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Bosnia and Herzegovina: Broader and improved support for durable solutions required

Twelve years after the war ended, the State Ministry for Human Rights and Refugees (MHRR) of Bosnia and Herzegovina estimated in June 2008 that some 125,000 registered internally displaced people (IDPs) remain. This figure is likely to remain stable in view of the limited number of returns over the past three years and the lack of support for other durable solutions. Given that possession of IDP status and an expressed intention to return is a precondition to apply for reconstruction assistance, it may not be incidental that the number of IDP families (40,000) corresponds to the number of applications for reconstruction assistance.

Government figures indicate that over one million IDPs and refugees have returned to their homes since the end of the conflict, but the extent to which the figure depicts long-term return is contested. The persistence of the ethnic divide in national political discourse and policies encourages IDPs to remain displaced within areas where they belong to a majority group. The lack of adequate support to return and the reluctance of national and international authorities to promote other durable solutions is preventing IDPs and returnees resuming their life in dignity. In view of the obstacles to return faced by many IDPs, and the difficult living conditions of those who remain displaced, the overwhelming focus on return and reconstruction is increasingly becoming questionable.

Map of Bosnia and Herzegovina



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Source: United Nations Cartographic Section
More maps are available on <http://www.internal-displacement.org/>

Background and main causes of displacement

Over one million people were internally displaced and as many again fled abroad during the violent conflict that erupted in Bosnia and Herzegovina (*Bosna i Hercegovina*, BiH) in 1992, after the collapse of the Socialist Federal Republic of Yugoslavia. In response to Bosnia's declaration of independence, Serb paramilitary units, militia and police forces began a campaign of ethnic cleansing throughout the country, supported by the predominantly Serb Yugoslav Army. Their aim was to create ethnic and territorial continuity between Serb-majority areas of Bosnia and Herzegovina and neighbouring Serbia, by expelling Bosnian Muslims (Bosniacs), Croats and other ethnic minorities. During the three years of the conflict, widespread violations of humanitarian and human rights law against the civilian population ranged from massacres and systematic rape to indiscriminate attacks and large-scale forced displacement. The Bosnian Croats, and to a lesser extent the Bosniacs, also attempted to create homogenous ethnic areas through the forced displacement of civilians.

The Dayton Peace Agreement (DPA) of December 1995 marked the end of the conflict and established BiH as a federal republic made up of two "entities": the (mainly Bosnian Serb) Republika Srpska (RS) and the (mainly Bosniac and Croat) Federation of Bosnia and Herzegovina (FBiH). Each entity had its own government, president, parliament and police, and until 2005, each had its own army. The north-eastern Brčko district is a self-governing administrative unit with territory in both FBiH and Republika Srpska, which remains under international supervision. FBiH is further divided into

cantons, which are then subdivided into municipalities. RS is divided directly into municipalities.

Displacement continued after the DPA, with tens of thousands of people forcibly displaced from territories transferred between the two entities, to areas where their ethnicity constituted the majority.

In the aftermath of the war, the international community set out to establish a peaceful, multi-ethnic state, by stabilising the country militarily, by promoting the return of displaced people and by reforming national institutions. The DPA provided for a strong international presence including a NATO-led military force, and the Office of the High Representative to oversee the civil implementation of the DPA. Annex VII of the DPA, on refugees and internally displaced people, focused on the right of the displaced to return to their homes and reclaim their properties. It designated UNHCR as the lead implementing agency and provided for the creation of the Commission for Real Property Claims (taken over by the national government in 2004) to ensure the enforcement of property rights of the displaced.

More than a decade after the conflict, BiH has become relatively stable and safe. External military presence has diminished and the NATO and UN presence has been largely replaced by EU institutions. But while progress has been made in reforming institutions and prosecuting war criminals, BiH has as of 2008 still not managed to overcome its ethnic divisions. Designed primarily to end the conflict and associated atrocities, the DPA established a weak central state and two ethnically-based entities with considerable autonomy over their respective

territories. By doing so, the DPA unintentionally contributed to consolidating ethnic division at the institutional level. The DPA is now proving to be an obstacle to further reconciliation and the building of a single state fit to develop and implement policies to benefit all citizens regardless of their ethnicity.

Generally speaking, authorities in Republika Sprska or Croat Cantons within the Federation favour a decentralised approach which they believe allows them to better defend the interest of their ethnic group and their autonomy. They therefore oppose any reinforcement of the central state power such as the reform of the constitution as shaped by the DPA, and harmonisation of certain national laws as required by the EU. As a result, constitutional reform and harmonisation of social legislation on education, health care and pension funds have so far failed, leading entitlements to services to vary according to people's place of residence. This has led displaced people to lose or gain entitlements upon their return.

The Office of the High Representative (OHR) is the strongest tool of external influence in BiH. In 1997, further to a conference of the Peace Implementation Council (PIC) held in Bonn, the OHR received binding powers to help overcome strong nationalist opposition to the implementation of the DPA. These powers included imposition of legislation and removal of elected officials. The use of the Bonn powers was essential in moving the return process forward. However, 12 years after the signature of the peace agreement, it is hardly compatible with the necessity to consolidate a democratic state fit to join the EU (ESI, 2003).

The failure of the OHR's attempts to avoid applying its executive powers and instead encourage national sovereignty have shown that Bosnia's politicians are still not ready to take full responsibility for the fate of their country (OSCE, 1 December 2006). National elections, both in 2002 and 2006, were dominated by ethnic considerations, and in 2006, the national parliament failed to enact a constitutional reform aimed at moving from a system based on ethnic representation to a system based on representation of citizens. The painful adoption of police reform in April 2008, required by the EU as a pre-condition to the signing of a Stabilisation and Association Agreement, illustrated the reluctance of the entities, in particular RS, to any transfer of responsibilities to the national government.

Displacement and return figures

By June 2008, the number of IDPs estimated by UNHCR and the Ministry of Human Rights and Refugees (MHRR) had dropped from 1,200,000 to around 125,000 (UNHCR, June 2008 citing government figures), indicating that over one million refugees and IDPs had returned to their pre-war residence.

However, these figures are contested for various reasons. Many returns were assumed in cases where property was restituted to displaced owners. But many owners who repossessed their property did not return, and decided instead to rent or sell it. In addition, many returns were not sustainable and resulted in returnees going back to their place of displacement or relocating elsewhere, exercising their freedom of movement. These people are not deducted from the return figures. The absence of a thorough return monitoring

process also adds to the difficulty of establishing accurate return figures. Exact figures for these movements would be extremely difficult to ascertain without a new census (the last one dates from 1991).

The evolution of the situation is illustrated by government figures, which are used by UNHCR: Immediately after the end of the conflict there was a large-scale return of IDPs to areas where they constituted the ethnic majority. 164,700 IDPs returned during 1996 (UNHCR, 30 June 2008). As conditions were not conducive to the return of people to areas where their ethnic group was a minority, IDP returns slowed in 1997, as most majority returns had taken place. From 2000 to 2004, return figures increased dramatically following progress in property restitution and the improvement of security in return areas, before slowing to a residual flow averaging only 4,600 returns per year.

An IDP re-registration carried out in 2005 resulted in 180,000 applications for IDP status. This number was significantly lower than expected, partly because over 120,000 people who had either returned or integrated locally chose not to re-register (MHRR, January 2008; UNHCR, 15 April 2005). After processing IDP applications, the MHRR registered just under 125,000 IDPs from 40,600 families; 45 per cent were in FBiH, 54 per cent in RS and 1 per cent in Brcko District (MHRR, May 2008). Interestingly, most of those 40,600 families applied for reconstruction assistance, which is only provided to registered IDPs who have expressed their intention to return. However, it is difficult to gauge the extent to which applicants intend to return for the long term. Field monitoring by international agencies and civil society suggests that durable return will depend on greater

efforts to put in place the conditions regarding livelihoods, access to social protection, unbiased education, and infrastructure to effectively lessen the impact of ethnic discrimination. Furthermore, the distribution of reconstruction assistance appears to not prioritise those most in need, in particular minority returnees (UNDP, 2007; UNHCR, October 2007; UNHCR Sarajevo, email, May 2008).

By 2008, half of returnees had gone back to areas where they are in a minority situation, including a significant proportion to areas of RS and FBiH traditionally dominated by hardline nationalists, which were almost completely closed to return until 2002. In 2007 the highest number of minority returns took place in Prijedor, the Herzegovina-Neretva Canton and the Una-Sana Canton. Of the 4,500 returns in 2007, 3,900 were minority returns (UNHCR, 31 December 2007). However, most of these returns were to rural areas, where they hoped to sustain themselves off the land, and did not include the entire family. Many younger family members chose to remain in the towns and cities they had fled to, in large part due to the better economic and educational opportunities there (UNHCR, December 2007).

Most of the remaining registered IDPs have specific vulnerabilities due to their war experience or their current living conditions. Many would have to return to particularly difficult areas. For collective centre residents, elderly and sick people, female heads of household and traumatised individuals, return would need to be accompanied by specific support, ranging from reconstruction, social and psychological assistance to income-generating activities, if their return were to be sustainable. For those who do not want to or can-

not return, support to local integration in the place of displacement seems to be the most appropriate and durable solution.

Part of the displaced population is Roma, although it is not clear how many: there has never been a registration of Roma in BiH, nor of the Roma IDP population. The Roma population in general suffers from widespread discrimination in various sectors of public life. Their living conditions have deteriorated with displacement.

Obstacles to sustainable return

The international response has focused almost exclusively on return and reconstruction in order to restore the multi-ethnic character of the country. This strategy has facilitated a significant number of returns to all areas of the country, but given the residual nature of the return process and the profile of those still displaced, other durable solutions such as local integration in the place of displacement and re-installation elsewhere should be considered.

The division of the populations has created an atmosphere by which many people report feeling more comfortable living among their ethnic group. The very difficult economic situation and high unemployment, which affect members of minority groups disproportionately (Vasa Prava, email June 2008) make many returns unsustainable and force many returnees to leave again in search of better work opportunities, generally in towns and cities.

Differences in services and entitlements

For people in displacement, having IDP status facilitates access to social services

such as health care, pension and education. Since many returnees are pensioners, access to social services is essential. The lack of harmonised national legislation on social benefits such as health care, pensions, or compensation for civilian victims of war becomes a major obstacle to return if entitlements are lower in the area of return. This has convinced many IDPs not to return, while some of those who had returned chose to leave again. Others who did return have kept their registered residence in areas of displacement, in order to continue profiting from better social services, such as health care, education and pension funds, which are generally more advantageous in the FBiH than in RS.

Difficulties in rebuilding livelihoods

Upon return, and after some initial assistance, people are left to their own devices and often struggle to make ends meet. As a result, most minority returnees live in rural areas where they barely make a subsistence living off the land. Limited access to employment has led many IDPs not to return to their pre-war community, and forced many returnees to go back to urban areas where they would belong to a majority group to find more job opportunities. Studies show that, while national unemployment is between 18 and 22 per cent, minority returnees are disproportionately affected with only ten per cent employed (Vasa Prava, June 2008). The situation is worse in rural areas where the official unemployment rate in rural areas was 40 per cent in 2007 and ethnic minorities complained of employment discrimination (USDoS, 11 March 2008). Laws aimed at increasing minority returnee representation in private and public sector employment are not being implemented (Vasa Prava, 2007).

There are other disincentives to return. However, studies indicate that a considerable proportion of people, including minority returnees, feel relatively safe and consider the economic opportunities in an area more important than demining, police reform or persecution of war criminals (UNDP, 7 July 2007; ESI, 8 November 2007).

Ethnically-based differences in education

Education remains a serious obstacle to minority returns. Numerous international organisations as well as the UN's Special Rapporteur on the Right to Education continue to express their concern about the fragmented education system, which promotes ethnic separation and fails to educate Bosnia's children in a spirit of nation-building and reconciliation (UNGA, 27 May 2008). According to OSCE, the education system is "in danger of becoming a security issue in itself because it is hindering the development of a stable and functional democratic state." (OSCE, cited in CoE, 20 February 2008).

Educational reforms, aiming at a stronger state involvement and a unified, egalitarian system, have met very strong resistance from the different constituent ethnicities. Attempts to harmonise curriculums nationally are still overshadowed by difficulties in implementation which continue to affect minority and displaced children. In practice, only a limited number of subjects such as maths and sciences are taught similarly throughout BiH. Subjects such as languages, history, geography and literature vary depending on the local ethnic majority, and the countries used as reference for such subjects are Croatia or Serbia

rather than BiH. Textbooks on such subjects thus remain ethnically oriented (UNGA, 28 May 2008, pp. 63, 65). A 2002 "Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children" contributed in 2004 to increasing the number of minority returnee children attending school in their place of return. However, some parents prefer to send their children out of their catchment area to ensure that they follow a specific curriculum, and the practice of bussing children to majority areas has diminished but by no means disappeared (UNGA, 28 May 2008, para.68; Helsinki Monitor, February 2008). The phenomenon of "two schools under one roof" persists, by which children of different ethnicities share the same school but follow separate curriculums, with 54 such schools throughout the country.

Vulnerabilities of remaining IDPs

The majority of remaining IDPs live in towns and cities. Some still live in government-funded or unofficial accommodation. According to the MHRR and national associations for refugees and IDPs, some 8,500 people or 3,100 families live in collective centres (MHRR, March 2008), enduring very difficult and inadequate living conditions and receiving only very limited social services. Because of the living conditions and the associated social isolation, many collective centre residents are affected by depression. Most of those IDPs are among the most vulnerable in BiH, and include female-headed households, elderly people, severely traumatised individuals such as witnesses to war crimes, and Roma people (CoE, 20 February 2008, par.64; MHRR, October 2007; UN CHR, 29 December 2005, par.30). This situation un-

derlines the urgent need to develop a social protection system for all vulnerable people, including IDPs and returnees, to offer them decent living conditions (UNHCR, December 2007).

Many of the remaining IDPs have also seen their return prospects hampered by the lack of reconstruction funds in specific areas, or by some level of government neglect (UNHCR, October 2007). Some people, especially members of female-headed households, widows and Roma, have never owned property or do not have the documents necessary to reclaim their property (UNCHR, 29 December 2005). UNHCR has, for the past years, increasingly focused on the most vulnerable, while at the same time seeing its operational capacities decrease despite its growing global responsibility to protect IDPs (UNHCR Appeal 2008-09). OHCHR closed its office in June 2007. With these developments indicating a reduced focus on IDP protection, a broader and more proactive approach towards residual displacement is needed.

National and international responses

After years of supporting return through property restitution and reconstruction, a new focus of national and international response is needed if returns are to become sustainable and the needs of the remaining displaced population are to be addressed.

The response to internal displacement is based on Annex VII of the Dayton Peace Agreement (DPA), which focuses overwhelmingly on sustainable return and related rights such as property restitution or compensation. As for the international

response, the DPA designates UNHCR as lead agency for the return of refugees and displaced people. At the national level, the Ministry for Human Rights and Refugees is responsible for coordinating return activities. Each entity has its own IDP-related ministry responsible for return and reintegration, while each of the ten cantons in the Federation and most of BiH's 164 municipalities have departments responsible for return.

A strategy to implement Annex VII was developed in 2003, focusing mainly on return and reconstruction, and the national and entity authorities officially took over the responsibility for return in 2004. As part of the strategy, a national return fund was established and the BiH State Commission for Refugees and Displaced Persons mandated to select return projects in municipalities, which the entities and the national government could finance.

By 2006 it became clear that the return process, although successful for a large majority of IDPs, was far from over. At the end of 2007 the MHRR, in collaboration with UNHCR and supported by the OHR, started to revise and update the strategy in a bid to end the outstanding problems of displacement. The new strategy, which is still being defined as of August 2008, aims to improve the situation of people still in displacement as well as the situation in return areas. Working groups considered for the first time the possibility of offering compensation for destroyed dwellings and resolving the housing situation, including through social housing, for vulnerable IDPs in collective centres who are unable or unwilling to return.

The mechanisms for compensation claims, while provided for in the Dayton Agreement, have never been functional because of the tremendous resources required and the fear of bringing a premature end to returns, thus consolidating the ethnic separation created by the war. For the same reasons, local integration is a very sensitive topic which explains why the various initiatives supporting solutions in the place of displacement for vulnerable groups are not given a high profile. In contrast, some nationalist political parties, particularly in RS and in the Croat part of FbiH, have supported the local integration of displaced people to limit their return and maintain their local ethnic majority. Large numbers of people have thus received land and construction assistance, particularly in Serb and Croat majority areas.

The strategy's revision process acknowledges that solutions other than return will need to be sought, in particular for vulnerable IDPs residing in collective centres, while returnees need more sustained support than they have thus far received. The working groups have covered the main obstacles to return or alternative solutions, including reconstruction of housing for return, restitution, infrastructure in return areas, health, social protection, education, security and economic opportunities. The reports are to be incorporated into a draft strategy to be presented, by Summer 2008, to the Council of Ministers, the Presidency and the Parliamentary Assembly of BiH for consideration and adoption (MHRR Action Plan, October 2007, UNHCR, email, 2 May 2008).

In practice, the bulk of resources allocated to IDPs goes to support return (and

reconstruction) to the detriment of other durable solutions. In 2008 the MHRR received \$25 million from the national government (its largest budget to date) and while a large proportion of these funds has been allocated for housing reconstruction, for the first time, funds have also been allocated to projects aiming at supporting sustainable return (MHRR, October 2007; Osblodenje, 15 April 2008).

In view of the obstacles to return faced by many IDPs, the difficult living conditions of those still displaced and the limited desire of many to return, the overwhelming focus on reconstruction is increasingly recognised as an incomplete approach to return, which requires a broader range of sustainability measures, as well as to securing solutions for those who cannot or do not want to return. More than 12 years after the war, it has become evident that the ethnic repartition resulting from the war cannot be completely undone. Many IDPs cannot or do not want to return and they should be able to make a free choice between returning, integrating locally or building new lives elsewhere, and receive support whatever their choice is. Such support is particularly needed in the case of IDPs living in collective centres, since they are the most vulnerable group for whom return is more difficult to envisage. Those people need tailored assistance to facilitate durable solutions.

Parallel to the revision of the Annex VII implementation, BiH authorities made a greater effort to improve the living conditions of the Roma population, which is still discriminated against on several levels, and which is assumed to constitute part of the remaining displaced popula-

tion. Within the political system, several Roma focal points now exist, such as the Council for National Minorities within the Parliamentary Assembly of BiH, the Roma Council, and the Board for Roma within the Council of Ministers of BiH. In addition, there is a Roma NGO network, consisting of more than 40 NGOs. These organisations make different assessments of the number of Roma in BiH. Depending on the source, the Roma population varies between 40,000 and 80,000 (UNDP, 2006; Save the Children, 2001). In 2007, MHRR, in cooperation with the Roma Council and international organisations, developed action plans for employment, health and housing. Action plans were adopted by the BiH Council of Ministers in June 2008, which could pave the way for BiH's application to the "Decade of Roma Programme 2005-2015", aiming at improving the socio-economic status and social inclusion of Central and South-Eastern Europe's Roma populations, and facilitate access to EU pre-association funds for Roma issues (OSCE, 8 April 2008, www.romadecade.org).

Despite the increasing financial engagement of EU institutions, international interest in BiH has generally been declining since 2000, and a certain "Balkan fatigue" appears to manifest itself among key states (Security Council Monitor, May 2008 update). But although the security in BiH has improved, the country is not yet stable, nor are all the needs of the returnees and displaced persons met. Ethnic radicalisation has not abated and is increasing in some areas, and the fact that it still stands in the way of necessary reforms indicates that international disengagement may still be premature (Security Council Monitor, May 2008 update).

As the Representative of the UN Secretary-General on the Human Rights of IDPs underlined during his visit to BiH in June 2008, there is a need for donors and international organisations to "address the persistent humanitarian needs of the displaced population, and the challenges of making return sustainable" (UN, press release, 20 June 2008). This supposes that targeted assistance is provided to the most vulnerable individuals who cannot or do not want to return and that reconstruction assistance for return is combined with projects supporting self-reliance of returnees.

Without this, indirect and low-lying discrimination and difficulties in accessing economic and social rights will continue to limit the sustainability of return. For the remaining displaced people, it could mean continued displacement and increased marginalisation. Therefore a broader analysis and understanding of the existing ethnic divide in BiH, including a review of the Annex VII goals, is necessary. A continuing focus on return as the only solution for the remaining vulnerable IDP population will only delay the moment when they can resume a life in dignity.

Note: This is a summary of the IDMC's Internal Displacement profile. The full profile is available online [here](#).

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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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