BiH Parliamentary Assembly in March 2004. This document defined basic socio-economic development goals of BiH over the period 2004-2007 and measures for their implementation, both at the State and Entity levels. The first version of the document covered 23 sectors with several levels of implementation but the logical framework did not provide clear priorities. This was achieved via the revised MTDS in 2006, when three main development goals were defined as well as six general development priorities. The three goals were: 1) sustainable and balanced economic development, 2) poverty reduction and 3) acceleration of the process of European integration. The main development priorities were defined as the following:

- Maintain economic stability;
- Increase private investment;
- Restructure the economy;
- Increase employment and improve links between human resources and the labour market;
- Improve social protection system;
- Increase transparency and possibilities of BiH society.

According to the final report, the level of implementation has been approximately 60%.⁸⁵ The report points out the challenges in measuring the contribution of MTDS-defined activities towards the achievement of three main goals. For instance, the goal “sustainable and balanced economic development” is considered to have been too broadly defined and without precisely identified causative measures or defined indicators of success at the lower levels, micro level. When it comes to the goal “poverty reduction”, the report indicates that solid basic indicators were in place for evaluating the success, but, since the indicators were taken from the survey Living in BiH (LSMS), conducted in 2004, no comparable statistical information for the period after 2004 has been available. Activities related to Goal 3, “accelerate the process of European integration” have also been set in a way which makes it impossible to quantify the impact of the MTDS on the process of European integration.

The final report on the MTDS provides an overview of recommendations and lessons learnt for the development process of the new strategies in BiH, the Country Development Strategy (CDS) and the Social Inclusion Strategy (SIS), for the period 2008-2013:

⁸⁵ Government of Bosnia and Herzegovina, Mid-Term Development Strategy BiH 2004-2007 (PRSP): Final Report on Implementation of the Measures from Action Plan, Sarajevo, March 2008.

- The new strategy should build on the policies set in the MTDS in individual sectors, and should aim at achieving the goals defined through a consultative process;
- Measures from MTDS that have not been implemented by the end of 2007 should be re-prioritised and included in new development documents;
- Gender equality components should be incorporated into the new development documents⁷
- Inter-institutional cooperation at different levels should be strengthened as well as inter-sectoral dialogue in defining and achieving the new goals;
- Clearer goals should be set and indicators of success on different levels defined. Activities and goals should have specific, measurable, accessible, relevant and time bound indicators of success;
- Improvement of the monitoring and evaluation process at all levels of government in BiH is vital;
- Institutions and implementation deadlines should be clearly identified, as well as financial and human resources necessary for implementation;
- The protection of environment as one of the sectoral priorities should be established according to the feedback of workshop participants.

3.2 Government Priorities and Obligations (2008 – 2013)

The Directorate for Economic Planning has completed the situation analysis that will underpin the CDS and SIS, and this has been forwarded to the Council of Ministers for their consideration. The analysis identifies the proposed goals of the BiH CDS:⁸⁶

- Strengthen macroeconomic stability;
- Sustainable development;
- Competitiveness;
- Employment;
- EU integration;
- Social inclusion.

The final goal of the CDS, Social Inclusion, will form the basis of the SIS, for which five key goals have been identified:

- Improve pension policy;
- Improve protection of families with children;
- Improve health care system;
- Improve education system;
- Employment and social policies.

In developing the CDS and SIS the Government will need to consider the international, sectoral and European conventions signed and ratified by BiH, all of which contain obligations for legislative, administrative and service-related reform. The extent to which these reform measures have been undertaken varies greatly, as evidenced in the reports from various UN Committees monitoring the implementation of specific recommendations. The Government needs to harmonise legislation, policies and programmes in line with these instruments.

⁸⁶ BiH Council of Ministers, Directorate for Economic Planning, "Preparation of Development Documents for the Period 2008 – 2013", Presentation to the Donor Coordination Forum, Sarajevo, September 23, 2008.

Additionally, the Government in cooperation with UNHCR and the broader international community are in the process of revising the strategy for implementation of Annex VII of the Dayton Peace Agreement, which deals with the Right of Return. In regard to the reporting obligations of the State to the Human Rights Treaty Bodies, significant efforts were invested in the preparation of the implementation reports. The Treaty Body Committees recognized the country's endeavours to fulfil these requirements and highlighted the importance to maintain the momentum and build upon the achieved progress.

3.3 The International Normative Framework

The Government acknowledges its Treaty Body obligations through the signature and ratification of many international conventions but these obligations are not always translated into legislation and/or policies in the country.

3.3.1 Human Rights Conventions

Bosnia and Herzegovina is a party to many international treaties related to human rights (see Annex 1). These international instruments are included in Annex I to the Constitution on additional human rights agreements to be applied in Bosnia and Herzegovina. Article II of the Constitution also provides that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina having priority over all other law.

In order to promote human rights implementation the Government has adopted a number of programmes including:

- The Action Plan to Suppress Trafficking in Human Beings;
- The Action Plan for Children 2002-2010 ;
- The National Strategy for Romany (Healthcare, Employment and Housing);
- The Gender Action Plan;
- The Strategy against Juvenile Offending;
- EU Alignment - Institutional and Legal Framework Strategy on Migration for Bosnia-Herzegovina;
- The Strategy to Combat Violence Against Children;
- The new National Mine Action Strategy;
- The Strategic Directions for Education Development 2008-2015;
- The Inclusive Education Strategy.

Although the fulfilment of reporting requirements is important, the key requirement is the implementation of rights and freedoms embraced by the human rights treaties. Having examined the reports on the implementation in BiH of CAT, CEDAW, CRC, CERD, ICCPR and ICESCR the UN Treaty Bodies have identified areas and issues that give rise to concerns regarding compliance with the treaties and have; therefore, made recommendations on measures needed for the improvement of respect for human rights in BiH. In addition to the Treaty Bodies, other recent recommendations of particular significance to the work of the UNCT are contained in the report of the Special Rapporteur on the Right to Education from 2008.

To support action in BiH, in 2007 a *Compilation of the UN Treaty Body Recommendations* was prepared by the Office of the United Nations High Commissioner for Human Rights

(OHCHR) and the UNCT in BiH. The Compilation is an overview of the conclusions and recommendations of the UN Treaty Bodies and a useful tool for all stakeholders involved in human rights actions.⁸⁷

The weakness of the national protection system in BiH stems not only from the absence of the translation of human rights conventions into national laws and policies, but also from the lack of other essential components, including effective institutions, procedures and processes for protection to incorporate remedies; policies and programmes for raising awareness and a vibrant civil society.

3.3.2 Multilateral Environmental Agreements (MEA)

BiH has ratified some of the most important MEA (United Nations Framework Convention on Climate Change, Convention on Biological Diversity, Convention on Long-Range Transboundary Air Pollution, etc.), but there is a lack of environmental legislation, strategy, plans and programmes, as well as human and financial capacities for the fulfilment of the related obligations. BiH has had to face a range of complex challenges relevant to MEA acceptance and implementation and has had to start the process of ratifying new conventions: Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes, Convention on Environmental Impact Assessment in a Transboundary Context (Espoo), Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention, etc.).

The ratification, implementation, compliance with and enforcement of MEA gives rise to important environmental benefits and an improvement in the economic, socio-political and administrative situation. BiH will be able to access technical and financial assistance from the MEA Secretariats, such as assistance for reporting, capacity development and the exchange of experience. As MEA form the basis for significant parts of the EU environmental *acquis* their implementation is relevant to countries seeking EU membership.

3.3.3 Other Conventions and International Agreements

Bosnia and Herzegovina ratified 69 ILO Conventions (68 in force) including all fundamental and priority Conventions. The most important ones include the Forced Labour Convention (1930), the Freedom of Association and Protection of the Right to Organise Convention (1948), the Equal Remuneration Convention (1951), the Discrimination (Employment and Occupation) Convention (1958), the Minimum Age Convention (1973), and the Worst Forms of Child Labour Convention (1999).

In addition, BiH ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime Preamble, and the United Nations Convention against Transnational Organised Crime. The EU Alignment Institutional and Legal Framework Strategy on Migration for Bosnia-Herzegovina was adopted in 2005.

⁸⁷ <http://www.ohchr.org/>

A relatively recent member of the United Nations, BiH has ratified numerous international conventions and agreements. Overall; however, the Government lacks the capacity to integrate these international obligations into domestic legislation and to implement that legislation effectively. According to the EC's 2008 Progress Report, "limited progress" has been made on, "improving observance of international human rights law" and implementation "needs to improve".⁸⁸

3.4 European Union Accession Priorities and Processes

Bosnia & Herzegovina (BiH) is a potential candidate for EU membership. Negotiations on the SAA, a crucial stepping-stone to EU membership, between BiH and the EU were concluded in June 2008 with the signing of the agreement. The EU had put forward four main conditions for the signing of the SAA: BiH was to reform its police services, fully cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY), make progress in reforming public broadcasting and overhaul its public administration. With the SAA now signed, BiH can progress towards official "EU candidate" status.

The EU provides guidance to the authorities of BiH on reform priorities through the European Partnership. The European Partnership is a means to realise the European perspective of BiH and the Council Decision of 18 February 2008⁸⁹, identified new and remaining priorities for action. The key short-term priorities which the BiH authorities are to address are:

- Adopt and begin to implement police reform;
- Fully cooperate with the ICTY;
- Adopt the required public broadcasting legislation;
- Implement the 2006 strategy for public administration reform;
- Strengthen administrative capacity;
- Pursue efforts aimed at reconciliation and enhance efforts to solve pending bilateral issues;
- Make substantial progress on creating a single economic space in BiH;
- Reduce structural rigidities that distort the functioning of the labour market;
- Achieve more functional and sustainable institutional structures and better respect for human rights and fundamental freedoms.

In addition, BiH has to make progress in a number of other areas, both in the short and medium term, covering "political criteria" (democracy and the rule of law human rights and protection of minorities and regional issues and international obligations), "economic criteria" and "European standards" (internal market sectoral policies justice, freedom and security asylum system development and free movement through the visa facilitation and liberalisation process).⁹⁰ In addition, in July 2008 BiH ratified the revised European Social Charter.⁹¹

⁸⁸ European Commission, "Bosnia and Herzegovina 2008 Progress Report", Brussels, 5 November 2008, p. 16

⁸⁹ Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC (2008/211/EC).

⁹⁰ Some of the additional priorities that relate to UN Agency mandates include: develop and implement all the sectoral action plans under the National Strategy for Romany as part of a comprehensive strategy on poverty alleviation and social inclusion, further develop social inclusion and social protection policies, make further efforts to improve the situation of persons with disabilities, take measures to prevent segregation of children along ethnic lines at school, adopt a State environmental law to create the framework for nationwide harmonised environmental protection, implement the agreement between the Entities in the statistical system on improvement of the work of the Central Statistical Agency in BiH and improve the range and quality of statistics, in particular at State level, update and implement the National Action Plan for Combating Trafficking in Human Beings.

⁹¹ European Commission, "Bosnia and Herzegovina 2008 Progress Report", Brussels, 5 November 2008, p. 15

The role of the EU in the country continues to grow in significance. The international community's High Representative also serves as the EU's Special Representative (EUSR), for example, signifying the increasing involvement of the EU in BiH. The EU is also present in the country in the shape of the EU Force in BiH (EUFOR) and the EU Police Mission in BiH (EUPM), further highlighting the EU's substantial commitment to the country.

The extensive influence of the EU in BiH and the conditional nature of the accession process have certain ramifications for the character of the UN support, differentiating it from UN Country Programmes elsewhere. The EU is the dominant driving force behind the reform process in BiH and its goals and ambitions for the country often correspond to UN goals and ambitions. The aforementioned conditionality aspect can assist not only the EU, but also indirectly the UN agencies in their support to the Government in achieving the agreed policy goals.

To support the country in achieving EU membership, the EU provides financial backing through the Instrument for Pre-Accession Assistance (IPA). There are five components: transition assistance and institution building, cross-border cooperation, regional development, human resources development and rural development. At present, BiH is eligible for IPA funding under the transition assistance and institution building and cross-border cooperation components. Once the country has obtained EU candidate status it will be able to access funding under the other three components. Assistance for BiH under the 2007 IPA programme totals € 62.1 million. The amount of IPA assistance in total for the years 2007-2011 is € 500 million - conditioned on the progress made by BiH in addressing the aforementioned priorities.

The UNCT recognises that accession to the EU is a future vision shared by the majority of citizens in the country. In order to avoid any duplication in responsibilities and activities the approach of the UNCT to the EU agenda is twofold. In those fields where the UNCT's approach to development is congruent with the EU agenda the UNCT provides technical support and expertise, adding value and complementing the efforts of the EU. At the same time, in other areas, the UNCT's agenda supplements the EU's with a more robust focus on human rights and poverty reduction. These latter areas reflect some of the longer-term priorities and broader goals of the European Partnership, such as improving human rights and the protection of minorities.

4. The United Nations Assistance Framework in BiH

4.1 Main Areas of Work of UN Agencies in BiH

The United Nations programmes, funds and specialised agencies (hereafter referred to as the UN Agencies) are guided by a common agenda: the United Nations Development Assistance Framework (UNDAF) 2005 – 2008, agreed with the Government of BiH. In 2007 it was agreed to extend the current UNDAF for one year, 2009, in order to bring the UN planning cycle into alignment with the Government's.

The UNDAF document for 2005 – 2009 lists three intended Outcomes:

- Strengthened accountability and responsiveness of government to pro-active citizens;
- Improved access to and quality of basic education, health and social protection services;
- Improved government and local community management of mine action, including mine risk education and mine victim assistance, and small arms and light weapons at national and local levels.

Gender is mainstreamed across all three Outcomes and within Outcome Two there is a well articulated focus on the needs of young people. A human rights based approach to programming is used particularly for area based development programmes and in programmes addressing the needs of the most vulnerable groups.

The UNDAF document reflects government objectives as represented in various planning documents and international conventions, and has similar aims to the Paris Declaration, the prime aims of which are:

- Strengthening partner countries' national development strategies and associated operational frameworks;
- Increasing alignment of aid with partner countries' priorities, systems and procedures and helping to strengthen their capacities.

UNCT work is clearly linked to the Government's strategic development plans. UNDP's 2007 *National Human Development Report on Social Inclusion* is relevant to the Government's development of a social inclusion strategy, and work done by the UN Gender Group and governmental gender equality agencies will be crucial in engendering the Government's strategic planning processes. UNDP has a technical assistance project to support the development of the SIS and UNICEF launched a new project *Enhancing the Social Protection and Inclusion System for Children in BiH (SPIS)* in cooperation

with Government institutions and NGOs: the preparatory research and analysis has been utilized in the situation analysis by DEP. The ILO's *Country Review of Employment Policy* and *Study on Youth Labour Market in BiH* has supported the DEP's preparation of a detailed situation analysis, as well as their ability to shape more effective policies, as will the UNDP Report on *Pension Reform and Social Protection Systems*, the *Labour Force Surveys* (2006 and 2007) and the *Early Warning System* reports.

Capacity Development

Capacity development is at the heart of the UN's work and is a unique service offered by the UN. In undertaking capacity development in BiH the UN emphasises a number of key areas: training and education, organisations and their management, networks and linkages among organisations, the public sector environment and the overall economic, social, cultural and political milieu in which organisations operate. In so doing, the UN works both within and beyond the public sector, recognising the important role of non-governmental organisations in all spheres of economic, social and political life. Capacity development is particularly challenging in BiH due to the complex structure of the Government. Key capacity gaps include the levels of human capital, financial and resource management and coordination among the multifarious levels of government. These gaps impede the ability of the Government, at all levels, to provide equitable and accessible service delivery and hinder the development of an enabling environment for socio-economic development.

All of the UN agencies contribute to capacity development and in many areas there are synergies and cooperation. The work ranges from policy development and strategic planning at the central level to work with municipalities and local civil society organisations. Examples of such collaboration include UNDP-UNICEF support to the BiH Mine Action Centre, UNDP-UNFPA-UNICEF support to the three governmental statistical agencies (two Entities and one State) including preparatory work for a national census, UNICEF-WHO collaboration on strengthening the immunization service delivery mechanisms: UNDP-FAO capacity development project for Avian and Human Influenza preparedness. IOM works on strengthening migration management capacities, while UNHCR has been significantly involved in strengthening and enhancing the capacity of the Government in dealing with asylum and refugee related issues. UNHCR has also worked on strengthening the national NGO "Vasa Prava BiH" which provides free legal aid, improving access to rights for many populations of concern.

In undertaking programming in capacity development in BiH the UNCT emphasises the importance of a highly participatory process, involving representatives of an array of different stakeholders in dialogue, in order to develop strategies for the effective development of capacities within this context.

Aid Effectiveness

Aid effectiveness is a concern of the UN Agencies in BiH and has two aspects. The first is the Donor Coordination Forum (DCF) which is supported by the UN RC Office, while UNDP leads the substantive work. The second aspect is support to the strengthening of aid coordination in BiH by institutional capacity building within the Ministry of Finance and Treasury of BiH and the Government's mechanisms for managing development cooperation funding.

Joint Programming

Most of the member agencies of the UN Country Team, and three external agencies UNEP, UNIFEM and FAO, participated in at least one collaborative programme. The possibilities for joint programming were greatly advanced by the global launch in 2007 of the Spanish-funded Millennium Development Goals Achievement Fund (MDG-F). UNCT Working Groups prepared proposals for all windows of the MDG-F and were successful in the areas of Environment and Climate Change (UNDP, UNEP, FAO, UNV), Culture and Development (UNDP, UNESCO, UNICEF, UNV), Economic Governance (UNDP, UNICEF) and Youth, Employment and Migration (UNDP, UNICEF, UNFPA, IOM, UNV). Applications to other trust fund areas are still in process.

There are other areas of collaboration of significance at policy and strategic planning levels, as well as at local level. For example, at the policy / strategy level UN Agencies continue to collaborate effectively in support of the Government's efforts to enhance their strategic response to HIV/AIDS, UNICEF-WHO work together on strengthening the immunization service delivery mechanisms, WHO-UNICEF-WB are involved in capacity building for Avian and Human Influenza preparedness, UNDP-UNFPA-UNICEF support the three governmental statistical agencies, including their preparatory work for a national census. UNDP-UNICEF assist the BiH Mine Action Centre, UNHCR and UNICEF collaborate to support the Government's analysis of the provision of quality education services to refugees and IDP populations while ILO and IOM collaborate in the field of labour migration to reduce irregular migration and to enhance the national capacity for labour migration management. UNV, UNICEF and UNFPA also prepared a joint analysis on youth in BiH. At the local level, UNHCR collaborated with UNDP by co-financing sustainability projects for returnee populations already re-housed and a joint project initiative by UNDP and UNESCO, *Community Reconciliation through Poverty Reduction*, was approved by the UN Trust Fund for Human Security. UNFPA and UNICEF also supported the development of a referral mechanism to address causes of gender-based violence and child abuse.

Other areas of joint UNCT action include communications, data collection and analysis (DevInfo), and the mainstreaming of gender and youth into all relevant programmes.

4.2 Trends in UN Development Cooperation in BiH

The nature of UN development cooperation in BiH has shifted from a humanitarian response in the immediate post-war years to an increase in the number of development programmes supported by the EC, bilateral agencies and IFIs. This shift is connected to the Government's focus on facilitating the process of European integration, as the key national priority, and the overall shift from a post-conflict to a development phase. Building on their areas of expertise and comparative advantage, agencies are repositioning their activities in accordance with the country's development situation and the required assistance.

The area of social inclusion and protection is expected to continue to receive increased attention by the UNCT in BiH, both at the policy level and in field interventions through area-based development programmes. Likewise, support to overcoming the discriminatory aspects of educational and social protection systems is expected to be further addressed by UNCT programmes, as this issue represents not only disconnection from the international normative framework but is also a serious obstacle to the country's development and peace building processes.

The ongoing analysis and review of social protection and inclusion in BiH will assess and establish a revised system of competencies, roles and accountabilities that are required to function across sectors based on unified standards and implementation guidelines. At the local level, inter-sectoral community-based mechanisms are being enhanced in order to address inclusive social protection, inclusion through participation and mobilization of all rights holders and duty-bearers.

The sector of human security, primarily focused on demining and SALW destruction activities, is slowly being phased out as the national capacities are reaching the level of development that allows national ownership of the overall process. However, the area of disaster risk reduction and risk management, including national pandemic preparedness, will remain a focus of the UN's response. Another area where collaboration between the UN and the Government is increasing is in the implementation of the Global Fund projects to combat HIV/AIDS and Tuberculosis.

The failure to define the protection of environment as a sectoral priority, despite the evident need for stronger involvement in this area, was assessed as one of the key weaknesses of the MTDS. It is expected that the environmental sector will therefore become one of the key emerging areas in the new development strategies of BiH. The UNCT has already begun aligning its work to the emerging national needs in the environmental sector by developing a joint UNCT programme within the Environment and Climate Change Thematic Window of the UNDP/Spain MDG Achievement Fund, which has been approved and will shortly be launched. Other projects funded by the Global Environment Facility are in the early stages of implementation.

5. The Main Development Cooperation Partners in BiH

The findings presented in this section are largely drawn from the Donor Mapping Exercise (DME)⁹² and represent the Official Development Assistance of the major bilateral agencies and multilateral agencies who are members of the BiH Donor Coordination Forum (DCF).⁹³ The analysis of development assistance is based solely on the contribution of the members and not those of all donors and agencies working in the country.

5.1 The Multilateral and Bilateral Organizations

The major bilateral and multilateral development agencies in BiH are members of the BiH Donor Coordination Forum: the DCF. The DCF is an informal mechanism for coordination of development assistance and after two years of operation there is greater government involvement in the forum. The aim is that, in the near future the responsibility and ownership of the coordination of development assistance will be taken over by the Government, under the leadership of the Ministry of Finance and Treasury.

Two UN development agencies in BiH, UNDP and UNICEF, are members of the DCF along with the World Bank. The other UN agencies are represented by the UN Resident Coordinator. The members of the DCF are as follows (in alphabetical order):

Bilateral donors: Austria/Austrian Development Agency (ADA), Canada/Canadian International Development Agency (CIDA), France, Germany/German Technical Cooperation (GTZ)/KfW Entwicklungsbank (KfW), Italy/Italian Cooperation (IC), Japan/Japan International Cooperation Agency (JICA), The Netherlands, Norway, Spain/Spanish Agency for International Cooperation and Development (AECID), Sweden/Swedish International Development Cooperation Agency (SIDA), Switzerland/Swiss Agency for Development and Cooperation (SDC), United Kingdom (UK)/Department for International Development (DFID), United States of America (USA)/United States Agency for International Development (USAID)

⁹² 2008 Donor Mapping Report. UNDP Bosnia and Herzegovina

⁹³ The Donor Coordination Forum (DCF) was established in December 2005 by 17 of the major donor agencies in BiH. In 2007 their number grew to 19. The DCF serves as a semi-formal platform for information exchange among these organisations, meeting on a quarterly basis. Since its founding, however, the scope of the Forum has expanded and several discussions have focused on how the coordination of donor activities can be further improved. Meetings of the DCF are often complemented by expert presentations from the Government and international organisations active in the country. As such, the DCF provides an opportunity for coordination among donor agencies, which is based on sharing knowledge, experiences and best practice.

Multilateral donors: European Bank for Reconstruction and Development (EBRD), European Commission (EC), European Investment Bank (EIB), United Nations Children's Fund (UNICEF), International Organization for Migration (IOM), United Nations Development Programme (UNDP) and the World Bank.⁹⁴

5.2 The Development Cooperation Mechanism 2006 – 2007

To accommodate BiH's new developmental position, bi- and multi-lateral agencies have been increasingly espousing a more holistic approach to dealing with the problems faced by the country. In 2007 both bilateral and multilateral agencies have supported a wide range of activities whose scope has varied from the local to the state level. Furthermore, international agencies have helped improve, harmonise or develop the legal frameworks in some areas. Donors not only assisted the Government but also cooperated with civil society and the private sector.

The transfer of responsibility for Aid Coordination to the BiH Ministry of Finance and Treasury and the establishment of the Board for Coordination of International Assistance (BCIA)⁹⁵ reflect the intention of the Government to adopt a more proactive approach in relation to external assistance, in line with the Paris Declaration and consistent with the growing capacities of the Government. A clear development trajectory enables the BiH Government to be more proactive in the specification of external assistance requirements and in the coordination of this support. However, further support is needed to ensure that this is sustained. In addition to taking ownership of the process, there is a need to ensure that resource coordination is integrated into the regular planning cycle and public finance management.

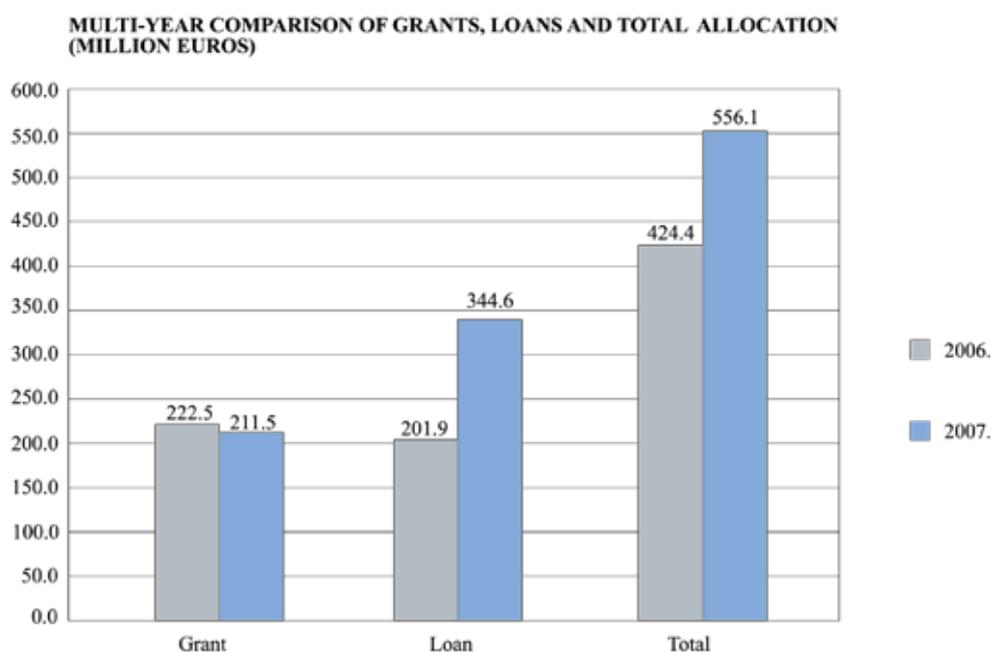
5.3 Trends in Development Assistance

Loans and Grants by Sector and Agency

The data collected for the 2007 Donor Mapping Exercise shows that the 19 Donor Coordination Forum agencies allocated approximately € 556 million during that year. Of this total allocation, € 211.4 million was in the form of grants and € 344.6 million in the form of loans. The chart below is a comparison between 2006 and 2007, displaying grants, loans and total allocations as part of ODA. The Chart demonstrates that between 2006 and 2007 there was an increase of € 133.1 million in loan assistance, while there was a decrease of €23.6 million in grant aid.

⁹⁴ Please note that the DCF does not represent all donor agencies active in BiH, including bilateral organisations. The following multilateral organisations are also not DCF members: United Nations High Commissioner for Refugees (UNHCR), Organization for Security and Cooperation in Europe (OSCE), Office of the High Representative (OHR), Council of Europe, EUFOR, EUPM and NATO.

⁹⁵ The BiH Government has recently transferred the responsibility for aid coordination at the State level to the Ministry of Finance and Treasury (MoFT). The newly established Sector for Aid Coordination at MoFT is expected to coordinate all external assistance other than that which is directly linked to the EU integration process, as these funds will remain the responsibility of the Directorate for European Integration (DEI). The work of the new Sector will be overseen and guided by a Board for the Coordination of International Assistance (BCIA), comprising representatives of DEI, the Directorate for Economic Planning (DEP), MOFT, as well as the Federation of BiH and Republika Srpska, Brčko District and the Assistant Minister of the Sector.



Trends in Development Assistance: by Sector⁹⁶

As in 2006, the Infrastructure and the Economic Development and Social Protection sectors received the bulk of ODA in 2007. When combined, these two areas of intervention make up more than 70% of all allocations. When compared to 2006, in 2007 there has been significant increase in loan finance associated with major infrastructure projects while there has been a decrease in support to economic development initiatives. The flipside of this growth is the reduction in grant-based and non infrastructure related ODA. It is noteworthy that in 2007 the Good Governance and Institution Building sector received less financial assistance than in 2006, whereas allocations to Local Governance initiatives have grown. In 2007, as compared to 2006, donors paid more attention to the important areas of Environmental Protection and Education. Nonetheless, the fact that other allocations (for example to the Health, Agriculture and Forestry sectors) are receiving less attention is cause for concern.

Trends in Development Assistance: by Agencies

According to the volume of their total allocation in 2007, indicating the proportion of loans and grants, the EBRD and the EIB (two large international financial institutions) as well as Germany/GTZ/KfW, feature high in this ranking. EBRD and EIB primarily provide concessional loans to BiH while, Germany/GTZ/KfW also provides grants. The other big loan givers to BiH are the World Bank and Spain/AECID. The EC and USA/USAID rank highest as grant givers, followed by Sweden/Sida and the Netherlands.

⁹⁶ Donors in BiH are active in a variety of sectors namely: Education, Health, Economic Development and Social Protection, Good Governance and Institution Building, Local Governance, the Cross-cutting sectors (Youth, Gender, and, Return and Reintegration), Agriculture and Forestry, Environmental Protection, Conflict Prevention and Resolution, Peace and Security, and Infrastructure.

Civil Society Organisations Working in Partnership with the UN

Engagement of a diverse range of actors from civil society and investment in partnerships are essential for effective action in meeting the national priorities in BiH. By working with CSOs, the UN can learn from a profound wealth of grassroots experience in meeting the challenges facing the country. In 2006, the UNCT surveyed their collaboration with CSOs in BiH and published their findings in “Main Findings on the Level of Cooperation between the UN Agencies and Civil Society Organisations in BiH” in January 2007. The survey mapped civil society key players cooperating with the UN in BiH, the scale of this cooperation and ways to improve it.⁹⁷ The eleven UN Agencies participating in the survey (FAO, IOM, WB, ILO, UNV, UNDP, OHCHR, UNIFEM, UNFPA, UNHCR and UNICEF) listed 187 CSOs as being supported in one way or another by the UN in Bosnia and Herzegovina.⁹⁸

The range of CSO activities varies from education to human rights, health, business development and youth. The partner organisations are located in both Entities in BiH and Brčko District. UN Agencies support includes: financing, technical assistance; organisation of training (in the fields of project implementation, strategic and financial management, human resources, organisational capacity development, etc.) and other forms of capacity development. A number of agencies assist CSOs in establishing links with local authorities, donor organisations and other civil society organizations, as well as in promoting their activities.

Private Companies Working in Partnership with the UN

In 2007, some UN Agencies worked in partnership with some private companies. Joint activities were pursued in support of UN Agencies’ activities or were the focus of UN interventions. For example, UNFPA invited Durex and Sheering when organising workshops or seminars on condoms and contraception. IOM worked with the Radiological Diagnostics Centre (Sarajevo) and X-ray diagnostician Dr. Arar (Banja Luka). UNICEF has an on-going partnership with the Tuzla Salt Factor to ensure appropriate and consistent levels of salt iodisation. UNDP’s Srebrenica Region Recovery Programme and Upper Drina Regional Development Programme work closely with several local private businesses. UNDP’s Growing Sustainable Business and Corporate Social Responsibility projects interact with small and medium enterprises nationally. UNV works in partnership with private companies, both in Bosnia-Herzegovina and abroad, to provide technical assistance in the form of volunteerism for development.

⁹⁷ 10 agencies (FAO, World Bank, UNV, UNDP, ILO, OHCHR, WHO, UNFPA, UNHCR and UNICEF) and the IOM provided the Civil Society Focal Point with the requested feedback. Within the UNDP, RMAP project, Gender Programme and SUTRA project sent completed questionnaires. Therefore, the conclusions of the UN Survey for the purpose of this report are based on a total of 13 Questionnaires, completed by the UN agencies and the IOM. While some of the completed Questionnaires contained detailed data on the relationship with BiH CSOs; some of the responses were less comprehensive. The extensiveness of responses was influenced by several factors including the number of CSOs each UN agency supports and the mode and the level of their cooperation.

⁹⁸ Out of 187 CSOs, 52 is the number (approx.) of those CSOs which received grants from the World Bank in the last 7 years. Due to the nature of the support, the detailed list of these organisations was not provided for the purpose of this research and they (CSOs) were not included for participation in the second round of the Survey. Therefore, all charts in the above mentioned report, except for the Chart 1, were calculated based on the remaining 135 CSOs.

6. Conclusions: The Challenges Ahead

Bosnia and Herzegovina's development context is unique. The country is undergoing major transitions in its development path, political system and economy, while still dealing with the legacy of the war and an overly-complex political structure. Fortunately, a unifying force for the majority of BiH citizens is the shared vision of a future within the European Union. The momentum generated by the recent progress made towards European accession is expected to help the reform process. However, until the constitution is revised, structural problems will persist and continue to hamper development progress and reform. Economic stability and steady growth are laudable achievements, but many significant macroeconomic issues persist due to a lack of cooperation and coordination across the levels of government (State, Entity, Canton and Municipal).

The UNCT uses a rights-based approach to human development and tailors its support to the BiH Government accordingly; to most effectively offer assistance toward the achievement of the country's major development challenges. The biggest obstacle to reform and development progress is the complex and inefficient political and administrative structure. Another barrier to development is the lack of trust and erosion of social cohesion which is a legacy of the war.

The priorities for the UN in Bosnia and Herzegovina will be set in full consultation with the Government in the UN Development Assistance Framework for 2010 -2014. The analysis of the development situation, summarised in this Common Country Assessment and drawing on key analytic documents of the Government, the United Nations in BiH, the European Commission, the World Bank and bilateral partners, will be the basis for setting the priorities. The evidence-based priority setting will also take into account the results of consultations with key government partners and civil society. The most important question to be asked in setting the priorities will be how the comparative advantages of the UNCT in terms of mandates, competencies and experience, can best be used to support the BiH development agenda and in particular the EU accession process. Another key question will be how to align the programme with the work to be done to ensure that BiH can meet its MDG targets by 2015, and to ensure that the Government's human rights and other international convention obligations can be met.

The analysis presented in this CCA, and the discussions at a UNCT workshop held in April 2008, show that there are a number of national challenges which need to be taken into consideration when planning the new UNDAF period:

- State structure/Constitutional reform;
- Preparation for EU membership;
- Economic development and job-based growth;
- Statistics and National Census;
- Environmental degradation/pollution/management;
- Social Inclusion-Protection / Inclusive growth;
- Human Security;
- Reconciliation;
- Institutional development.

Of this group of priority areas, four were seen to be of particular relevance for a joint Government–UNCT programme of work: social inclusion, capacity development at all levels of government, human security and the environment. A rights based approach underlying all the proposed interventions and gender and youth issues mainstreamed across the entire programme.

Annex 1: Ratification of International Human Rights Treaties by Bosnia and Herzegovina

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
International Covenant on Economic, Social and Cultural Rights	16.12.1966 (19.12.1966)					25/93 (07/71)	
International Covenant on Civil and Political Rights	16.12.1966 (19.12.1966)					25/93 (07/71)	
Optional Protocol to the International Covenant on Civil and Political Rights							
Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty	15.12.1989	18.12.2000				31/00	
Prevention of Discrimination on the Basis of Race, Religion or Belief, and Protection of Minorities	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
International Convention on the Elimination of All Forms of Racial Discrimination	7.3.1966					25/93	
Women's Human Rights	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
Convention on the Elimination of All Forms of Discrimination Against Women	18.12.1979					25/93 (11/81)	
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women	3.10.1999	28.5.2002				05/02	
United Nations Convention Against Transnational Organised Crime	15.11.2000	27.3.2002				03/02	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime Preamble, supplementing the United Nations Convention against Transnational Organised Crime	15.11.2000	27.3.2002				03/02	

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime	15.11.2000	27.3.2002				03/02	
Slavery and Slavery-Like Practices	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956	7.9.1956					25/03	
Slavery Convention	25.9.1962 (7.12.1953)					25/03	
Protocol amending the Slavery Convention	25.9.1962					07/58	
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	21.3.1950					25/93	
Protection from Torture, Ill-Treatment and Disappearance	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment							
Protocol No 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment							
Protocol No 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment							
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10.12.1984					25/93	
Rights of the Child	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Convention on the Rights of the Child	20.11.1989					25/93	

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts	25.6.2000	28.5.2002				05/02	
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	17.6.1999	4.6.2001				03/01	
Freedom of Association	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Freedom of Association and Protection of the Right to Organise Convention						25/93	
Right to Organise and Collective Bargaining Convention						25/93	
Employment and Forced Labour	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Convention cornering Forced or Compulsory Labour	5.6.1957	20.7.2000				19/00	
Equal Remuneration Convention						25/93	
Abolition of Forced Labour Convention						25/93	
Discrimination (Employment and Occupation) Convention						25/93	
Employment Policy Convention						25/93	
Convention concerning Occupational Safety and Health and the Working Environment						25/93	
Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	9.12.1990 (8.12.1990)					02/96	
Education	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Convention Against Discrimination in Education	14.12.1960					25/93	

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
Convention for the Protection of Cultural Property in the Event of Armed Conflict							
Protocol for the Protection of Cultural Property in the Event of Armed Conflict							
Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean							
Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region							
Convention on the means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property							
Refugees and Asylum	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Convention relating to the Status of Refugees	28.7.1951					25/93	
Protocol relating to the Status of Refugees	31.1.1967					25/93	
Nationality, Statelessness, and the Rights of Aliens	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Convention on the Reduction of Statelessness							
Convention relating to the Status of Stateless Persons	28.9.1954					08/59	
War Crimes and Crimes Against Humanity, Genocide and Terrorism	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity	26.11.1968					50/70	

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	9.12.1948					25/93 (02/50)	
Rome Statute of the International Criminal Court							
Law of Armed Conflict	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	12.08.1949					53/50	
Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea 1949	12.08.1949					53/50	
Geneva Convention relative to the Treatment of Prisoners of War 1949	12.08.1949					53/50	
Geneva Convention relative to the Protection of Civilian Persons in Time of War	12.08.1949					53/50	
Protocol additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)						16/78	
Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)						16/78	
Terrorism and Human Rights	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
International Convention Against the Taking of Hostages							
International Convention for the Suppression of Terrorist Bombing	15.12.1997	19.6.2003					

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	Entry Into Force
International Convention for the Suppression of Financing of Terrorism	9.12.1999	22.3.2005				03/05	
International Convention for the Suppression of Unlawful Seizure of Aircraft						33/72	
International Convention on the Prevention and Punishment of Crimes Against International Protected Persons							
UN Activities and Employees	Signature	Ratification	Accession	Succession	Reservations	Published in Official Gazette No.	
Convention on the Privileges and Immunities of the United Nations 1946	13.12.1946					25/93 (55/50)	
Convention on the Privileges and Immunities of the Specialized Agencies 1947	21.11.1947					25/93 (04/52)	
Convention Against Corruption	16.09.2005	26.10.2006					

Ratification of environmental Conventions and agreements

- Stockholm Convention on Persistent Organic Pollutants, 2001;
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides, 1998;
- Kyoto Protocol linked to the United Nations Framework Convention on Climate Change, 1997;
- UN Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994;
- Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention), 1994;
- Convention on biological diversity, 1992;
- United Nations Framework Convention on Climate Change, 1992;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989;
- Montreal Protocol on Substances that Deplete the Ozone Layer. Montreal, 1987. Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. Copenhagen, 1992;
- Montreal Protocol on Substances that Deplete the Ozone Layer. Montreal, 1987. Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. London, 1990;
- Montreal Protocol on Substances that Deplete the Ozone Layer. Montreal, 1987. Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. Montreal, 1987;
- Montreal Protocol on Substances that Deplete the Ozone Layer, 1987;
- Vienna Convention for the Protection of the Ozone Layer, 1985;
- Convention on long-range transboundary air pollution, 1979;
- Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972;
- Protocol to the 1979 Convention on long-range transboundary air pollution on long-term financing of the co-operative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe (EMEP), 1984;
- Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological and Toxic Weapons and on their Destruction, 1972;
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat, 1971 (Ramsar Convention 1971);
- Convention on Fishing and Conservation of the Living Resources of the High Seas, 1958.

Annex 2: Main Findings of Recent UN Analytic Reports on BiH

UNDP, National Human Development Report on Social Inclusion (2007)

Although the BiH economy continues to grow, with education and health Outcomes showing ongoing improvement and aggregate human development progressing well, the NHDR 2007 on Social Inclusion demonstrated that social exclusion remains a pressing problem. Underlying the aggregate progress is a series of social fractures, alongside a general increase in all manner of inequalities: income, wealth, educational performance and health status. The NHDR research showed that over 50% of the population is socially excluded in some way: 22% experience extreme exclusion and 47% are at risk of long-term social exclusion. The most excluded groups in BiH are the elderly, youth, children, Romany, persons with disabilities and minority returnees. In responding to this situation, the report recommended that the Government devise policies that are socially inclusive and that offer equal opportunities. A Social Inclusion agenda in BiH is important for ethical reasons, to contribute to the prevention of future conflict and as an integral part of the EU accession agenda.

UNDP, Pension Reform and Social Protection Systems in BiH (2007)

The report argues that pension and social protection systems play an important role in preventing poverty and social exclusion among the elderly, the young, individuals with disabilities and other population groups with limited ability to participate in economic activity for example, through a lack of access to paid employment. The BiH Government has committed itself to ensuring adequate social protection for all of its citizens, but this goal has not yet been achieved. In order to achieve this goal, the key options available to the Government include: legislating the basic right of every citizen to minimum social benefits, basing social benefit transfers on need rather than status, entitling women to the same benefits as men, considering and publicly debating all advantages and disadvantages of possible pension reform options, introducing a new state pension law that will define system parameters, harmonizing the FBiH and RS laws, targeting sectors with occupations characterised by jobs with no benefits (e.g. agriculture), reducing informal employment activity that offer jobs with no or inadequate benefits; addressing the disconnect between policy setting responsibility (Entity level) and funding responsibility (certain benefits are funded by cantons and/or municipalities), allocating more government budget expenditures to poverty alleviation (DEP suggests

341 million KM per year), simplifying the application requirements for pension and social protection benefits, empowering the Centres for Social Welfare (increase funding, training, staffing), legislating mandatory information sharing among pension, social protection and tax authorities, and giving citizens the right and means to access their own account information.

UNDP, *The Silent Majority Speaks: Snapshots of Today and Visions of the Future of Bosnia and Herzegovina* (2007)

In 2007, Oxford Research International, on behalf of the United Nations Development Programme, with the support of the Royal Netherlands Government, carried out the most comprehensive and indepth examination of the social and political health of BiH ever undertaken. The outcome was the report entitled *The Silent Majority Speaks: Snapshots of Today and Visions of the Future of Bosnia and Herzegovina*. The report covered topics such as general well-being, displacement, diaspora and return, the world of politics, change and the future, external influence and the international community, corruption, self-identification, media and media use. Some of the key findings of the report include: the fact that BiH suffers from extremely low levels of social and institutional trust, that a large proportion of young people are disillusioned and wish to leave the country and that although there is widespread consensus on the need for political change in the country there is little agreement on the direction of that change. In addition, the report found that in terms of ethnic identities in the country there is a strong tendency for those who have exclusive identities to be twice as likely as others to resort to violence for political ends.

UNDP, *Early Warning System Annual Report* (2007)

The EWS Annual Report for 2007 found that the year was one of extended political struggle, largely between the Serb and Bosniak political leaders, and increasing alarm and involvement on the part of the international community. This was accompanied by a pervasive sense of institutional gridlock, particularly at the State-level, and a near total lack of progress regarding reforms for EU membership. The situation was exacerbated by a worsening economic climate. By the end of the year it had clearly taken its toll on both ethnic relations and social stability. This is reflected in the stability indices where four out of five suffered major falls during the year to reach their lowest ever levels. While events in the final month of the year did something to recover the situation, there remain serious grounds for concern. The most important lesson to be taken from the year was how unworkable institutional arrangements in Bosnia and Herzegovina are. Another year was wasted, and all efforts to create more functional institutions frustrated by a combination of political irresponsibility, systemic failure and attempts to withdraw active international involvement (as opposed to facilitation and/or guidance) in decision-making.

UNICEF, Multiple Indicator Cluster Survey 2006, (MICS 2006), (2007).

UNICEF supports local authorities in countries throughout the world to conduct Multiple Indicator Cluster Surveys every five years. These internationally comparable surveys gather data on women and children in a range of areas relevant to their health and development. In BiH UNICEF worked with the Entity Institutes of Public Health, DEP and the Statistical Agencies to conduct this study among 6,000 households (50% of which had children and 50% where without children) in 2006. Some of the key results showed that 59.4 percent of households in BiH do not have children, particularly the poorest quintiles of population (70.4 percent). MICS 2006 measured a quasi-universal birth registration for children in the country (99.5 percent), but Romany households were not represented in the sample for methodological reasons. Compared to 2000 the net primary school attendance rate increased from 94 percent to 98.4 percent, but the attendance rate for Grade 1 was reduced from 94 percent to 90.7 percent. The pre-school attendance rate is one of the lowest in the region at 6.4 per cent. The total full immunisation rate is only 61.2 percent with the rates of Polio coverage dropping to 79 percent while immunisation against measles increased from 25 to 75 percent. Only 17.6 percent of children under six months are exclusively breastfed and 20.4 percent aged 0-11 months are adequately fed. As far as domestic violence is concerned, 35.6 percent of children aged 2-14 were subject to at least one form of psychological or physical punishment by their mother or other household members. MICS 2006 confirms the degree of positive correlation between education of parents and violence, as women with low education status tend to accept domestic violence and physical punishments. Finally, out of all women reporting having sex with non-regular partner, only 71 percent used condoms during sex with the last non-regular partner. Preparation for the next MICS survey will begin in 2009.

UNICEF, Child Rights Impact Assessment of Potential Electricity Price Rises in Bosnia and Herzegovina (CRIA), (2007).

UNICEF and Save the Children UK adapted the methodology of Poverty and Social Impact Assessments to apply to children. Partnering with DEP, the Child Rights Impact Assessment examined the coping mechanisms of households with children and relevant services in the context of rising energy prices. Household expenditure on energy (around 10-12 percent of disposable income) is high in BiH compared to other OECD countries. A Child Rights Impact Assessment on the impact of changes in electricity prices on children found that an increased economic burden on families would reduce quality of and access to health, education and social protection services. The increase in electricity prices leads to households cutting down the expense on food and toiletries, as well as economising on the needs of children and families, affecting especially households that are living below or just above the poverty line.⁹⁹ Older children may be at risk of dropping out of school in order to support their families. The research on institutions and services responsible for child welfare suggests that even modest electricity price increases might lead to cuts in the quality of service, reduced availability of these services and/or increases in the prices they charge users, hence reduced accessibility for poorer families.

⁹⁹ i.e. households with two, three or more children, refugees and internally displaced persons, households with two children, households in which the head of the household is under 25 years of age, unemployed people and households in which the head of the household has completed primary education only.

UNICEF BiH, Joint Country-Led Evaluation of Child-Focused Policies within the Social Protection Sector in Bosnia and Herzegovina (CLE), (2007)

The Directorate of Economic Planning (DEP) of the Government of Bosnia and Herzegovina (BiH) and UNICEF decided to commission a joint Country-Led Evaluation (CLE) to assess the relevance, effectiveness, efficiency and sustainability of child-Focused policies within the country's Mid-Term Development Strategy (MTDS) 2004-2007. The evaluation also assessed UNICEF contribution and aimed at informing the design of new national social protection policies, as well as UNICEF's future role. The evaluation found that the MTDS provided a platform for national and international stakeholders to engage in evidence-based policy processes around priority issues, such as social protection. However, it was found that efficiency and effectiveness of the social protection system were affected by a number of governance issues. The major constraint was that policies for the social protection sector were defined at Entity, District or even municipality levels. Weak national coordination made it difficult to identify effective entry-points for influencing sector-wide policies. This, for example, prevented the implementation of uniform standards on child allowances throughout the country. As result, eligibility, type and rates of benefit varied across cantons, with only the wealthier cantons providing a full range of benefits. The poorest cantons were often unable to provide adequate support to the citizens most in need. While linkages between policy processes at different administrative levels emerged as a challenge, the dynamics of UNICEF-supported experiences, such as the Child Protection System Reform at central and local level and created a momentum for driving policy change at higher levels. In a fragmented and multilayered system it is critical that more support be given to aspects of vertical integration. UNICEF support to strengthen the feedback of local experiences to central-level policy makers was assessed positively.

UNICEF BiH, Biological and Behavioural Survey among Injecting Drug Users (BSS), (2007)

The first population-based survey on the prevalence of HIV and other parentally and sexually transmitted infections (STI) among injecting drug users (IDUs) was conducted in Sarajevo, Banja Luka and Zenica. The results of a sample of 780 respondents show that an estimated 50 percent of the IDU in Sarajevo and slightly more than a quarter in Zenica experienced their first sexual intercourse before the age of 15. High levels of unemployment were found to be an important factor shaping the socio-economic reality of this population. Approximately one third of the IDU population in each city was estimated to have been sharing injecting equipment in the month preceding the survey and more than a half of the respondents re-used needles, thereby indicating a high level of risk for the transmission of infection. The median age of the first use of drugs, of any kind, was in the range of 15-17 years, while the median age of the first drug injection was 20 years. The use of condoms during most recent sexual intercourse with a causal partner ranged from 65 percent in Sarajevo to only 42.5 percent in Banja Luka and 41.5 percent in Zenica. Although a very small number of IDUs have been tested positive for HIV, which may be due to low levels of HIV and STI prevalence in their sexual and drug using networks, the results of the survey indicate an urgent need to increase the provision of harm reduction services and outreach services to IDU. There is also a strong need to actively promote such services to IDU, as the majority did not know of any support services in their cities and many did not know where they could get an HIV test.

UNICEF BiH, Legislative Analysis on Access to Information and Services for Adolescents. Review of Legislation, Policies and Practices: Legal Provision on Access of Adolescents to Information and Health Services Relating to HIV/AIDS and STI in BiH. UNICEF BiH, (2007)

The fragmented governance structure in BiH has resulted in non-standardised services in many sectors. In the health sector, no assessment had been carried out of the access adolescents have to information or services relevant for the protection of their health. This analysis pointed out that although the legislation guarantees the highest standard of the protection of human rights and of the rights to health care, privacy and information, there is considerable inconsistency in the implementation of legislation in all parts of BiH, thereby leading to discrimination and exclusion. It was found that non-governmental organisations and the formal health care system are not working collaboratively and that adolescents are often unaware of the interventions supported by NGOs. Moreover, the few publications dealing with HIV/AIDS and STIs that exist were not widely available to youth in the country. The analysis recommends: the harmonisation of legislation and practice across the entire country, enacting the Law on Rights of Patients in BiH and the Strategy to Combat Drug Abuse, implementation of the Strategy to Prevent and Combat HIV/AIDS and to decriminalise prostitution. In cooperation with mass media and religious officials, the activities of State and Entity-level institutions should focus on raising awareness among the general public on the rights of children and young people, and on combating prejudice related to reproductive and sexual health and, in particular, the right to non-discrimination based on sexual orientation.

UNICEF, Primary and Secondary Education in BiH, Budget Quality Analysis, (2007)

An analysis of budgetary allocations in primary and secondary education was conducted by UNICEF in 2007. The education system is very complex with responsibility given to lower levels of authority, e.g. the Entity level in the Republika Srpska, Brcko District and at the Cantonal level in the FBiH. There is no clear coordination of policies, practices or financial allocations between the municipalities and the Ministries of Education, and there are 13 budgets for the education sector in BiH. The budgeting process by educational institutions is not clearly documented/transparent or results-based. In fact, both annual budgets and medium term projections are calculated based on historical trends from prior years by relevant Ministries of Education, without direct involvement of schools. On average, the funds for teachers' salaries and allowances constitute over 80 percent of the total resources allocated to the education sector, which considerably limits the amount remaining for investments in infrastructure, professional education of the teaching staff or other expenditures required for quality teaching. The energy costs, consisting of heating and electricity costs, constitute the largest share in the total material costs. Consequently, though a school may suggest some additional items and activities, it is quite unlikely that those requests will be approved. This analysis proposes to rationalise the school network by merging similar schools¹⁰⁰, promoting the autonomy of schools in planning and managing their resources and encouraging results-based budgeting, as well as to increase the ratio of students per teacher in order to reduce the ratio of the budget allocated for salaries.

¹⁰⁰ Vocational schools are one of the greatest burdens in the education sector budget because most of them are relicts of the past system. In the Sarajevo Canton there are 80 different vocational profiles, 50 of which are different vocational three-year programmes offered by these schools.

Concluding Comments of the 35th Session of the CEDAW Committee, 2006, on Bosnia and Herzegovina

“The committee urges the State party to comply with its obligations under the Convention to Eliminate Discrimination Against Women without delay and to include women in all political, economic and social transformation processes at the State, Entity, Cantonal and Municipal levels; to ensure the de facto justifiability of the Convention’s rights in all domestic courts and other mechanisms; to speed up the process of law harmonization in order to comply with its obligations under the Law on Gender Equality; to prioritise data collection and include comprehensive sex-disaggregated statistical data in its next report so as to provide a full picture of the de facto enjoyment by women of their human rights etc”.

“The Committee is concerned about the persistence of deep-rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in society at large, which are reflected in women’s educational choices, their situation in the labour market and their low level of participation in political and public life.

While noting the efforts of the Gender Equality Agency in mainstreaming gender perspectives into the Mid-Term development strategy for poverty reduction, the Committee remains concerned that there are groups of women, mainly those who are single heads of household, elderly women, internally displaced women, returnees, disabled women and minority women, including Romany women, who are particularly adversely affected by poverty.”

Compilation of United Nations (UN) Treaty Bodies Concluding Observations and Recommendations to Bosnia and Herzegovina (BiH); 2006

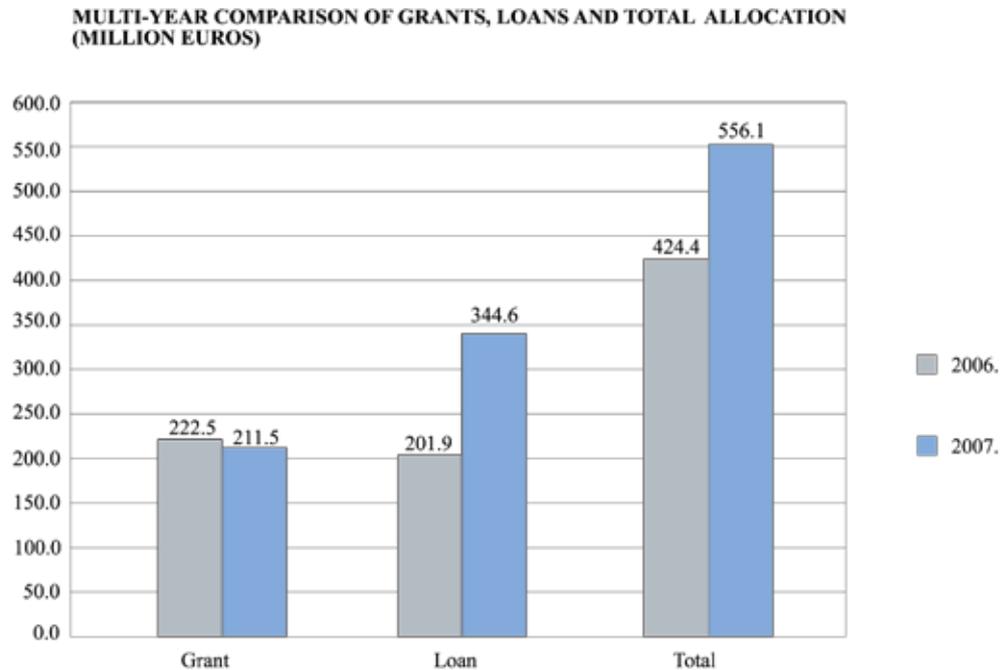
The “Compilation of UN Treaty Body Recommendations” represents a unique compilation of Recommendations issued by six UN Treaty Bodies, which were reviewing Reports of Bosnia and Herzegovina on implementation of relevant international human rights standards during 2005 – 2006.

Bosnia and Herzegovina became an independent State on 6 April 1992, and as successor-State of former SFRY automatically became a member of Human Rights Treaties ratified by former SFRY. Thus, Bosnia and Herzegovina has ratified the main international Human rights Treaties: International Covenant on Civil and Political Rights (CCPR) with its two Optional Protocols, International Covenant on Economic, Social and Cultural Rights (CESR), Convention on Elimination of all forms of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) with its Optional Protocol, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on Rights of the Child (CRC) with its two Optional Protocols and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. These international documents are fully integrated into BiH legislation and are mentioned in Annex I of the BiH Constitution.

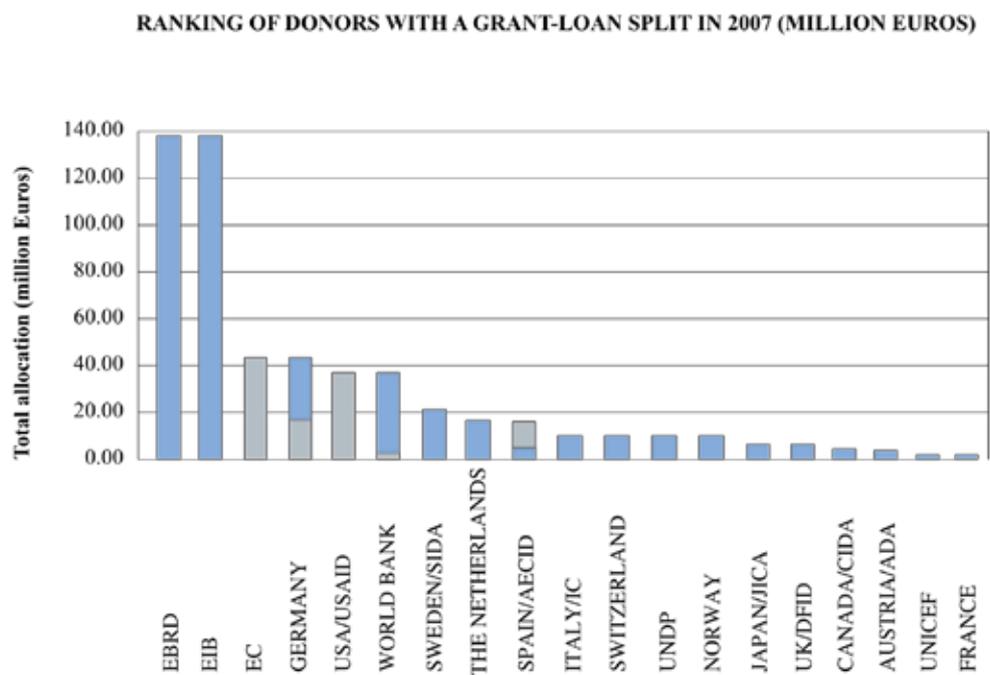
The compilation was also designed to assist the UN Country Team with the preparation of analytic and programme frameworks such as the Common Country Assessment, UNDAF, monitoring and reporting on millennium development goals, as well as for non-governmental organizations and civil society in planning their activities for promotion, monitoring and protection of human rights. The full compilation is available at: <http://www.ohchr.org/EN/countries/ENACARegion/Pages/BAIndex.aspx>.

Annex 3: Graphs from the Donor Mapping Report

Trends in Donor Assistance: Loans and Grants Allocations

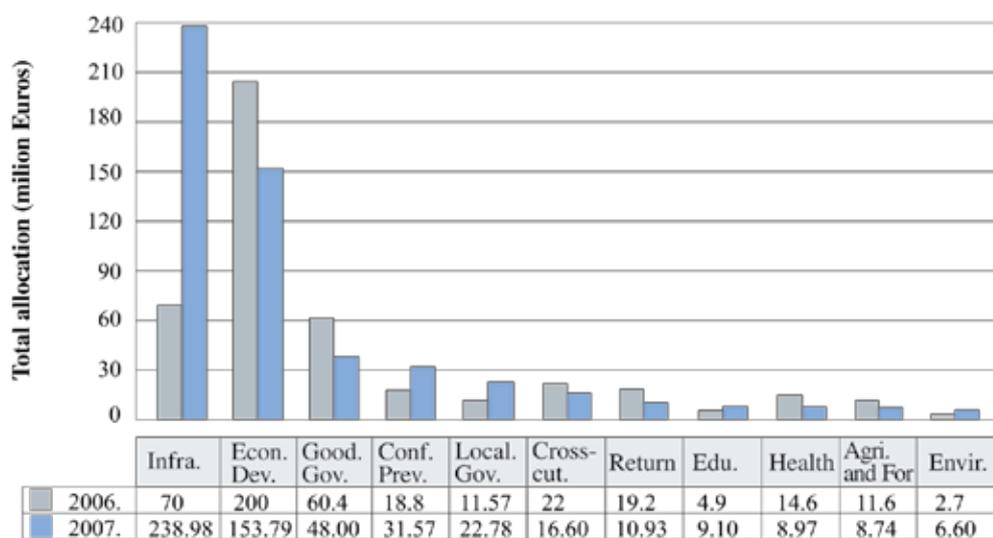


Trends in Donor Assistance: by Agencies



Trends in Donor Assistance: by Sector

COMPARISON OF SECTORAL SHARES IN 2006 AND 2007 (MILION EUROS)



Annex 4: MDGs Achievement

Country's assessment of MDG progress to date	Goal already achieved (100%)	Very likely to achieve goal (approximately 50% or more progress so far)	Possible to achieve if some changes are made (e.g. policy changes) (approximately 25%-49% progress so far)	Unlikely to achieve goal (less than 25% of progress so far)
GOAL 1: Eradicate Extreme Poverty and Hunger		X		
Target 1: Poverty		X		
Target 2: Hunger	X			
GOAL 2: Achieve Universal Primary Education			X	
GOAL 3: Promote Gender Equality and Empower Women		X		
GOAL 4: Reduce Child Mortality		X		
GOAL 5: Improve Maternal Health		X		
GOAL 6: Combat HIV/AIDS, Malaria and Other Diseases		X		
Target 7: HIV/AIDS		X		
Target 8 Malaria and Other Major Diseases		X		
GOAL 7: Ensure Environmental Sustainability			X	
Target 9: Sustainable Development			X	
Target 10: Sustainable Access to Safe Drinking Water		X		
Target 11: Improve the Lives of Slum-dwellers		X		
ADDED GOAL(S) (Overall) <i>(If applicable)</i>				

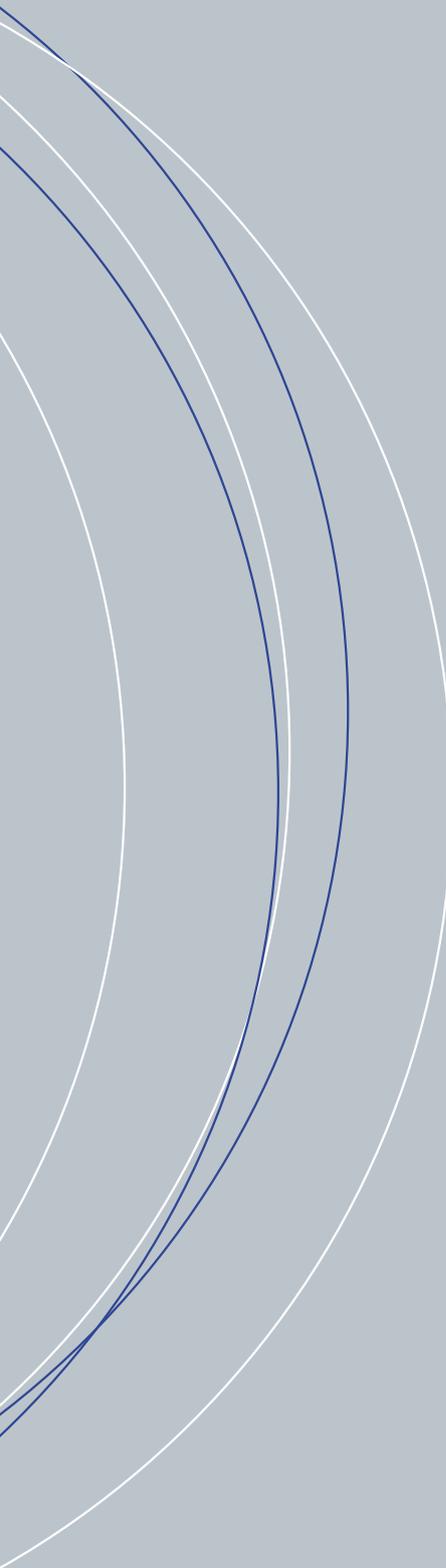
(Source: UNDP BiH, MDG Monitor Update: 7 May 2007)

Annex 5: UN Carry-over Programmes

UN Programmes Expected to be Carried Into New UNDAF BiH

Agency	Title of the programme/project	Area of intervention	Duration (indicate further programme phases if applicable)	Budget (indicate further programme phases if applicable)
UNDA, UNESCO, UNEP, FAO, UNV	MDGF: Mainstreaming Environmental Governance: Linking Local and National Action in BiH	Environment	2008-2011 (no further cases expected)	USD 5.5 Mil. (no further phases expected)
UNICEF, UNDP, UNESCO	MDGF: Improving Cultural Understanding in BiH	Culture and Development	2008-2011 (no further phases expected)	USD 8 Mil. (no further phases expected)
UNDP, UNICEF	MDGF: Securing Access to Water through Institutional Development and Infrastructure	Economic Governance	2009-2011	USD 4.45 Mil.
UNICEF, UNDP, UNFPA, IOM	MDGF: BiH Youth Employability and Retention Programme	Youth, Employment and Migration	2008-2011 (no further phases expected)	USD 6.8 Mil.
UNDP, UNESCO	UNTFHS: Community Reconciliation through Poverty Reduction	Human Security/ Social Inclusion	2008-2011	USD 2.2 Mil.
UNICEF	Enhancing the Social Protection and Inclusion System for Children in BiH	Social Protection	2008-2010	USD 6.5 Mil.
UNICEF	UNICEF Mine Risk Education and Small Arms Risk Prevention Integrated Programme	Mine Risk Education	2007-2010	USD 900,000
IOM	Assisted Voluntary Return of Stranded Migrants in BiH	Migration Management	2008-2010	CHF 500,000
IOM	Capacity Building, Information and Awareness Raising towards Promoting Orderly Migration in the Western Balkans AENEAS (Regional)	Labour Migration	2008-2010	EUR 1,4million incl ~ EUR 75,000 for IOM BiH
UNDP	Strengthening National Capacities for Strategies for Strategic Planning and Policy Development	Democratic Governance - PAR	2008-2010	US\$ 2,490,656.66
UNDP	e-Government at the Council of Ministers BiH	Democratic Governance - ICT4D	1st phase 2006-2008 2nd phase 2008-2009 3rd phase 2009-2010	1st phase US\$ 1,348,667 2nd phase US\$ 1,386,000 3rd phase US\$ 4,700,000 (or EUR 3 mil)
UNDP	Integrated Local Development Programme	SOCIAL INCLUSION - Local Policy and Interventions	2007-2010	US\$ 3,130,000
UNDP	Training System for Local Governments in BiH	SOCIAL INCLUSION - Local Policy and Interventions	2007-2011	US\$ 2,150,944

Agency	Title of the programme/project	Area of intervention	Duration (indicate further programme phases if applicable)	Budget (indicate further programme phases if applicable)
UNDP	Srebrenica Regional Recovery Programme	SOCIAL INCLUSION - Local Policy and Interventions/Area Based Development	1st phase 2002-2006 2nd phase 2006-2009 3rd phase 2009-2012	1st phase US\$ 13,233,941 2nd phase US\$ 11,352,582 3rd phase US\$ 12,000,000
UNDP	Small Arms and Ammunition Reduction Programme	Human Security	2005-2011	US\$ 2,384,865 plus US\$ 7,948,129
UNDP	Coordinated National Response to HIV/AIDS (Global Fund to Fight AIDS, Tuberculosis and Malaria – Primary Recipient)	Human Security	1st phase 2006-2008 2nd phase 2009-2010	1st phase US\$ 4,835,385 2nd phase US\$ 6,200,000
UNDP	Further Strengthening of DOTS Strategy in BiH (Global Fund to Fight AIDS, Tuberculosis and Malaria – Primary Recipient)	Human Security	1st phase 2007-2009 2nd phase 2010-2011	1st phase US\$ 2,715,486 2nd phase US\$ 3,300,000
ILO	Consolidating the Legal and Institutional Foundations of Social Dialogue in the Countries of the Western Balkans and Moldova	Social Dialogue (Governance, Human Rights)	2008-2010	USD \$ 2,269,288



United Nations Country Team
in Bosnia and Herzegovina

COMMON COUNTRY ASSESSMENT 2008

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