

25 October 2006

Bosnia and Herzegovina: sectarian divide continues to hamper residual return and reintegration of the displaced

More than ten years after the signing of the Dayton Peace Agreement, there are still some 180,200 people internally displaced in Bosnia and Herzegovina. Further to a re-registration exercise completed by the authorities in 2005, the number of internally displaced persons (IDPs) dropped from 309,000 at the end of 2004 to 187,000 in Spring 2005. This decrease can be explained by the number of returns which had taken place since the previous registration in 2000 and by the fact that many displaced have decided to integrate locally.

Over one million internally displaced people (IDPs) and refugees have returned to their homes since the end of the conflict in 1995, representing half of those displaced during the war. Return figures however have decreased by two thirds between 2004 and 2005, from 18,000 to 5,100. The 2006 figure is expected to be similar to the previous year. Several factors indicate that return is now a residual process concerning the most vulnerable among the IDPs and areas with a sensitive political and economic environment. The political debate is still dominated by ethnic issues as illustrated by the 2006 general elections and failure of the constitutional reform. This perpetuates an environment of widespread discrimination in virtually all areas of public life, which in turn constitutes a serious obstacle to return. As a result, the access of IDPs to employment, education, social and economic rights and justice in return areas remains affected by their ethnicity.

While the country has achieved most of its progress on return, property, and education thanks to the determination of the international community and the binding powers of the High Representative, this era is now ending. The current High Representative, Christian Schwarz-Schilling, who was appointed in December 2005, has announced the closure of his office for 2007 and explained that he will no longer use his binding powers to promote reform. It is hoped that this will result in a more responsible attitude from political parties to carry out the necessary reform of the institutions and go beyond the interests of the ethnically-based entities. The continued involvement of the international community is still required to ensure the sustainability of returns in Bosnia and Herzegovina, but it is now up to the national authorities to fully assume their responsibility to govern the country in the interests of all its citizens.

Map of Bosnia and Herzegovina



More maps are available on <http://www.internal-displacement.org/>

Background and main causes of displacement

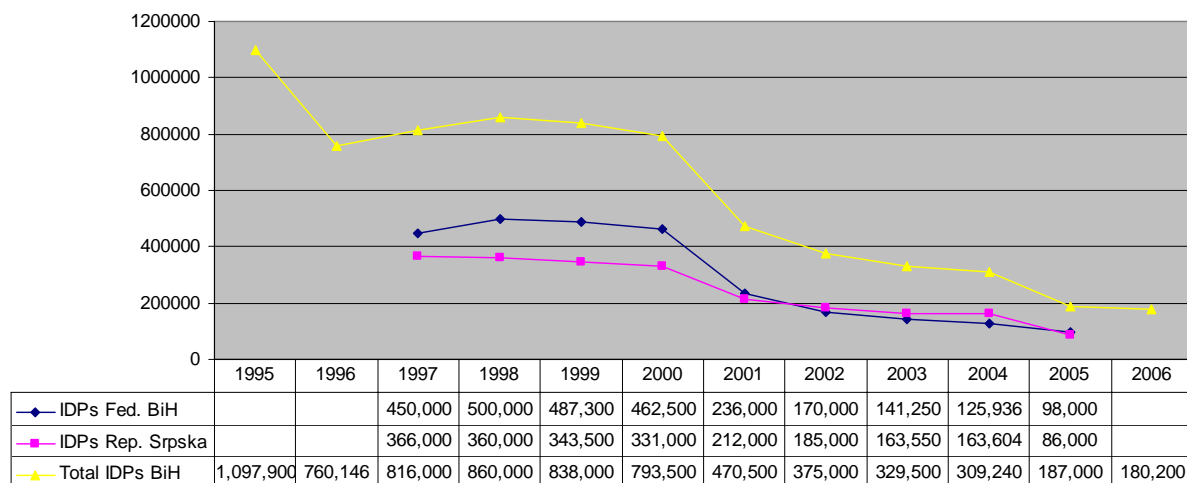
Large-scale displacement in Bosnia and Herzegovina (*Bosna i Hercegovina*, BiH) resulted from the conflict that erupted in 1992, following the collapse of the Socialist Federal Republic of Yugoslavia. Refusing to live with other ethnic groups in an independent Bosnia and Herzegovina, Serb forces (paramilitary units, militia and police) supported by formations of the mainly Serb Yugoslav Army, conducted a campaign of ethnic cleansing across the country. The objective was to create territorial continuity between Serb-dominated areas in Bosnia and Herzegovina, and Serbia. Serious violations of humanitarian law were committed during the conflict, including large-scale expulsion of civilians, systematic rape, indiscriminate attacks and mass murder. Although officially united in an alliance against Bosnian Serbs, the two other ethnic groups in the country, the Bosnian Croats and, to a lesser extent, the Bosnian Muslims (Bosniacs), also attempted to create

homogenous ethnic areas through the forced displacement of civilians.

By the end of the conflict in 1995, more than two million people had been uprooted (UNHCR, 6 February 2003). Approximately half of them fled abroad, while the other half became internally displaced (OHCHR, 16 June 2003, para.21). Additional displacement of over 60,000 people occurred between 1996 and 1999 following the transfer of territories between the two entities that now make up Bosnia and Herzegovina, the Republika Srpska (RS) and the Federation (OHCHR, 17 March 1998).

The Dayton Peace Agreement, signed in December 1995, enshrined the right of the displaced persons to return to their homes of origin (Annex VII). To facilitate the exercise of this right, the agreement provides for a strong international presence, comprising a civilian office headed by the High Representative, as a well as a NATO-led military force. The agreement also called for the creation of a mecha-

IDPs in BiH 1995-2006



Note: The total figure includes the sum of the figure from the Federation, the Republika Srpska and Brcko district (not on this chart)

Source: UNHCR statistics

nism to ensure the enforcement of the property rights of the displaced, namely the Commission for Real Property Claims.

The displaced population decreased significantly in the first year following the war, reflecting mainly the large-scale return of IDPs to areas where their ethnic group constituted the majority. As conditions were not conducive for so-called minority returns, i.e. the return of IDPs to areas where they would live as a minority, the decrease of the number of displaced slowed down during the following years. The improvement of the security situation and the acceleration of the property repossession process from 2000 on led to a short but dramatic increase in the pace of returns, before the return rate levelled off again in 2003 and 2004, mainly due to the fact that the remaining cases are the most difficult to solve and many IDPs may not want to return any longer. Further to a re-registration process initiated by the authorities and completed in 2005, the estimated number of displaced persons dropped from 309,000 at the end of 2004 (UNHCR, December 2004) to 187,000 in Spring 2005 with approximately 86,000 IDPs in Republika Srpska, 98,000 in the Federation, and the remainder in the Brcko District (UNHCR, June 2006). The main reasons for the decrease are returns which had taken place since the previous registration in 2000, and the fact that some 120,000 people decided not to register probably because they had become integrated in their area of displacement (UNHCR, 15 April 2005). At the end of August 2006, an estimated 180,200 people remained internally displaced in Bosnia and Herzegovina (UNHCR, 31 August 2006). As of October 2006, the authorities were still processing applications for IDP

status. Once the process is completed, it is expected that the number of IDPs will be further reduced (UNHCR, May 2006).

Sharp drop of return figures amidst continuous obstruction of reforms

IDP return figures dropped significantly from almost 18,000 in 2004 to 5,100 in 2005. This two-thirds decrease confirms that the return process is stalling on the hard core of vulnerable cases. As of August 2006, the overall return figure stood at approximately 1,014,000, including 572,000 internally displaced persons. This is only a slight change compared to 2004 when the number of returnees (IDPs and refugees) reached the landmark of one million, or half of those displaced during the war. Half of those who returned have done so to areas where they are in a minority (UNHCR, 30 September 2006). These minority returns have been among the most difficult challenges faced by the international community in its efforts to reverse the ethnic partition of the country. In that light, the overall minority return figure can be considered an achievement. It is also important to note that for the last three to four years, a significant proportion of returnees have been going back to areas of RS and the Federation traditionally dominated by hardline nationalists and which, until 2002, were almost completely closed to return. In 2006 the highest number of minority returns took place in Srebrenica, Foca and the Herzegovina-Neretva Canton (UNHCR, 30 September 2006).

Several factors seem to indicate that return in BiH is now a residual process. It concerns areas where return is particularly difficult, and remaining candidates for return are among the most vulnerable

(collective centre residents, the elderly, female heads of household, traumatised individuals) for whom the decision is much more difficult to make in view of the current obstacles to sustainable return. Funds for durable solutions such as reconstruction or income-generating activities are essential for these vulnerable individuals. However, the availability of such funds is falling every year, threatening to undermine the return movement and its sustainability (UNHCR, COP, 2005). On the other hand, more than ten years after the end of the war, most of the displaced persons who wanted to return have done so and many others decided to integrate locally as confirmed by the above-mentioned re-registration exercise (UNHCR, September 2005).

The political environment, which is still highly sectarian, is another disincentive to return. The country's overall positive record on return can largely be attributed to the determination of the international community to overcome political obstruction from nationalist forces. The High Representative frequently had to impose legislation or remove officials to ensure implementation of the Dayton agreement. However, almost ten years after the signing of the peace agreement, this is hardly compatible with the necessity to consolidate a democratic state able to join the European Union. As a result, High Representative Christian Schwartz-Schilling, who was appointed by the Peace Implementation Council in December 2005, made clear that he would no longer use his binding powers to promote reform and announced the closure of his office for 2007 (OHR, 16 March 2006, 21 July 2006). It is hoped that this will result in a more responsible attitude from political parties in the country who will now have

to face the full consequences of their political decisions without relying on OHR to unlock obstructionist behaviour. The main issue at stake is the strengthening of state institutions and the transfer of certain powers to the federal level. The Dayton peace agreement assigned state-like powers to the two ethnically-based entities. But this arrangement is now proving to be an obstacle to further reconciliation and the building of a state that develops and implements policies to benefit all citizens regardless of their ethnicity. The current concentration of competences at the entity level also directly affects the displacement situation, as it leads to an ethnic bias in key policy areas such as education, employment, social welfare and police, which constitutes a serious obstacle to minority returns (Helsinki Monitor, 21 January 2003; Helsinki Monitor, December 2004; USDOS, 28 February 2005, Section 2. d). Progress in this area remains limited. In April 2006, the Parliament failed by two votes to adopt constitutional amendments which, although limited, were slowly moving from a system based on ethnic representation to a system based on representation of citizens (CoE PACE, 29 June 2006). The preliminary result of the October 2006 general elections shows the continuing ethnic divide over the country's future; while the candidate who won the Muslim seat on the Presidency advocates for a more centralised and unified country, the winner of the Serb seat comes from a party proposing a referendum to allow the Serb entity to secede (Associated Press, 2 October 2006).

Remaining IDPs suffer from increasingly difficult living conditions

The living conditions for IDPs and minority returnees are generally precarious. National authorities have identified displaced persons as one of the groups most vulnerable to poverty (PRSP, 30 May 2003, Sect. 2B; UNHCR, October 2004, p.6). Vulnerable segments of the IDP population include those whose property has not been rebuilt and who are unable to access reconstruction assistance. Many IDPs have had to vacate properties they temporarily occupied in order to allow for the return of the original owners of the property without having a home to go back to (UNHCR, July 2003, para.23). Those who were accommodated in unclaimed apartments are threatened with losing their current apartments since the adoption in 2005 by the Federation Parliament of a law providing for the reallocation or sale of those flats without addressing the housing needs of the most vulnerable occupants. In the absence of a functioning social housing system, many of these people risk ending up in critical situations (COE, 25 April 2005).

Among those in need of housing, approximately 8,000 displaced persons still live in collective centres, most of them unofficial ones, with little support from the authorities. The deplorable living conditions are associated with social isolation resulting in a significant proportion of inhabitants being affected by depression. The great majority of collective centre residents belong to vulnerable groups such as female-headed households, elderly persons, severely traumatised individuals, witnesses in war crimes or Roma (UN CHR, 29 December 2005, par.30).

Another category at risk are refugees who were sent back by their asylum countries but have been unable to return to their places of origin. They are de facto displaced persons but do not have the corresponding status and are therefore denied access to the rights and entitlements of IDPs (UN CHR, 29 December 2005; UNHCR, January 2005, p.10).

The existence of separate welfare systems in each entity has created difficulties for returnees who run the risk of losing their entitlements or receiving lower benefits upon return to an entity different from the place of displacement. Lack of inter-entity cooperation on pension and health insurance systems, for example, remains a problem that hinders return (IDMC/ICHR/MRG, 3 July 2006).

For many displaced persons and minority returnees, limited access to employment opportunities is a factor in the decision not to return to their pre-war community. In 2005, the unemployment rate reached 60 per cent in many rural areas (USDOS, 8 March 2006). Limited employment opportunities are compounded by widespread discrimination based on ethnicity, political affiliation, national origin and gender.

Physical security has steadily improved over the years and is satisfactory in most return locations. Cases of ethnically-motivated violence persist but they are mainly directed against religious buildings, properties and only occasionally against returnees (Helsinki Committee, 17 January 2006; USDOS, 8 March 2006). There are concerns that the police and the judiciary are reluctant to punish ethnically-motivated violence (UN CAT, 24 November 2005). Efforts are still re-

quired, in particular in RS, to reinforce the multi-ethnicity of police forces in order to develop trust between potential returnees and law-enforcement officials (USDOS, 8 March 2006). The failure of the authorities, especially in the RS, to arrest and prosecute war criminals affects the sense of security of potential returnees. The lack of effective witness protection for those intending to testify before court and the presence of war criminals freely moving around and sometimes working for local administrations constitutes a clear deterrent to return, particularly for witnesses of war crimes and traumatised individuals (UNHCR, Country operation plan, January 2005, p.3; USDOS, 28 February 2005).

Land mines pose a significant barrier to the safe return of displaced persons and refugees, as well as to the development of economic activity and reconstruction of the country. The majority of current returns are taking place to rural areas where agriculture and cattle-breeding are essential means of subsistence (UNCHR, 29 December 2005, par.37). As of December 2005, there were still 18,300 minefields in the country (ICBL, 1 July 2006). The Ministry of Civil Affairs is responsible for the implementation of the BiH mine action plan which intends to prioritise de-mining in return areas. However, funds allocated to de-mining are clearly insufficient for the scope of the problem and international financial support is strongly needed (UNDP, July 2006, UNHCR, January 2005, p.6).

Property and education: two key reforms to encourage return

The repossession of properties occupied during and since the war has been instru-

mental in unlocking the return process. Property repossession has been a success story underlining the determination of the international community to overcome nationalist obstruction. Amendments to property legislation were imposed by the High Representative on several occasions on both entities in the country. A systematic monitoring of the implementation of property laws by local authorities was launched in 1999 when all relevant international organisations agreed to coordinate their efforts by setting up the Property Law Implementation Plan (PLIP). Property repossession gave a strong signal to those occupying property that accommodation rights acquired during the war were void and would be reversed, while opening new perspectives of return for the displaced. Nevertheless, a significant proportion of those who repossessed their property decided to opt for local integration rather than return and sold it rather than reoccupy it (BIRN, 31 August 2006; Helsinki Committee, 17 January 2006). As of March 2006 the repossession process was almost completed, with 93 per cent of cases closed (UNHCR, March 2006). However, certain categories such as female heads of households, widows, and Roma face particular difficulties in repossessing their properties due to lack of property title (UNCHR, 29 December 2005). Some problems have also been reported in the implementation of sensitive cases such as military apartments. This concerns 4,000 flats claimed by former Yugoslav soldiers, mostly Serbs, for whom the legislation does not allow restitution (USDOS, 8 March 2006). There are also concerns with the cases that the Commission for Real Property Claims could not solve before it was closed at the end of 2003. Those cases were mostly transferred to municipalities

at the end of 2004 which explains why the repossession process, which was almost complete before then, was still not finalised nearly two years later (USDOS, 8 March 2006).

The situation in the education sector still represents a serious obstacle to return. Schools have classes where children are separated based on their ethnicity. Separate curricula with strong nationalist contents are taught in different parts of the country. As a result, returnee children would often travel long distances by bus to attend school for the same purpose. Since 2002, serious efforts have been made to address discrimination at school and develop an egalitarian education system. A common core curriculum was designed at state level to ensure that some common elements were included in the various curricula proposed. The proportion of common elements varies depending on the subject: high in scientific matters, a minimum in history. An “Interim agreement on accommodation of specific needs and rights of returnee children” was signed in March 2002 between Entity Ministers of Education and an education reform was launched the same year. In 2004, these initiatives increased the number of returnee children attending school in their place of return thanks to the teaching of national subjects, recruitment of minority teachers and establishment of a common core curriculum. In 2005 a textbook review commission drafted guidelines on several subjects, including two of the most sensitive such as history and geography to address the wide discrepancies between various curricula (OSCE, 21 July 2006).

However many challenges remain. Even though the authorities stopped financing the bussing of children to other entities by

the end of the 2003-2004 school year, some parents have organised transportation themselves. Education is still organised along ethnic lines and there are still 52 “two schools under one roof” where children are segregated according to ethnicity (USDOS, 8 March 2006). The provision of the interim agreement on returnee children allowing parents to choose a specific curriculum for certain subjects paradoxically contributed to further separation of children by encouraging the multiplication of curricula within schools (OSCE, 22 April 2006). The implementation of a framework state-law on primary and secondary education met such strong opposition in certain (mainly Croat) Cantons, that the High Representative had to impose the necessary amendments in July 2004 (OHR, 8 July 2004). The resistance to the creation of an inclusive and non-discriminatory education system illustrates the division of society and reflects badly on the country’s capacity to educate future generations in a spirit of reconciliation.

National response

The country’s national response to internal displacement is hampered by the constitutional framework and division of society. The refusal at the entity or sub-entity level to transfer competencies and harmonise legislation at state level creates inequalities between citizens depending on their place of residence therefore limiting return and slowing down reform.

Primary responsibility for implementing the Peace Agreement lies with the authorities of Bosnia and Herzegovina. Under Annex VII of Dayton, the two entities and national and local authorities are responsible for upholding the right of dis-

placed people to return and repossess their pre-war homes, as well as ensuring suitable conditions for return. However, the international community has had to intervene repeatedly over the years to overcome local obstruction to return. In January 2004 Bosnia and Herzegovina took over full responsibility from the international community for implementing Annex VII. A “Strategy of Bosnia and Herzegovina for implementation of Annex VII” was adopted by the Peace Implementation Council and BiH Council of Ministers early in 2003. The “Strategy” advocates for harmonisation of legislation in the area of education and social welfare. As explained above, this goal is facing fierce resistance and there has hardly been any progress in this area. However, the “Strategy” has reinforced the competencies of the state on return-related issues. A return fund was established at state level where international donors as well as the entities and the state contribute in order to finance return projects in municipalities selected by the BiH State Commission for Refugees and displaced persons (SCRDP). In order to determine priority areas, the state Ministry for Human Rights and Refugees has launched a public call to refugees and displaced persons to apply for support for reconstruction and return. As of November 2004, over 23,000 families had registered, which indicates interest in return and a significant need for reconstruction assistance. While in 2004, the authorities provided around €18 million to rebuild 2,000 housing units in 42 municipalities, their 2005 pledged contributions did not materialise (UNHCR, May 2006). Out of 42 projects, 30 will be financed entirely by Bosnia and Herzegovina funds and 12 through SUTRA projects (*see below*) (MHRR, December 2004). In 2005, the

Ministry for Human Rights and Refugees also started to implement a project with the Council of Europe Development Bank (CEDB) to support the return of collective centre residents (USDOS, 8 March 2006).

On the legislative side, new IDP laws regulating acquisition and cessation were adopted in 2005 by both entities, in connection with the re-registration exercise aiming at revising the number and status of displaced persons (UNHCR, June 2006).

International response: focusing on the most vulnerable

Since 1995, the international community has maintained a massive presence in the country to ensure the implementation of the peace agreement under the supervision of the High Representative and assist in the recovery of the country. Five billion dollars were spent in aid and half of the homes damaged during the war have been rebuilt (UNHCR, 21 November 2005). The Dayton agreement made UNHCR the lead agency for the return of refugees and displaced persons. A strong coordination effort through an inter-agency framework, the PLIP, helped achieve considerable success in the property restitution process. The overall coordination of return and reconstruction was ensured, until 2003, through the Reconstruction and Return Task Force, which comprised humanitarian and human rights agencies, development actors such as UNDP and the World Bank, and key donors.

Ten years after the signing of the peace agreement, the focus of the international community has clearly moved from a humanitarian to a development agenda. This process is supported by the SUTRA

Framework, a UNDP/EU initiative aimed at handing responsibility for all aspects of return to local authorities (UNDP, January 2003). Further to the success of the initial project, SUTRA II and III were signed in 2005 and 2006 to pursue reconstruction in ten municipalities (UNHCR, May 2006). In a context of decreasing funds, assistance is focusing on the most vulnerable among the displaced and returnees as illustrated by the CEDB project in favour of collective centre residents, and UNHCR's decision to assist areas which only recently opened to return (UNHCR, September 2005). During his visit to the Balkans, in June 2005, the Representative of the UN Secretary-General on the Human Rights of IDPs, Walter Kälin, also emphasised the need to provide durable solutions and improve living conditions for the most vulnerable among the IDPs (UN CHR, 29 December 2005).

There is concern that the international community in Bosnia and Herzegovina may be prematurely wrapping up the return process at a point when candidates to return require more tailored assistance in view of their specific needs, such as psycho-social support and reintegration assistance (UNHCR, December 2005). The end of 2006 has been presented by UNHCR, OHR and BiH authorities as the time by which return will be substantially completed (UNHCR, September 2005). At regional level, the Ministerial Conference on Refugee Return initiated in 2005 and bringing together BiH, Croatia and Serbia and Montenegro foresees the end of displacement in the region by the same date. However, it is highly unlikely that the remaining 180,200 IDPs will all return during 2006, and declaring the return process over prematurely would risk depriving many of the remaining IDPs of

their right to return. The continued involvement of the international community is crucial to ensure the sustainability of returns in the country.

Note: This is a summary of the IDMC's country profile of the situation of internal displacement in Bosnia and Herzegovina. The full country profile is available online [here](#).

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Note: All documents used in this overview are directly accessible on the Bosnia and Herzegovina [List of Sources](#) page of our website.

About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org

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