

Bosnie-Herzégovine (79)

159

Global IDP
DATABASE

PROFILE OF INTERNAL DISPLACEMENT : BOSNIA AND HERZEGOVINA

Compilation of the information available in the Global IDP
Database of the Norwegian Refugee Council

(as of 9 July, 2002)

Also available at <http://www.idpproject.org>

Users of this document are welcome to credit the Global IDP Database for the collection of information.

The opinions expressed here are those of the sources and are not necessarily shared by the Global IDP
Project or NRC

Norwegian Refugee Council/Global IDP Project
Chemin Moïse Duboule, 59
1209 Geneva - Switzerland
Tel: + 41 22 799 07 00
Fax: + 41 22 799 07 01
E-mail : idpsurvey@nrc.ch

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

CONTENTS

X	CONTENTS	1
X	PROFILE SUMMARY	8
X	CAUSES AND BACKGROUND OF DISPLACEMENT	11
	THE ETHNIC CONFLICT (1992-1995)	11
	DISPLACEMENT DURING THE ARMED CONFLICT (1992-1995)	11
	A DRAMATIC FAILURE OF THE INTERNATIONAL COMMUNITY: THE "SAFE AREAS" (1993-1995)	12
	THE DAYTON AGREEMENT CONSOLIDATES THE CEASE-FIRE (SEPTEMBER-DECEMBER 1995)	13
	THE RECONSTRUCTION (1996-2001)	14
	MORE POPULATION DISPLACEMENT IN 1996	14
	SLOW PROGRESS OF RECONSTRUCTION AND RETURN SINCE THE DAYTON AGREEMENT (1997-1999)	15
	POLITICAL SCENE DECREASINGLY DOMINATED BY NATIONALISTIC FORCES (1999-2002)	16
	PERSISTING ECONOMIC DIFFICULTIES KEEP UNEMPLOYMENT RATE AT A HIGH LEVEL (2000-2001)	17
	NEW REGIONAL CONTEXT MORE FAVOURABLE TO DURABLE SOLUTIONS (2000-2001)	19
X	POPULATION PROFILE AND FIGURES	21
	TOTAL FIGURES	21
	TOTAL INTERNALLY DISPLACED POPULATION: 414,500 PERSONS (AS OF END OF APRIL 2002)	21
	UNHCR FIGURES SHOW SIGNIFICANT DECREASE OF IDP POPULATION BETWEEN 1999 AND 2001	22
	AT LEAST 200,000 PERSONS HAVE BECOME INTERNALLY DISPLACED SINCE THE DAYTON AGREEMENT (1995-1999)	22
	TOTAL INTERNALLY DISPLACED POPULATION (FROM DECEMBER 1996 TO NOVEMBER 1998): MORE THAN 800,000 PERSONS	23
	TOTAL INTERNALLY DISPLACED POPULATION DURING THE WAR (FROM 1993 TO 1995): 1,1 TO 1,3 MILLION PERSONS	24
	DISAGGREGATED FIGURES	25
	INTERNALLY DISPLACED PERSONS IN COLLECTIVE CENTRES (1995-2002)	25
X	PATTERNS OF DISPLACEMENT	26
	TYPOLOGY OF THE INTERNALLY DISPLACED POPULATION	26
	INTER-ENTITY DISPLACED CONSTITUTE THE LARGEST GROUP OF IDPS IN BOSNIA	26

INTRA-ENTITY DISPLACED: MOVEMENTS OF DISPLACEMENT WITHIN THE FEDERATION FROM A MINORITY AREA TO A MAJORITY AREA	26
INTRA-ENTITY DISPLACED: MOVEMENTS OF PERSONS FOLLOWING DESTRUCTION AND LACK OF SECURITY ON THE CONFRONTATION LINE	27
DISPLACED RETURNEES: A SIGNIFICANT PROPORTION OF THE RETURNING REFUGEES ARE NOT ABLE TO RETURN TO THEIR PRE-WAR HOME	27
OTHER ASPECTS	28
INTERNAL DISPLACEMENT FOLLOWS A RURAL-URBAN MIGRATION PATTERN (1998)	28
INTERNAL DISPLACEMENT LIKELY TO BECOME DURABLE (1998)	28

X PHYSICAL SECURITY & FREEDOM OF MOVEMENT 29

INSECURITY	29
LEVEL OF VIOLENCE AGAINST MINORITY RETURNEES REMAINS HIGH (2000-2001)	29
LAW ENFORCEMENT AND JUDICIAL INSTITUTIONS CONTRIBUTE TO IMPUNITY IN CERTAIN AREAS (2000-2001)	30
RETURN SEVERELY HAMPERED BY AN ESTIMATED ONE MILLION LANDMINES IN SOME 30,000 SEPARATE AREAS THROUGHOUT BOSNIA AND HERZEGOVINA (2001)	32
ENTITIES ADOPT AMNESTY LEGISLATION IN LINE WITH DAYTON AGREEMENT (1999-2001)	33
FREEDOM OF MOVEMENT	34
IMPROVING FREEDOM OF MOVEMENT DESPITE CONTINUED INFLUENCE OF ETHNIC SEPARATISTS (2000-2001)	34
ASSESSMENT VISITS: CONSIDERABLE IMPROVEMENTS IN 1999 AND 2000	35
INTER-ENTITY BUS TRAFFIC SUPPORTED BY UNHCR HAS CONTRIBUTED TO IMPROVED FREEDOM OF MOVEMENT OF MINORITY MEMBERS BETWEEN THE ENTITIES (1996-2001)	36
RETURNING DISPLACED ARE NOT SUBJECT TO THE PAYMENT OF SO-CALLED "WAR TAXES" (1999)	37
AGREEMENT ON FREE MOVEMENT OF PERSONS SIGNED BETWEEN BOTH ENTITIES (AUGUST 1998)	38
VULNERABLE GROUPS	38
PERSONS OF MIXED ETHNICITY OR IN MIXED MARRIAGES MAY FACE VIOLENCE UPON RETURN (2000-2001)	38
MEMBERS OF THE ROMA COMMUNITIES FACE WIDESPREAD DISCRIMINATION UPON RETURN (2000-2001)	38

(X) SUBSISTENCE NEEDS (HEALTH NUTRITION AND SHELTER) 40

ACCESS TO ESSENTIAL PUBLIC SERVICES	40
PERSISTING PROBLEMS OF ACCESS TO UTILITIES FOR RETURNEES AND OTHER VULNERABLE PERSONS (2000-2001)	40
HEALTH	41
HEALTH CARE SYSTEM DOES NOT SUFFICIENTLY ADDRESS THE NEEDS OF RETURNEES AND INTERNALLY DISPLACED PERSONS (2001)	41
SHELTER	42
RETURN OF REFUGEES FROM ABROAD CREATES PRESSURE ON HOUSING CAPACITY (2001-2002)	42
REPORTS OF DETERIORATING CONDITIONS IN SOME COLLECTIVE CENTRES (2000-2001)	43
HOUSING SHORTAGES AFFECT DISPLACED PERSONS WHO ARE BEING EVICTED AS A RESULT OF THE PROPERTY RESTITUTION PROCESS (2000-2001)	45

DAMAGES TO PRE-WAR HOUSING STOCK ARE CONSIDERABLE BUT MAY NOT BE THE MAIN IMPEDIMENT TO RETURN (1997-1998)	46
REFUGEES AND DISPLACED PERSONS OFTEN CANNOT RETURN TO THEIR HOMES WITHOUT EVICTING OTHERS (1998)	46
VULNERABLE GROUPS	47
REINTEGRATION OF VULNERABLE GROUPS CAN PROVE VERY DIFFICULT (2000-2001)	47

ACCESS TO EDUCATION 49

GENERAL	49
DISCRIMINATION AND SEGREGATION IN THE EDUCATION SYSTEM HAMPERS THE RETURN OF MINORITY FAMILIES (2000-2001)	49
SERIOUS IMPACT OF WAR ON THE EDUCATIONAL SYSTEM (1997-1998)	50

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION 52

SELF-RELIANCE	52
SUSTAINABLE RETURN CONTINUES TO BE HINDERED BY THE WITHHOLDING OF EMPLOYMENT OPPORTUNITIES FROM MEMBERS OF MINORITY GROUPS (2000-2001)	52
DIVISION OF THE PENSION SYSTEM AFFECTS MINORITY MEMBERS AND RETURNEES (2000-2001)	53
COPING MECHANISMS DEVELOPED BY THE POPULATION TO COMPENSATE FOOD INSECURITY (1994-1999)	55
DISCRIMINATION ON THE LABOUR MARKET: THE CASE OF THE ALUMINIJ AND SOKO FACTORIES (MOSTAR)(1999)	57
MINORITY WOMEN PARTICULARLY DISCRIMINATED AGAINST IN EMPLOYMENT (1999)	58
DISPLACED AND THE RETURNEES PARTICULARLY AFFECTED BY UNEMPLOYMENT (1998)	58
LANDMINES HAMPER SELF-RELIANCE OF RETURNEES (1998)	59
THE SITUATION OF THE DISPLACED AND RETURNEES: A "LITERARY REVIEW OF AGRICULTURAL ISSUES" BY ACTION CONTRE LA FAIM	60
PARTICIPATION	61
NEW ELECTION LAW PROVIDES FOR THE RIGHT TO VOTE OF THE DISPLACED (AUGUST 2001)	61
IMPLEMENTATION OF PRIVATISATION PROCESS HAS BEEN DISCRIMINATORY AGAINST DISPLACED PERSONS (2001)	62
NUMEROUS HUMAN RIGHTS CONCERNS WITH RESPECT TO THE PRIVATIZATION PROCESS IN BOTH ENTITIES (2000)	63
RIGHT TO VOTE: INTERNATIONAL COMMUNITY TRIES TO PREVENT MANIPULATION OF THE REGISTRATION PROCESS (1996-2000)	64
INTERNATIONAL COMMUNITY SUPPORTS THE CAPACITY OF THE CIVIL SOCIETY TO ADDRESS HUMAN RIGHTS ISSUES (2000)	65
A LOBBY GROUP FOR THE DISPLACED: THE COALITION FOR RETURN (1996-1998)	66

DOCUMENTATION NEEDS AND CITIZENSHIP 68

DOCUMENT-RELATED NEEDS	68
IDPs DO NOT ALWAYS REGISTER UPON RETURN (2002)	68
MINORITY RETURNEE CONTINUE TO FACE BURDENSOME ADMINISTRATIVE PROCEDURES FOR THE ISSUANCE OF IDENTITY DOCUMENTS (2000-2001)	68
IMPROVING ACCESS TO DOCUMENTS AND MUTUAL RECOGNITION OF DOCUMENTS (2000-2001)	69

CITIZENSHIP	70
FEDERATION STILL NEEDS TO ADOPT CITIZENSHIP LAW (2001)	70
<u>ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE</u>	71
FAMILY UNITY	71
MISSING PERSONS AND DISAPPEARANCES: 17,000 CASES HAVE STILL NOT BEEN SOLVED (JANUARY 2002)	71
MISSING PERSONS AND DISAPPEARANCES: 17,000 CASES HAVE STILL NOT BEEN SOLVED (JANUARY 2002)	71
HOUSEHOLDS EXPOSED TO INCREASED DOMESTIC TENSIONS AS THE RESULT OF DISPLACEMENT AND RETURN (1999)	72
RELIGION	72
FREEDOM OF RELIGION: VIOLENCE AND VANDALISM AGAINST ETHNIC-RELIGIOUS MINORITIES (2001)	72
<u>PROPERTY ISSUES</u>	74
INSTITUTIONS	74
COMMISSION FOR REAL PROPERTY CLAIMS OF DISPLACED PERSONS AND REFUGEES (2001)	74
SOME FUNCTIONS ASSIGNED TO THE CRPC HAVE REMAINED IGNORED (1999)	75
PROPERTY LAW AND POLICY	76
PROPERTY LEGISLATION: OVERVIEW (2002)	76
UNMIBH ADOPTS POLICY TO PREVENT ILLEGAL USE OF PROPERTY BY POLICE OFFICERS, ELECTED OFFICIALS AND MEMBERS OF THE JUDICIARY (2000-2002)	78
AN ATTEMPT TO UNLOCK THE RETURN PROCESS: THE PROPERTY LAW IMPLEMENTATION PLAN (PLIP) (1999-2001)	80
IMPLEMENTATION	81
STEADY PROGRESS OF PROPERTY LAW IMPLEMENTATION (2001-2002)	81
NATIONALISTIC LOCAL AUTHORITIES OBSTRUCT IMPLEMENTATION OF PROPERTY LAW (2001-2002)	82
LOCAL AUTHORITIES FAIL TO SECURE ALTERNATIVE ACCOMMODATION (2001-2002)	84
THE ISSUE OF PROPERTY ALLOCATION: AN OBSTACLE TO RETURN (2002)	85
HOUSING AUTHORITIES ARE EXPOSED TO VIOLENCE AND THREATS (2000-2002)	86
REPORTS OF EVICTED OCCUPANTS LOOTING AND DAMAGING PROPERTIES (2001)	87
THE CASE OF THE "FLOATERS" IN THE REPUBLIKA SRPSKA (2001)	88
LACK OF OFFICIAL PROPERTY RIGHTS EXCLUDES THE ROMA COMMUNITY FROM ASSISTANCE SCHEMES (2001-2002)	88
<u>PATTERNS OF RETURN AND RESETTLEMENT</u>	90
MOVEMENTS OF RETURN	90
SIGNIFICANT RETURN MOVEMENTS SINCE 2000 (2002)	90
UNHCR STATISTICS DO NOT SYSTEMATICALLY INCLUDE FIGURES FOR "SELF-ORGANISED" RETURN MOVEMENTS (2000)	90
PREFERENCES OF THE DISPLACED	91
SURVEY CONDUCTED END OF 2000 REVEALS THAT THE MAJORITY OF THE DISPLACED IN THE RS DOES NOT WISH TO RETURN (2000-2001)	91

SURVEY CONDUCTED BY THE CRPC AND UNHCR: 76% OF RESPONDENTS CURRENTLY RESIDING IN THE FEDERATION AND 34% OF RESPONDENTS CURRENTLY RESIDING IN THE RS PREFER TO RETURN TO THEIR PRE-WAR PROPERTY (NOVEMBER 1999)	92
CURRENT PREFERENCES OF REFUGEES AND DISPLACED PERSONS: CONDITIONAL RETURN (1998)	93
PREFERENCES OF THE DISPLACED LIVING IN CAMPS IN THE REPUBLIKA SRPSKA: MOST FAMILIES WISH TO BE ACCOMMODATED OR RELOCATED IN RS (1998)	95
SELECTED TYPES OF RETURN MOVEMENTS	95
RETURNS TO DESTROYED VILLAGES: THE VULNERABILITY OF THE "HOUSE CLEANERS" (2000-2001)	95
SPECIAL PROTECTION NEEDS OF VULNERABLE CATEGORIES OF RETURNEES (ESPECIALLY WOMEN)(2000)	97
UNHCR REVIEWS THE SITUATION OF RETURNEES IN TUZLA CANTON (JANUARY 2000)	98
URBAN MINORITY RETURN (1999)	99
"UNREGISTERED " RETURN MOVEMENTS (1999)	100
RETURN OF REFUGEES TO SITUATIONS OF INTERNAL DISPLACEMENT (1999)	101
ASSESSMENT VISITS BECOME MORE AND MORE SPONTANEOUS (JUNE 1999)	103
RETURNING DISPLACED PERSONS TAKE A STEP-BY-STEP APPROACH (1998)	104
WAR-INDUCED MOVEMENTS: TYPOLOGY (1998)	104
SCENARIO OF POPULATION MOVEMENTS: IMPACT OF THE ECONOMY (1998)	105
POLITICAL AND LEGAL FACTORS	106
OPPOSITION AGAINST RETURN OF ETHNIC MINORITY REMAINS STRONG (2001)	106
RS AUTHORITIES GIVE THE PRIORITY TO THE RESETTLEMENT OF THE DISPLACED SERBS (2001-2002)	107
ARRESTS AND PROSECUTIONS FOR WAR CRIMES: A CONDITION FOR MINORITY RETURN (2000-2002)	110
REGIONAL DIMENSION OF DISPLACEMENT AND RETURN IN BiH (2000-2001)	110
SECURITY AND RETURN: INVOLVEMENT OF LOCAL AND INTERNATIONAL SECURITY FORCES (1999-2000)	111
THE RESPONSIBILITY OF THE MUNICIPALITY OFFICES OF THE RS MINISTRY FOR REFUGEES AND DISPLACED PERSONS (OMIs) IN SLOW RETURN PROCESS (2000)	112
MOMENTUM FOR MINORITY RETURN: A REVIEW OF CURRENT CONDITIONS BY THE INTERNATIONAL CRISIS GROUP (MAY 2000)	113
A SERIOUS OBSTACLE TO MINORITY RETURN: THE POLICY OF "HOSTILE RELOCATION" (2000)	114
INTERNATIONAL INITIATIVES	115
RRTF ACTION PLAN FOR 1999 - REVIEW BY THE INTERNATIONAL CRISIS GROUP	115
MINORITY RETURN TO THE BRCKO AREA: INTERNATIONAL MONITORING (1998-1999)	116
THE UNHCR OPEN CITIES INITIATIVE (1997-1999)	117
PROMOTION OF MINORITY RETURNS: THE SARAJEVO DECLARATION (FEBRUARY 1998-FEBRUARY 2000)	119
INTERNATIONAL PRESSURE IN SUPPORT OF RETURN: THE DECLARATION OF THE PEACE IMPLEMENTATION COUNCIL IN MADRID (16 DECEMBER 1998)	120
HUMANITARIAN ACCESS	122
GENERAL	122
SPORADIC VIOLENCE AGAINST REPRESENTATIVES OF THE INTERNATIONAL COMMUNITY CONTINUES TO BE REPORTED (2001)	122

NATIONAL AND INTERNATIONAL RESPONSES	123
NATIONAL FRAMEWORK	123
THE GENERAL FRAMEWORK FOR PEACE IN BOSNIA AND HERZEGOVINA (THE DAYTON AGREEMENT, 1995)	123
ENTITY ADMINISTRATIVE STRUCTURES IN CHARGE OF THE DISPLACED POPULATION FAIL TO IMPLEMENT EXISTING INSTRUCTIONS ON RETURN (1999-2001)	123
RS GOVERNMENT REMAINS UNDER THE INFLUENCE OF NATIONALIST SERB DEMOCRATIC PARTY (2000-2001)	125
A DOMESTIC LEGAL FRAMEWORK FOR REPATRIATION AND RETURN MOVEMENTS HAS BEEN FINALLY ADOPTED IN BOTH ENTITIES AND AT STATE LEVEL (1999-2002)	126
DIVISION OF THE BOSNIAN SOCIETY ALONG ETHNIC LINES HAMPERS MINORITY RETURN, RECONCILIATION AND ETHNIC REINTEGRATION (2000)	127
INTERNATIONAL COORDINATION	127
THE HIGH REPRESENTATIVE OVERSEES THE IMPLEMENTATION OF THE DAYTON PEACE AGREEMENT (1999)	127
UNHCR MANDATE INCLUDES THE PROMOTION OF RETURN OF THE INTERNALLY DISPLACED	129
THE RECONSTRUCTION AND RETURN TASK FORCE: IN CHARGE OF AN INTEGRATED APPROACH TO RETURN (2002)	129
OSCE: FOCUS ON FACILITATING RETURN (2002)	131
UN MISSION IN BOSNIA AND HERZEGOVINA: CONTRIBUTION TO THE RULE OF LAW (1995-2002)	131
INDISPENSABLE SFOR PRESENCE (2000-2002)	133
COORDINATION OF INTERNATIONAL AGENCIES: A COMPLEX CHALLENGE (2000)	135
WORLD BANK SUPPORTS RECONSTRUCTION AND POVERTY REDUCTION IN BOSNIA AND HERZEGOVINA (1996-2000)	137
DONOR FATIGUE OBLIGES THE INTERNATIONAL COMMUNITY TO RESTRUCTURE ITS PRESENCE IN BOSNIA AND HERZEGOVINA (2001)	138
UN CONSOLIDATED APPEAL AFFECTED BY DECREASING DONORS' RESPONSE (2000-2001)	139
UNITED NATIONS INTER-AGENCY CONSOLIDATED APPEAL FOR 2002	140
STRATEGIC AND SHORT-TERM GOALS: CREATING THE CONTEXT FOR DEVELOPMENT STRATEGIES (2001)	140
UNHCR PLANS TO CONTINUE ITS SUPPORT TO SUSTAINABLE RETURN DURING 2002 (NOVEMBER 2001)	141
FAO PLANNED ACTIVITIES FOR 2002: SUPPORT TO THE LONG-TERM INTEGRATION OF DISPLACED FARMERS	143
IOM: MULTI-SECTORAL INTERVENTION TO ENSURE SUSTAINABILITY OF RETURN (NOVEMBER 2001)	144
UN HIGH COMMISSIONER FOR HUMAN RIGHTS: FOCUS ON NON-DISCRIMINATION AGAINST VULNERABLE GROUPS, INCLUDING RETURNEES AND DISPLACED PERSONS (NOVEMBER 2001)	145
UNDP: 2002 PLANS REFLECT SHIFT TOWARDS LONG-TERM DEVELOPMENT AND POVERTY ALLEVIATION (NOVEMBER 2001)	146
UNESCO: FOCUS ON EDUCATION RECONSTRUCTION IN AREAS OF MINORITY RETURNS (NOVEMBER 2001)	148
UNICEF: BUILDING CAPACITY OF ESSENTIAL SERVICES TO ENSURE ACCESS OF RETURNEES AND OTHER VULNERABLE GROUPS (NOVEMBER 2001)	149
OTHER INTERNATIONAL INITIATIVES	151
UNHCR LEGAL AID AND INFORMATION NETWORK: A MAJOR CONTRIBUTION TO PROTECTION (2002)	151
ICRC PRIMARY FOCUS REMAINS THE SEARCH FOR MISSING PERSONS (2002)	151

UNHCR SUPPORTS THE SELF-RELIANCE CAPACITY OF WOMEN THROUGH THE BOSNIAN WOMEN'S INITIATIVE (BWI) (1996-2002)	153
SUPPORT TO RETURN TO AND FROM SREBRENICA: A UNDP LED INITIATIVE (2002)	154
MORE DONOR SUPPORT NEEDED TO SUPPORT INCREASING RETURN MOVEMENTS (2000-2001)	154
A REGIONAL INITIATIVE: THE STABILITY PACT FOR SOUTH EASTERN EUROPE (1999-2001)	155
CONDITIONS TO EUROPEAN INTEGRATION INCLUDE THE IMPLEMENTATION OF CONDITIONS CONDUCTIVE TO RETURN (2000)	157
THE EUROPEAN UNION: CRITICAL REVIEW BY THE INTERNATIONAL CRISIS GROUP (2000)	157
BILATERAL DONORS (NETHERLANDS AND US): MORE FLEXIBLE AND EFFICIENT, ACCORDING TO THE INTERNATIONAL CRISIS GROUP (2000)	159
OTHER RESPONSES TO HUMAN RIGHTS CONCERNS	159
THE COMMISSION ON HUMAN RIGHTS: IMPLEMENTATION RATE OF DECISIONS IMPROVING (2000-2002)	159
FUNDING LEVEL FOR THE HUMAN RIGHTS CHAMBER, THE OMBUDSPERSON AND THE COMMISSION FOR REAL PROPERTY CLAIMS REMAINS INADEQUATE (1999-2002)	161
ENTITY OMBUDSMEN INSTITUTIONS (1994-2001)	161
INTERNATIONAL INITIATIVES RELATING TO THE SITUATION OF THE ROMA COMMUNITIES (2001)	162
PROTECTION AGAINST ETHNIC DISCRIMINATION: THE "CONSTITUENT PEOPLE CASE" (BiH CONSTITUTIONAL COURT, 1 JULY 2000)	163
MONITORING OF THE JUDICIAL SYSTEM: COMPREHENSIVE MANDATE GIVEN TO THE INDEPENDENT JUDICIAL COMMISSION (DECEMBER 2000)	164
OTHER	165
THE ROLE OF LOCAL NGOs STILL NEEDS INTERNATIONAL SUPPORT (1999)	165
WFP: PHASE-OUT OF EMERGENCY FOOD AID BY MID-1999	166
ABBREVIATIONS AND ACRONYMS	167
LIST OF SOURCES USED	170

PROFILE SUMMARY

Six years after the Dayton Peace Agreement which ended the armed conflict in Bosnia and Herzegovina (1992-1995), the divisions between the main ethnic groups – the Bosnian Muslims or Bosniacs, the Bosnian Croats and the Bosnian Serbs – continue to plague the country. The tensions within and between the two entities that make up the country, the Bosniac and Croat dominated 'Federation' and the Serb controlled 'Republika Srpska', still pose an obstacle to the return of refugees and displaced persons to their homes of origin, a right enshrined in the Dayton Agreement. The significant breakthrough in return movements since 2000 has only been made possible through strong pressure by the international community, resulting in a reduction of at least half of the internally displaced population since the end of the armed conflict. The return of the remaining 414,000 internally displaced persons (UNHCR April 2002) will continue to require international support, in particular in areas where returnees do not belong to the ethnic majority (so-called 'minority return').

The conflict (1992-1995)

The conflict in Bosnia and Herzegovina erupted following the collapse of the Socialist Federal Republic of Yugoslavia in 1991 and 1992. Refusing to live with other ethnic groups in an independent Bosnia and Herzegovina, ethnic Serb extremists implemented a policy of 'ethnic cleansing', with the objective of creating a 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 civilian populations, 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, also attempted to create homogenous ethnic areas through the forced displacement of civilians. At the end of the conflict in December 1995, more than one million persons were internally displaced while 1.3 million had been forced to flee abroad (AI 19 March 1997).

The challenge of return

The right of refugees and displaced persons to return to their places of origin has been enshrined in Annex 7 of the Dayton Agreement. 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 well as a NATO peace implementation force, later converted into a stabilisation force (SFOR) in December 1996. The agreement also calls for the creation of a mechanism to ensure the enforcement of the property rights of the displaced, namely the Commission for Real Property Claims of Displaced Persons and Refugees. As the agreement also indirectly confirms the areas of influence of the various ethnic groups, in particular through the recognition of two entities whose border corresponds to the front line between the Croatian-Muslim alliance and the Bosnian Serbs, the right to return in practice has been difficult to uphold (Stubbs 1998). Croat extremist attempts to create their own entity distinct from the Federation during 2001 and the persisting influence of nationalist parties on the political scene continue to demonstrate the reality of war-inherited ethnic divisions in the country (U.S. DOS 4 March 2001).

The return of the displaced to areas where they would no longer be part of the ethnic majority ('minority return') has been the main challenge since the end of the conflict. Long an issue of concern to the international community, 'minority return' did progress during 2000-2001. With 92,000 'minority returns' recorded in 2001 – out of which 74,000 were IDPs – return figures showed a significant improvement from the previous year, which had marked a breakthrough regarding return movements. Available figures for the first half of 2002 confirm this positive trend, which can be mainly attributed to the better implementation of property rights through the concerted approach of international agencies in the country (the Property Law Implementation Plan) (UNHCR 9 July 2002). These results are also due to pressure by the High

Representative who made use of his power to remove obstructionist local officials and to impose legislation at the community and federal levels (OHR/OSCE 13 February 2002; OHR 14 May 2002).

While approximately 57 percent of claims to pre-war properties have been solved countrywide, there remain considerable disparities among municipalities. Eastern Republika Srpska and Croat-dominated cantons in the Federation show the lowest rates of implementation. The major obstacles to a speedier processing of property claims include the failure of local authorities to provide alternative accommodation to persons due to be evicted, persisting bureaucratic obstruction, cancellation or postponement of scheduled evictions, and reluctance to address cases of double occupancy (U.S. DOS 4 March 2002). Decisions released by the High Representative in December 2001 impose measures to limit the discretion of local authorities when processing property claims. Also the right to alternative accommodation or to remain in unclaimed properties has been limited to persons who have no other means to house themselves (OHR 5 December 2002). Property rights of the Roma community have also raised concerns among international agencies. Before the war, people of this community usually lived on socially-owned land without any recognition by the authorities. Therefore, Roma lack any legal entitlement to their pre-war residence and are thus unable to make claims for their losses (UNHCR August 2001, OSCE 7 April 2002).

The current return momentum is also endangered by conditions in home communities. Security is still a problem, particularly for minorities returning to their homes. This is especially the case in Republika Srpska where incidents against minorities have included shooting, use of explosives, and other physical violence (UNHCR September 2001). The number of inter-ethnic incidents has remained stable during the first half of 2002. The lack of an independent justice system and the monoethnic composition of police forces ensure that most ethnically-motivated crimes remain unpunished, especially in Republika Srpska (UN 5 June 2002).

The economic crisis faced by the country leaves returnees with few options to regain their livelihoods. Many returnees live in tents or makeshift shelters next to their destroyed houses while they wait for reconstruction assistance. The unemployment rate stands at 40 percent in the Federation and is even higher in Republika Srpska, particularly in rural areas where most return movements have taken place. Elsewhere, limited employment opportunities are compounded by widespread discrimination based on ethnicity, political affiliation and gender, especially in the public sector. Ethnic discrimination regarding access to utilities, education and health care is present as well. Furthermore, lack of cooperation between pension and health insurance systems in the two entities continues to affect the sustainability of return movements to minority areas (UNHCR September 2001, June 2002).

Perspectives for the displaced population

Although not exposed to any physical violence, persons still displaced by the war continue to live in precarious conditions. Accommodation constitutes the main problem as the housing capacity of the country has not been used rationally to meet the needs of displaced persons facing eviction from contested properties and refugees returning from abroad. A small proportion of the displaced – about 4,600 persons as of April 2002 – continue to live in collective centres (UNHCR April 2002). Other displaced illegally occupy houses or flats left behind by still other displaced families. Vulnerable households are dependent on the social welfare system which does not possess sufficient public resources to grant adequate allowances (UNHCR September 2001).

The re-registration of the displaced population conducted by UNHCR in 2000 revealed that only 16 percent of the displaced in Republika Srpska wished to return to their places of origin in the Federation, against 74 percent of the displaced in the Federation who wished to return to Republika Srpska (UNHCR 29 November 2001). As observed by international organizations on the ground, authorities in the Republika Srpska have preferred to support the durable resettlement of the displaced population on their territory rather than encouraging them to return to areas controlled by other ethnic groups. In January 2002, the High Representative issued a decision obliging entities to more transparency on the allocation and use of funds for the return of refugees and displaced persons (OHR 25 January 2002).

Declining international involvement

The international community maintains a massive presence in the country to ensure the implementation of the peace agreement by all parties under the supervision of the High Representative. UNHCR has been designated the lead agency for the return of both refugees and internally displaced persons. Under the auspices of the Stability Pact for Southeastern Europe, UNHCR has promoted the Regional Return Initiative which serves as a mechanism to promote return and monitor commitment by the States concerned, including Bosnia and Herzegovina (Special Coordinator 20 June 2001). The United Nations Mission, the OSCE and the Council of Europe focus their efforts on the restoration of the rule of law and democratic institutions in Bosnia and Herzegovina (ICG 25 March 200, 10 May 2002). The World Bank coordinates assistance for reconstruction and private sector development with some emphasis on areas where refugees and displaced persons are returning. The cooperation between international agencies in charge of return and the NATO-led Stabilisation Force has proved essential to the restoration of freedom of movement within Bosnia and Herzegovina and the security of minority returnees (ICG 31 May 2000).

Since the entry into force of the Dayton Agreement, humanitarian agencies have either pulled out of the country (as WFP did in 1999), or have gradually reduced their activities. The UN Mission in Bosnia and Herzegovina is supposed to have completed its core programmes by the end of 2002, but the extension of its mandate has been temporarily put on hold in June 2002 in a dispute over immunity for the US troops participating in the SFOR (BBC 4 July 2002). UNHCR has also compressed its funding requirements, which decreased from US\$ 87 million in 1998 to US\$ 22 million in 2002 (UNHCR November 2001, p. 192). A certain 'donor fatigue' has also affected the financial resources of both humanitarian and development agencies operating in the country. The inadequate level of international financial support, especially to housing programmes for returnees, undermines the search for durable solutions and endangers the sustainability of return movements (IHF 28 May 2002).

(Updated July 2002)

CAUSES AND BACKGROUND OF DISPLACEMENT

The ethnic conflict (1992-1995)

Displacement during the armed conflict (1992-1995)

- Three ethno-religious protagonists: Bosnian Croats (17% of Bosnia population), Bosnian Serbs (32%), and Bosniacs or Bosnian Muslims (44%)(1991 census)
- Most of current displaced and refugee population forced to leave in early months of the war (1992) by the Bosnian Serb forces
- Muslim population in Bosnian Croat-controlled areas displaced during Muslim-Croat conflict in 1993 and early 1994
- Muslim-dominated armed forces also responsible for forcible expulsions of Serbs in some areas
- Large waves of expulsions and departures in the early months of the war followed by a continual departure of the remaining minorities until the cease-fire in 1995

"Describing the conflict as a 'civil war' is inadequate, given the political and military involvement of neighbouring states, notably Croatia and Serbia who are 'parties' to the peace agreement. [...] Similarly, the 'ethnic' nature of the conflict is sometimes overstated, though peace plans, from Vance-Owen to the Dayton Agreement, recognize three 'ethno-religious' protagonists: Bosnian Croats, predominantly Roman Catholic (17 per cent of Bosnia's population at the 1991 census); Bosnian Serbs, predominantly Orthodox (32 per cent); and Bosniacs, who are Bosnian Muslims (44 per cent). The remainder of Bosnia's 1991 population (totalling 4.36 million) was made up of those who described themselves as 'Yugoslav' (5 per cent) and 'other ethnicities' (2 per cent)." (Stubbs 1998, p. 192)

"The armed conflict in Bosnia-Herzegovina was characterized by gross human rights abuses as armed forces led by one nationality attempted to force other nationalities out of the disputed territory. Bosnian Serb and Yugoslav National Army (JNA) forces (early in the conflict) were responsible for most abuses, but Bosnian Croat forces, the Croatian Army which fought with them, and to a lesser extent, forces of the mainly Muslim Bosnian Army also perpetrated abuses. While there were both regional and chronological variations in the pattern of events, analysis of the abuses reveals deliberate policies of killing, physically expelling or causing "unwanted" civilian populations to leave.

The early months of the war, from April 1992, saw the creation of most of today's refugees and displaced people. Some of those people were taken away at gunpoint, but most fled to escape the gross human rights abuses which were being perpetrated around them. Many of those who left were forced to sign documents transferring their property to the municipality." (AI 19 March 1997, Part I)

"Most displacement took place in 1992 through a series of territorial shifts and incidents of forced expulsion, termed "ethnic cleansing", which generated more than 1 million internally displaced and some 1,1 million refugees who left the territory of Bosnia-Herzegovina but remained on the territory of the former Yugoslavia." (Weiss & Pasic 1998, p. 185)

"Early in the conflict the Bosnian Serb forces, Serbian paramilitaries and the JNA units that became the Bosnian Serb Army (VRS) typically used overwhelming military force to crush resistance and round up the civilian population. Tens of thousands of people were detained in concentration camps and mass prison compounds where torture and deliberate and arbitrary killings were everyday occurrences. Thousands of

these detainees are still "missing". Many of those who survived detention were not allowed to return to their homes, but were handed over in prisoner exchanges. Civilians were often detained as hostages to be traded for prisoners of war or the bodies of dead soldiers.

Many of those who were not detained were forced to cross the front lines, often having to pass through minefields and sometimes being shot at or being robbed and assaulted by soldiers. During the Muslim-Croat conflict in 1993 and early 1994, Muslims in Bosnian Croat-controlled west Mostar were frequently made to cross the lines into the Muslim-controlled east part of the town. Thousands of Muslim men detained by Bosnian Croat forces during this part of the conflict were unable to return to their home areas upon release or exchange. The Muslim-dominated armed forces which were formed into the Army of Bosnia-Herzegovina were responsible for forcible expulsions of Serbs in some areas, notably in the Konjic area in early and mid-1992. All sides mobilized minorities to perform forced labour, often in dangerous situations such as trench-digging close to front lines or in minefields. Some of these people were effectively in detention.

Thousands of women were raped or sexually abused as part of the pattern of abuses aimed at expelling civilian populations. [...] The incidence of male rape is also under-reported because of the stigmatization which results from such violations. The large waves of expulsions and departures in the early months of the war were followed by a continual haemorrhage of the remaining minorities particularly from the Bosnian Serb-controlled region of northwest Bosnia. In many areas, members of minority nationalities had been reduced to a residual core long before the cease-fire of October 1995." (A/19 March 1997, Part I)

A dramatic failure of the international community: the "safe areas" (1993-1995)

- In 1993, the Security Council placed six government-held areas under the protection of the United Nations and the NATO military alliance
- The six safe areas were under constant siege and intermittent bombardment by the Bosnian Serbs; two of them (Srebrenica and Zepa) were ultimately seized by the Bosnian Serbs (1995)

"[T]he UN Security Council has declared six government-held enclaves - Bihac, Gorazde, Sarajevo, Srebrenica, Tuzla and Zepa - to be safe areas, with the purpose of safeguarding civilians from attack and ensuring that they receive the humanitarian assistance which they need to survive. Established in 1993, the Security Council placed the safe areas under the protection of the United Nations and the NATO military alliance.

[...]

The six safe areas have been under constant siege and intermittent bombardment by the Bosnian Serbs, jeopardizing the safety of the residents. Thus in 1994, the former chief of UNHCR's Bosnia operation wrote that 'surrounded by enemy forces, without basic shelter, medical assistance or infrastructure, isolated and living under sporadic shelling or sniper fire, these areas are becoming more and more like detention centres, administered by the UN and assisted by UNHCR.

Events in Srebrenica and Zepa in July 1995 underlined even more graphically the vulnerability of the safe areas to armed attack. Having endured the siege for many months, these two safe areas were finally seized by Bosnian Serb forces, and the population expelled from the enclaves." (UNHCR 1995a, Box 3.5)

"Srebrenica was overrun by Serb forces on 11 July 1995. Some 6000 Bosniac males appear to have been killed in the following days, and over 30,000 people fled to Tuzla and its environs." (Stubbs 1998, pp. 193-194)

"After an intense round of diplomatic negotiations, NATO announced that it would launch intensive air strikes against the Bosnian Serb forces, should they advance upon the remaining safe areas, particularly Gorazde in the east of the country.

As the Secretary-General has acknowledged, the safe areas in Bosnia and Herzegovina are not only dangerous, but have also been drawn into the deadly logic of the war. 'What is happening now,' he observed in May 1995, 'is that certain safe areas are used by the two parties to the conflict to sustain their confrontation.' Established without the consent of the Bosnian Serbs, and used as military bases by the Bosnian government forces, the safe areas could even be said to provoke attacks on the residents and relief personnel they are intended to protect." (UNHCR 1995a, Box 3.5)

For more information, see also:

"Final periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 42 of Commission resolution 1995/89", 22 August 1995, parax. 67-93 [Internet]

"Report of the Secretary-General pursuant to General Assembly Resolution 53/35, The Fall of Srebrenica, A/54/549" [Internet]

The Dayton Agreement consolidates the cease-fire (September-December 1995)

- Bosnia and Herzegovina continued as a sovereign state comprising two entities: The Federation of Bosnia-Herzegovina (a Bosniac-Croat Federation) and the Republika Srpska (Serbian Republic)
- Agreement provided for a strong NATO peace implementation force (IFOR) (later the peace stabilization force (SFOR)), together with a civilian office of the high representative (OHR).

"A cease-fire was called in September 1995. A general framework agreement (the 'Dayton Agreement') was signed in Dayton, USA on 21 November 1995 and subsequently in Paris, France by the presidents of Bosnia-Herzegovina, Croatia and Serbia." (Stubbs 1998, p. 192)

"The Dayton Agreement secured the continuation of Bosnia-Herzegovina as a sovereign state within internationally recognized borders, but gave this state and its revolving presidency only limited powers. De facto, most power resides in the two entities that make up the state: the Federation of Bosnia-Herzegovina, which controls 51 per cent of the territory, effectively a Bosniac-Croat federation that is further divided along ethnic lines at the cantonal and municipal levels; and Republika Srpska (the Serbian Republic), which controls 49 per cent, itself increasingly split between the western part loyal to Republika Srpska President Plavsic, and the eastern part loyal to Bosnian presidency member Krajišnik and, ultimately, to indicted war criminal Karadzic. The two entities are divided by an inter-entity boundary line (IEBL), which, on the whole, runs along the cease-fire line. In places, this is a highly visible line with the Dayton Agreement securing demilitarized 'zones of separation'; in others it is virtually invisible. Two significant territorial exchanges were agreed: Sarajevo became reunified within the federation, and Mrkonjic Grad and its surrounding areas were handed over to Republika Srpska. The strategically important town of Brcko remained Serb-held pending final arbitration [...]. The Dayton Agreement provided for a strong NATO peace implementation force (IFOR), which later became the peace stabilization force (SFOR), together with a civilian office of the high representative (OHR)." (Stubbs 1998, p. 192)

For the full text of the Dayton Agreement, see "General Framework Agreement" (Office of the High Representative Website) [Internet]

For more information on the provision of the Dayton Agreement on the return of the displaced populations, see "The General Framework for Peace in Bosnia and Herzegovina (The Dayton Agreement)" [Internal link]

The reconstruction (1996-2001)

More population displacement in 1996

- Transfer of territory between the Muslim-Croat Federation and the Republika Srpska (mainly in Sarajevo) forced about 60,000 Serbs to leave for the Yugoslav Republic or various destinations in the Republika Srpska
- Remaining minorities evicted particularly in the Republika Srpska and in Croat-held areas

"With the signing of the Dayton Peace Accords on December 14, 1995, the stage was set for the monumental task of implementing the agreement's provisions in Bosnia and Hercegovina [...] during 1996. By March, the North Atlantic Treaty Organization (NATO) had deployed most of its 60,000-troop "Implementation Force" (IFOR), which successfully separated the warring parties and began to provide the necessary security to edge the Bosnian cease-fire toward peace. On September 14, Bosnians went to the polls and elected national representatives without any major security incidents reported. Notwithstanding these noteworthy accomplishments, the implementation of major aspects of the peace agreement lagged far behind in 1996. Rather than uprooted persons being able to return to their original homes – a fundamental principle of the Dayton Peace Accords – displacements and "ethnic cleansing" continued during the year, accentuating the trend toward ethnic separation and away from the ideal of a single, multi-ethnic state enshrined in the Dayton Peace Accords." (USCR 1997, p. 170)

More displacement induced by transfer of territory

"The transfer of territory between the Muslim-Croat Federation and the Republika Srpska and the ability of Muslims and Croats to govern jointly within the Federation posed the first critical challenges to the Dayton Peace Accords during 1996. Both issues came to a head in the cities of Sarajevo and Mostar between January and March.

Among the most contentious of the land transfers mandated by the Dayton Peace Accords was the return of five Serb-held suburbs around Sarajevo to Federation control by mid-March 1996. The Bosnian Serb authorities relinquished control of Grbavica, the last of the five suburbs, on March 19. But by the time of Sarajevo's reunification, some 62,000 Serb residents had left those suburbs for the Federal Republic of Yugoslavia and various destinations in the Republika Srpska. These included Srebrenica, Bratunac, Zvornik, Visegrad, and Rogatica – areas which had Muslim majorities before the war but since had been "ethnically cleansed." Only about 8,000 Serbs chose to remain in the five formerly Serb-held suburbs after they reverted to the control of the Bosnian government.

In the weeks and days preceding and directly following its transfer, Serb-held Sarajevo degenerated into a state of lawlessness, characterized by widespread terror, looting, and arson. Serbs who decided to remain in their Sarajevo homes were subject to systematic intimidation, first from Serb nationalists determined to prevent peaceful coexistence between Bosnia's ethnic groups, and second by extremists among the Muslim returnees to the suburbs who harassed them and looted their houses with impunity once the Bosnian government authorities had resumed control. These events, said NATO's Secretary General, Javier Solana, represented a 'terrible blow to our vision of a multi-ethnic Bosnia.'

[...]

Displacements resulting from the transfer of territory elsewhere in Bosnia foreshadowed the considerably larger exodus of Sarajevo's Serb communities. In January, some 7,000 Bosnian Serbs abandoned their homes in and around Odzak in northern Bosnia before the area reverted to Federation control. An additional 2,500 Serb residents of the south-central Bosnian town of Borci left their homes for Visegrad in

the Republika Srpska. As in Sarajevo, widespread looting and burning took place in these and other areas that were transferred from one side to the other." (USCR 1997, pp. 172-173)

Continued Ethnic Cleansing

"As members of Bosnia's rival groups strongly, and sometimes violently, opposed the return of minority refugees and internally displaced persons in 1996, so too were they intolerant of minorities who remained in their midst. Extremists and advocates of ethnic purity, particularly in the Republika Srpska and Croat-held territory, continued to "cleanse" their communities of undesired minorities who remained." (USCR 1997, p. 174)

Slow progress of reconstruction and return since the Dayton Agreement (1997-1999)

- International efforts has not yet achieved the goal of establishing Bosnia as a stable, functioning state
- Implementation of the Peace Agreement (including the return of refugees and displaced persons) only possible under intense international pressure
- New climate of cooperation and improving relations between the leadership of the Republika Srpska entity and the Bosnia and Hercegovina observed during first half of 1999

"Despite considerable progress since the signing of the Dayton Peace Agreement (DPA) in November 1995 in consolidating the peace and rebuilding normal life in Bosnia and Herzegovina (Bosnia), international efforts do not appear to be achieving the goal of establishing Bosnia as a stable, functioning state, able at some point to run its own affairs without the need for continued international help. Peace, in the narrow sense of an absence of war, has been maintained; progress has been made in establishing freedom of movement throughout the country; joint institutions, including the state presidency, parliamentary assemblies and ministries, as well as a joint command for the armed forces of the Federation of Bosnia and Herzegovina (Federation), have been established.

However, the return of refugees and displaced persons (DPs), one of the key planks of the DPA, has been disappointingly slow, despite considerable international attention to this issue and the application of considerable resources. While joint institutions have been set up, at the state level they barely function, if at all, with the international high representative [...] having to intervene and impose decisions in a number of key areas. Institutions in the Federation frequently do not function properly. Bosniac and Croat parallel institutions continue, de facto, to operate, while in cases where joint institutions have begun to function, Bosniac and Croat officials often behave more as representatives of their ethnic groups and political parties than as professional public servants. And while a joint command for the Federation Army notionally exists, in practice separate Bosniac and Croat military formations remain, so that Bosnia still effectively has three military forces representing the three recent wartime protagonists.

In general, mutually-suspicious ethnic parties representing the three principal ethnic groups are dominant. They hold very different perspectives about how the country should look. If they do co-operate at all in implementing the DPA it is usually only grudgingly and under intense international pressure. The political system, which requires consensus among ethnic representatives, does not function effectively." (ICG 9 September 1998, Introduction)

Signs of improvements in 1999

"A new climate of cooperation and improving relations between the leadership of the Republika Srpska entity and the Bosnia and Hercegovina Government are two of the positive signs for post-Dayton programmes. Relations with the Republika Srpska entity began in 1999 on a sour note with the nearly simultaneous announcement of the international arbitration on Brcko and the High Representative's decision to remove the President of the entity. However, with the passing of the initial protests and the

forced interdependency within Bosnia and Hercegovina as a result of the sanctions and military action against the Federal Republic of Yugoslavia, the atmosphere has improved. The current Republika Srpska representative to the Bosnia and Hercegovina Presidency has also been more forthcoming with respect to democratic reforms and confidence-building. It is hoped that these developments will remove some of the political and legalistic barriers to post-Dayton implementation programmes." (UN July 1999, p. 9)

Political scene decreasingly dominated by nationalistic forces (1999-2002)

- Nationalistic forces dominated the political scene until the General Elections of November 2000
- Cooperation between the High Representative and local actors and institutions improved significantly since then
- Developments such as the accession to the Council of Europe highlight the fact that BiH statehood is no longer at issue
- Relations with neighbouring countries have also normalized
- High Representative had to face attempts by Croat nationalist forces to create a third Croat-dominated Entity (March 2001)
- Parliamentary Assembly in the Republika Srpska still often obstruct legislation and slow down efforts to strengthen the State but there have been some positive signs of shifting attitudes

Assessment of political developments by the High Representative (August 1999-May 2002)

"In general, I would divide my three-year term as High Representative into two parts. The first part, which lasted for about a year and a half, was marked by robust, intensive, and above all, direct engagement in all aspects of political life in BiH. During that period, I had to remove –under my GFAP Annex 10 powers– around 70 politicians, among them the Croat member of the BiH Presidency, a cantonal governor, several ministers and a number of mayors, for obstruction of the peace implementation process. Because of persistent nationalist obstruction of essential legislation in the BiH Parliament, I had to impose laws on a wide range of issues, necessary for strengthening the State institutions, sustaining returns and reforming the economy.

The second part of my term was marked by efforts to establish partnership with the non-nationalist forces that came to power after the elections of November 2000, and to show them that they, too, are responsible for the future of BiH. During this second phase, BiH made significant strides towards a progressive transfer of ownership to its citizens and institutions. Politicians in BiH are now more capable of independent problem-solving and decision-making, as demonstrated by the passage of the Election Law in August 2001 and, above all, the negotiations on Entity constitutional reform which culminated in the 27 March 2002 Mrakovica-Sarajevo Agreement. [...] The Council of Europe (CoE) provided important recognition of BiH's progress when it granted the country full membership on 24 April 2002.

Developments such as CoE accession highlight the fact that BiH statehood is no longer at issue. Although its citizens sometimes still have difficulty viewing their country with pride and confidence, this will change as the IC's institution-building efforts begin to bear fruit and the State begins to deliver benefits. Also, since the establishment of democratic regimes in Croatia and the Federal Republic of Yugoslavia (FRY), the country is no longer under any serious external political or military threat. In this regard, the last year has been characterized by a series of events including the exchange of ambassadors between BiH and FRY and a number of high-level parliamentary visits from both FRY and Croatia.

As said in my 19th Report, the Republika Srpska (RS) and FRY signed an Agreement on Special Parallel Relations (SPR) on 5 March 2001. Although the concept of "special" relations between an Entity and a neighboring country is an outdated concept, such an agreement is a right of the Entities, in conformity with the General Framework Agreement for Peace in BiH (GFAP). Nevertheless, I ensured that the agreement's

text and spirit fully respect BiH's sovereignty and territorial integrity. My Office has a supervisory role in the agreement's implementation and is involved in the drafting of its annexes. Moreover, I insist with the governments of neighbouring countries -and with those in BiH at State and Entity level- to concentrate on state-to-state relations.

The overall positive developments in the region influenced the results of the November 2000 Elections and had major impact on the nationalist parties of BiH. Still, during my mandate it was necessary to face down religious and nationalist intolerance, most blatantly over the Croat declaration of 'self-rule' on 3 March 2001. [...] Because of this declaration, I had to remove Ante Jelavic, the Croat member of the BiH Presidency and President of the nationalist HDZ party, from his positions, for personally leading this violation of the constitutional order. In April that same year, I appointed a Provisional Administrator for Hercegovacka Banka, which acted as the financial backbone of the HDZ-led illegal parallel structures. The investigation into this bank is continuing and, in April 2002, I decided to extend the term of the Provisional Administrator for another year.

The hard-line leadership's failure to establish the Third Entity has led to a crisis in the HDZ. At first, Jelavic and his cohorts refused to step down from their leadership positions in the party, even though that meant they could not register for the 5 October 2002 elections. But, as of 4 May, Jelavic and his associates resigned. Although I welcome the resignations as a sign that the majority of HDZ members realize that the pursuit of a Third Entity is a dead-end, it is too early to say whether or not the party will undergo a true process of democratization.

Change is also taking place among the nationalist elements in the RS. Although the Serb members of the BiH Parliamentary Assembly still often obstruct legislation and slow down efforts to strengthen the State and enhance its competencies, there have been some welcome signs of shifting attitudes. On 12 December 2000, in my presence, the SDS leadership endorsed Dayton, along with all previous PIC Declarations, and committed the party to full cooperation with the IC. Although they have not fulfilled all these commitments, there has been significant improvement, and in December 2001 they barred indicted war criminals from membership in the party. They also participated actively in the 2002 constitutional reform process, and accepted the Mrakovica-Sarajevo Agreement, including the provision that positions in the RS government, legislature, and judiciary must be given to Bosniacs and Croats. Such a development would have been difficult to imagine when I took on the role of High Representative in August 1999. (OHR 14 May 2002, sect. II)

"Nationalist local officials have continually set up obstacles to the return of the displaced since the signing of the Dayton Peace Agreement in 1995. The appointment of the new moderate government has been hailed by international observers as a development which should contribute to the country's progress in accelerating the return of refugees and displaced people." (UNHCR 28 February 2001, p. 4)

Persisting economic difficulties keep unemployment rate at a high level (2000-2001)

- Reconstruction has led to increase incomes but most Bosnians remain worse off than before the war
- 1997 data suggest that 27 percent of Bosnians fall below a relative poverty line, while 11 percent fall below an extreme poverty line.
- Despite the effects of a drought on food prices, inflation at the end of 2000 was quite low (3.5% in the Federation and 10% in the RS)
- Higher spending on refugees and displaced persons creates pressures on the Entity budgets
- With 40% of the active working population, unemployment continues to be unacceptably high

"While reconstruction has led to increased incomes, most Bosnians remain worse off than before the war. Although deprivation was widespread at war's end (Box 1), four years of reconstruction and growth have brought dramatic increases in income and well-being. Per capita incomes have more than doubled to about US\$1,080 (from US\$456 at end-1995). Household surveys provide evidence of increasing per capita consumption. Basic services such as water, education and health care are now broadly available in most areas (although with uneven quality and cost-effectiveness). But most Bosnians remain far worse off than before the war. Although there has been recent progress in minority returns, the slow overall pace of return of refugees and the internally displaced remains a critical social issue, with the displaced thought to be among the poorest in BH [6] And despite high postwar growth rates, BH remains the second-poorest country in the SEE Region on a per capita basis (Chart 2). While there are many estimates, there is no reliable recent data on poverty incidence based on a comprehensive household survey. A Living Standards Measurement Survey and Poverty Assessment would be key elements of this CAS, and would be important inputs to development of BH's Poverty Reduction Strategy Paper (para. 15). The best currently available survey data (from 1997) suggest that 27 percent of Bosnians fall below a relative poverty line, while 11 percent fall below an extreme poverty line.[7] Regional disparities are high: About half the population of Republika Srpska fell below poverty line, and substantial differences existed among the Federation's cantons (Sarajevo and West Herzegovina have the lowest poverty incidence). The ethnic correlation of these regional disparities (and differing Entity and regional capacities to address them) will present politically difficult, potentially divisive policy challenges.

Box 1. The Legacy of War on Everyday Lives

While BH was one of the poorer of the republics of the Socialist Federal Republic of Yugoslavia (SFRY) prior to the war, income distribution was relatively even and there was little abject poverty. With the massive economic contraction brought by war, GDP per capita fell from US\$2,429 in 1990 to US\$456 in 1995 - bringing deprivation of an all-encompassing nature to most Bosnians. Widespread loss of jobs was the primary impact on household economic status. But deprivation was not limited to incomes. Assets - housing, automobiles, farm equipment, household possessions - were lost or destroyed. Bank deposits were frozen. Basic electricity and water services became unavailable. Access to education and health services was interrupted. Official institutions and programs, such as for social protection, were bankrupted with collapsed government budgets. Among the most significant impacts, over two million people - nearly half the prewar population - were forced from or chose to leave their homes and became refugees, either abroad or displaced internally within BH. With these population movements, community- and family-based social networks were also seriously disrupted. Physical security also has become a risk for many, particularly ethnic minorities in majority areas, given weak law enforcement and remaining tensions.

Four years after the end of the war, the situation has improved dramatically for most Bosnians. In spite of the gains, however, consultations in the context of the "Voices of the Poor" in 1999 noted that: "...the combined pressure of ... transition and wartime devastation has placed many people on the margins of economic existence. Their current privations contrast sharply with a relatively comfortable prewar "normal life. Participants consistently identified unemployment as their principal concern... People at all sites described searching for any kind of work and relying on occasional, informal labor. Many expressed strong desires for regular employment... Lacking employment opportunities in the country, many younger people seek to emigrate..."

Unemployment is a key determinant of poverty. Registered unemployment reached 37 percent in the Federation and 36 percent in Republika Srpska in 1998 (and has stagnated).[8] These rates are among the highest in the Region, with only the former Yugoslav Republic of Macedonia (FYROM) on the same scale. While a significant share of the registered unemployed generate some income in the informal sector, survey data suggest that households where the head is unemployed are three to five times poorer than households where the head is employed. Several other groups are particularly vulnerable to poverty, including the internally displaced (nearly 40 percent of the poor have one household member who is displaced). Children and the elderly are more at risk of poverty, as are single female (often widowed) heads of households.

While there is no urban/rural breakdown available, there has been marked rural-to-urban migration in the postwar period (and evidence suggests agriculture has declined as a source of income). These findings are consistent with a 1998 Social Assessment and the 1999 "Voices of the Poor" consultations (Box 1). BH's social services structures are inadequate to provide for the needs of these groups. The social safety nets inherited from the Federal Socialist Republic of Yugoslavia (SFRY) remain, without the public resources to fund them (and with variable capacities between and within the two Entities). Direct donor support has helped fill the gaps over the last several years. *Reconstruction and recovery have brought generalized improvements in welfare; planning for a more targeted poverty-alleviation strategy that addresses BH's specific postwar challenges is now needed.*"

[Footnote 6] Of a total 1.2 million refugees and 865,000 internally displaced at the end of 1995, some 650,000 had returned to their homes by the end of 1999, the vast majority to same-ethnic areas. Over 80 percent were to the Federation. Several hundred thousand refugees have found permanent homes abroad (Source: UNHCR).

[Footnote 7] Due to data limitations, these poverty lines are based on relative adjusted per capita income. The two lines are drawn at 60 percent ("base poverty") and 30 percent ("extreme poverty") of the median of adult-equivalent economies of scale adjusted per capita-income distribution. *Poverty and Inequality in BH (Draft)*, 2000 (based on 1997 CIET survey data).

[Footnote 8] Figures include workers on "waiting lists," who do not work, however retain a right to be called back to work.

(WB 14 June 2000, pp. 3-4)

"The BIH economy continued to expand at a moderate pace in the second half of 2001 remaining in the range of last year's increase of 5%. The pace of economic revitalization, particularly in the RS, remains too slow. Official unemployment rates are alarmingly high at approximately 40%.

The unemployment rate in the RS in 2001 was over 40%. According to the Independent Bureau for Humanitarian Issues (IBHI), over 60 % of the BH population lived below the poverty line, having only 0,60 KM (0.31 Euro) per day. Many people had become beggars, some eating food left or visiting the few public kitchens. Pensioners, families of killed soldiers as well as disabled persons were in the most vulnerable position." (IHF 28 May 2002 p. 76)

See also "Bosnia's precarious economy: still not open for business", 7 August 2001, a report by the International Crisis Group [Internet]

New regional context more favourable to durable solutions (2000-2001)

- Changes if the leadership in the Federal Republic of Yugoslavia and Croatia create conditions for more constructive bilateral relations
- On 27 June, Croatia, the Federal Republic of Yugoslavia and Bosnia and Herzegovina endorsed a 'regional action' programme to accelerate refugee returns
- On 29 June, the Agreement on Succession Issues of the Former Socialist Federal Republic of Yugoslavia (SFRY) was signed in Vienna

"Progress in Bosnia and Herzegovina is inextricably linked to developments in the region. With the recent historic change in the leadership of the Federal Republic of Yugoslavia, together with changes earlier in 2000 in the Republic of Croatia, for the first time since the war there is a realistic prospect of constructive bilateral relations based on mutual respect for the sovereignty and territorial integrity of each State, while also developing the 'special relations' that are envisaged in the Dayton Accords. The recent visit of President Kostunica to Sarajevo was a first step towards full normalization of bilateral relations. Every

effort should continue to be made in order to move this process forward." (UNSC 30 November 2000, para. 33)

"Renewed Regional Co-operation: On 21 May, an official BiH state delegation visited Belgrade for the first time since the end of the war. A week later, the Croatian President, Stipe Mesic, paid a two-day visit to Sarajevo. A result of these meetings was the establishment (in the case of the FRY) and the more efficient functioning (in the case of Croatia) of Inter-state Councils between BiH and the two states. In addition, on May 14, the ministers of interior of these three countries signed an agreement on the fight against organized crime in the region, corruption and the trafficking of people, and on joint police activities. On 27 June, the Republic of Croatia, the Federal Republic of Yugoslavia and signed a 'regional action' programme in Brussels to accelerate refugee returns in the Balkans. The programme will be funded through bilateral initiatives and national action plans under the umbrella of the Stability Pact for SE Europe. The objective is to resolve the plight of approximately 490,000 refugees and displaced persons within two years. BiH On 29 June, the Agreement on Succession Issues of the Former Socialist Federal Republic of Yugoslavia (SFRY) was signed in Vienna by the Foreign Ministers of BiH, the Republic of Croatia, the Republic of Slovenia and the Federal Republic of Yugoslavia, and the Vice President of the Former Yugoslav Republic of Macedonia. The Agreement provides for the distribution of the rights, obligations, assets and liabilities of the SFRY among the States, and symbolises the beginning of a period of renewed regional co-operation." (OHR HRCC 18 October 2001)

See also Radio Free Europe/Radio Liberty note "Which way for Bosnia?", 14 May 2001 [Internet]

See also "A regional initiative: the Stability Pact for South Eastern Europe envelope on Stability Pact" [Internal link]

POPULATION PROFILE AND FIGURES

Total Figures

Total internally displaced population: 414,500 persons (as of end of April 2002)

- Available figures show a significant decrease of the internally displaced population between 1996 and 2001
- 518,000 persons have submitted an application for the status of displaced person during the Re-registration process end of 2000
- Review of the applications has not been completed yet (December 2001)

Estimate of BiH displaced persons still in need of durable solutions as of 30 April 2002

IDPs in the Federation of BiH: 194,000
Out of this no. in Collective Centres: 2,641
IDPs in the Republika Srpska: 198,500
Out of this no. in Collective Centres: 1,975
IDPs in the Brcko District: 21,500
Total DPs in BiH: 414,500

(UNHCR 30 April 2002)

"For the first time since the signing of the GFAP, and in accordance with new legislation on DPs, at the end of 2000 a re-registration of displaced persons was simultaneously carried out in two Entities and Brcko District. According to the results of the re-registration exercise, a total of 518,000 persons have applied for displaced person status within BiH.

The numbers of displaced persons in BiH, compared with those in 1996 (approximately 845,000) indicate that significant progress in the return of refugees and displaced persons has been made (both to majority and minority areas). The results of the re-registration exercise also indicate a notably high number of displaced persons in the Federation on BiH. This figure includes all those who have returned from Western European countries, but who have been unable to return to their places of origin in the RS, further adding to the problem of internal displacement.

Those who have their displaced person status confirmed, should be entitled to temporary accommodation, food, health care, education, psycho-social support and other basic rights in accordance with their needs and with the relevant Entity and/or Cantonal regulations and decisions. Nonetheless, despite the inclusion of such entitlements in the relevant laws and regulations, provision of these has generally been problematic, with local authorities often reluctant to commit scarce resources for this purpose." (UNHCR September 2001, paras. 21-23)

Entity Ministries are currently reviewing the applications for the displaced persons status. 73 Percent of the cases in the Republika Srpska and 39 percent in the Federation have already been processed. (UNHCR 4 December 2001)

Number of registered applications/persons

	Number of applications	Number of persons
Federation of BiH	85,347	263,375
Republika Srpska	80,399	231,732
Brcko District *	7,686	23,145
TOTAL BiH :	173,432	518,252

* 6745 persons (2,192 applications) were registered under the Federation Law in Brcko District, and 16,400 persons (5,494 applications) registered under the Republika Srpska Law in Brcko District.
(UNHCR 22 December 2000)

UNHCR figures show significant decrease of IDP population between 1999 and 2001

- IDP population fell below 500,000 persons in 2001

Estimate of internally displaced persons still in need of durable solutions (as of 1 October 2001): 470,500

Federation of Bosnia and Herzegovina: 236,000

Republika Srpska: 212,500

Brcko District: 22,000

(UNHCR October 2001)

Estimates of internally displaced persons still seeking solutions (as of 31 August 2000): 793,500

- Federation of Bosnia and Herzegovina: 462,500

- Republika Srpska: 331,000

(UNHCR 6 September 2000)

Estimate of displaced persons still seeking solutions (as of 31 August 1999): 838,000

Federation of Bosnia and Herzegovina: 487,300

- 98,500 are originating from the Federation.

- 388,800 are originating from the Republika Srpska.

Republika Srpska: 343,500

- 298,000 are originating from the Federation.

- 45,500 are originating from the Republika Srpska.

(UNHCR 15 September 1999)

Estimate of displaced persons still seeking solutions (as of 1 March 1999): 836,500

Federation of Bosnia and Herzegovina: 490,000

- 107,000 are originating from the Federation.

- 383,000 are originating from the Republika Srpska.

Republika Srpska: 346,500

- 300,500 are originating from the Federation.

- 46,000 are originating from the Republika Srpska.

(UNHCR 26 May 1999)

At least 200,000 persons have become internally displaced since the Dayton Agreement (1995-1999)

- 80,000 persons displaced as a result of transfers of territory between the two Entities

- The internally displaced population also includes returning refugees who cannot return to their pre-war home

Newly displaced persons

"[S]ince Dayton, another 80,000 individuals have been displaced as a result of transfers of territory." (UN Commission on Human Rights, 17 March 1998, para. 4)

Relocated returning refugees

"In 1999, 43,385 internally displaced persons returned to their places of origin - 50 percent more than in 1998, when 29,570 internally displaced persons returned. Despite these returns, the overall number of internally displaced people in Bosnia barely decreased from the previous year, as many repatriating refugees became newly displaced. About 10,000 Bosnian Serbs originating in the Federation relocated from Yugoslavia to Republika Srpska at the time of the bombing; and many non-Serb returnees from third countries, originally from Republika Srpska, were forced to relocate to areas of the Federation." (USCR 2000, p. 220)

"The total number of refugees having returned to Bosnia since the end of the war has reached some 330,000. Another 256,000 displaced persons have returned within Bosnia, but the overall estimated number of displaced has continued to increase to approximately 850,000, as refugees relocated upon repatriation outnumber those who return to their pre-war homes." (UN SC 11 June 1999, para. 46)

Cumulative figure for relocating returnees (1997-1998) as of 10 November 1998

106,000 refugees relocated in the Federation

9,500 refugees relocated in the Republika Srpska

(HIWG 16 November 1998, p. 13)

For more information on the relocation on returning refugees, see "Return of refugees to situations of internal displacement (1999)" [Internal link].

Total internally displaced population (from December 1996 to November 1998): More than 800,000 persons

Estimate of displaced persons still seeking solutions (as of November 1998): 860,000 persons

Federation of Bosnia and Herzegovina: 500,000

117,000 are originating from the Federation.

383,000 are originating from the Republika Srpska.

Republika Srpska: 360,000

314,000 are originating from the Federation.

46,000 are originating from the Republika Srpska.

Total figure includes refugees who have returned to internal displacement.

(UN December 1998, pp. 14-15; OHR/RRTF 13 December 1998, para. 2.2; HIWG 16 November 1998, p. 13)

Estimate of displaced persons still seeking solutions (as of December 1997): 816,000 persons

Federation of Bosnia-Herzegovina: 450,000

117,000 are originating from the Federation.

333,000 are originating from the Republika Srpska.

Republika Srpska: 366,000

317,000 are originating from the Federation.

49,000 are originating from the Republika Srpska.

(UN December 1998, p. 15; USCR 1998, p. 164; UNHCR July 1998, table 1)

"Precise data for the number of IDPs at the end of the war as well as current figures are not available. Nonetheless, UNHCR and Federation authorities agree that there were an estimated 450,000 internally displaced persons in the Federation as of the beginning of 1997. In the RS Entity, officials estimate that the current number of internally displaced persons total 416,000. However the Coalition for Return estimated differ - 605,000 internally displaced persons in the Federation, and 295,000 in the RS Entity." (ICG 30 April 1997, section 3)

"In April 1997, the respective entity authorities of Bosnia and Herzegovina estimated that there were 450,000 internally displaced persons in the Federation and 416,000 in Republika Srpska." (UN November 1997, p. 28)

"While a full census is due to be carried out in 1998, the total figure of 866,000 may be relatively accurate, although there is considerable disagreement about the breakdown between the entities." (Stubbs 1998, p. 193)

December 1996: between 760,000 and 1 million persons

Indicative number of internally displaced of concern to UNHCR

IDPs of concern to UNHCR, Total: 760,146

IDPs of concern to UNHCR, Assisted: 494,095

(UNHCR 1997, table 2)

"By the end of 1996, close to half of Bosnia's pre-war population of 4.4 million remained uprooted by war. About one million persons remained displaced within Bosnia." (USCR 1997, p. 171)

For a critical review of figures for displaced population, see ICG reports "Minority Return or Mass Relocation?" (14 May 1998) and "Going Nowhere Fast: Refugees and Internally Displaced Persons in Bosnia" (30 April 1997) [Internet]

Total internally displaced population during the war (from 1993 to 1995): 1,1 to 1,3 million persons

End 1995

Indicative number of internally displaced of concern to UNHCR (as of end 1995)

Assisted IDPs: 1,097,900

Total IDPs: 1,097,900

(UNHCR 1996, table 7)

"[...] UNHCR estimates that 1.3 million persons remained displaced within Bosnia at the end of 1995, while that lead UN agency in Bosnia characterized another 1.4 million within Bosnia as 'war affected'". (USCR 1996, p. 129)

End 1994

Indicative number of internally displaced of concern to UNHCR (as of end 1994)

Assisted IDPs: 1,282,600

Total IDPs: 1,282,600

(UNHCR 1995, table 6)

"In much of the country, conditions remained grim at best. An estimated 1.3 million Bosnians were internally displaced, more than 800,000 others had fled the country entirely, and tens of thousands, had been killed in the conflict. (USCR 1995, p. 128)

End 1993

Indicative number of internally displaced of concern to UNHCR (as of end 1993)

Assisted IDPs: 1,290,000

Total IDPs: 1,290,000

(UNHCR 1995, table 6)

Disaggregated figures

Internally displaced persons in collective centres (1995-2002)

- Statistics show a decrease since December 1995

Collective Centres (CC) Status (as at 31 July 2001)

	Federation	RS	BH
Nb of operating collective centres	29	28	57
Nb of resident DP's	2,641	1,975	4,616

Total CC residents in BH in December 2001: 5,639
Total CC residents in BH in December 2000: 9,210
Total CC residents in BH in December 1999: 10,878
Total CC residents in BH in December 1998: 12,061
Total CC residents in BH in December 1997: 31,302
Total CC residents in BH in December 1996: 18, 541
Total CC residents in BH in December 1995: 54,000
(UNHCR BiH August 2001)

See also UNHCR Map "Collective centres in BiH", April 2002 [Internet]

PATTERNS OF DISPLACEMENT

Typology of the internally displaced population

Inter-entity displaced constitute the largest group of IDPs in Bosnia

- Populations unable or unwilling to return to places governed by the same authorities who caused them to flee

"Inter-entity displaced are the largest number of IDPs, those who left their homes during the war and now find the place where they used to live assigned to the 'other' entity (for example non-Serbs find their former homes are now part of Republika Srpska). Their forced expulsion, termed 'ethnic cleansing', was an explicit war aim and paper guarantees of 'freedom of movement' are unlikely to alter their situation in the near future. Consequently, they remain unable or unwilling to return to places governed by the same authorities who caused them to flee in the first place. Many left so-called 'safe areas' that were overrun despite international community guarantees and long after Western countries closed their doors to Bosnian refugees. The most dramatic such exodus was from Srebrenica in eastern Bosnia, which was overrun by Serb forces on 11 July 1995. Some 6000 Bosniac males appear to have been killed in the following days, and over 30,000 people fled to Tuzla and its environs from where, in municipal elections held in September 1997, they elected one of many 'councils in exile' in Bosnia-Herzegovina." (Stubbs 1998, pp. 193-194)

Intra-entity displaced: movements of displacement within the Federation from a minority area to a majority area

- Displacement resulting mainly from the Bosniac-Croat war from April 1993 to March 1994

"Within the entity of Federation, significant movements of displacement from minority to majority areas occurred (Bosnian Croats to Croat controlled areas and Bosniacs to Bosniac controlled areas): this situation is similar to displacement from one entity to the other. A substantial number of displaced persons have also increased their standards of life in their place of displacement (a significant proportion of Bosnian Croats moved in areas integrated within the Croatian economy where they can benefit from higher employment rates and standards of living).

Most of the displaced who fled to the other entity and from a minority area to a majority area within the Federation are in a refugee like situation (they were expelled during the war or fled for security reasons) and face an insurmountable accumulation of obstacles to return to their home in minority areas which render the returning possibilities almost impossible: physical destruction of their previous accommodation, presence of mines, absence of economic and employment opportunities, discrimination in employment, unfavourable political situation, security, violation of human rights, unfavourable schooling system, discrimination in access to public services, lack of objective and regularly updated information (preventing reconciliation and the build-up of trust in the event of minority returns). As a consequence, many displaced decided to remain in their area of displacement.

Furthermore, the attachment to the pre-war family house as well as the determination to return among certain groups of displaced and refugees has been weakened by an extended period of living abroad, the integration into a new location, the destruction of the property, the changing economic conditions, the

pessimism about returns and the dispersal of the home communities." (Campigotto December 1998, section 3.1)

Intra-entity displaced: movements of persons following destruction and lack of security on the confrontation line

- Displaced in this category have often relocated to town centres from surrounding villages.
- An important minority have appropriated more than one housing unit, thus impeding minority returns

"Over 25% of the displaced persons remained in the entity where they form the majority group.

Most of them fled their destroyed houses or the confrontation line to relocate in safer areas and where basic commodities and services are likely to be available.

In the most larger towns, relocation movements of people from the surrounding villages into the town centres occurred significantly. An explanation is the more favourable situation in the urban areas (higher economic standards, access to the black market, and to a certain extent, access to social and public services). With this relocation pattern, an important minority of people have taken advantage of reallocation provisions in the property laws to appropriate more than one housing unit and thus are impeding minority returns. As a consequence, this group is reluctant to minority returns in order to secure its position. Displaced in urban areas are more determined to remain (especially the younger people) even though inter-ethnic factors are no longer preventing their return.

In general, displaced persons of the majority group are the most hostile to minority returns, they fear to be re-displaced by the return of the original inhabitants." (Campigotto December 1998, section 3.1)

Displaced returnees: a significant proportion of the returning refugees are not able to return to their pre-war home

- The great majority of repatriations from abroad are now to areas where the returnee would be displaced but among the majority, while the returnee's home lies in an area where they would be among the minority
- A significant proportion of the returning refugees are voluntarily not returning to their pre-war home

"Displaced returnees are relatively few so far, but are likely to grow as there is pressure on Bosnian refugees to return from western European countries where they have temporary protection. Various push-pull factors, including a few cases of forced repatriation, have produced newly displaced people." (Stubbs 1998, pp. 193-194)

"[T]here may be pressures on persons [originating from areas where they would no longer be in the majority upon return] to return, but to a majority area. The great majority of repatriations from abroad are now to areas other than the returnee's home. They are to areas where the returnee would be displaced but among the majority, while the returnee's home lies in an area where they would be among the minority." (UNHCR May 1999, para. 2.68)

"A survey of the Swiss Government found that 67.5% of the returnees from abroad were not able to return to their pre-war house, and that 47% voluntarily relocated to other areas of the country. The majority of

refugees are very often returning to multiple occupancy situations or temporary accommodation." (Campigotto December 1998, section 3.4)

For more information on the relocation of returning refugees, see "Return of refugees to situations of internal displacement (1999)"

Other aspects

Internal displacement follows a rural-urban migration pattern (1998)

"There are few systematic data comparing and contrasting refugees and IDPs, though some generalizations can be made. On the whole, the refugees who left Bosnia-Herzegovina did so earlier in the war rather than later (when the exit doors were firmly closed). They tend to be urban, more cosmopolitan in outlook and better educated than their internally displaced counterparts. The presence of large numbers of rural IDPs in the urban centres has been a cause of continuing tension in Bosnia-Herzegovina (the two groups were relatively impermeable before the war) and has contributed to the continued dominance of the three ethnically-based nationalist parties." (Stubbs 1998, p. 194)

See also "War-induced movements: typology (1998)" and "Scenario of population movements: impact of the economy (1998)" [Internal links]

Internal displacement likely to become durable (1998)

- Return movements will remain impossible as a result of destruction and illegal occupancy of the properties of the displaced

"The future of Bosnia portends more displacement. Annex 7 of the peace settlement is designed to bring refugees and internally displaced persons back to their pre-war homes to claim property that was destroyed or occupied by voluntary or involuntary migrants from other parts of the former Yugoslavia. It will take some time to straighten out the chain of illegal property transfers that accompanied 'ethnic cleansing', in spite of the establishment of the Commission for Displaced Persons and Refugees. So much housing and infrastructure have been destroyed that it is unclear to what extent returnees and the persons whom they will displace (that is, the illegal occupants who themselves may have been chased from their own property) can be accommodated. [...] [D]isplacement will be a part of the policy landscape for international and local officials for decades." (Weiss & Pasic 1998, p. 186)

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Insecurity

Level of violence against minority returnees remains high (2000-2001)

- Number of reported inter-ethnic incidents has remained stable in 2002 but level of violence has decreased
- The incidence of violence against returnees is significantly higher in the RS than in the Federation
- The severity of the incidents in the RS has been far greater than in the Federation
- In the Federation, the majority of security incidents took place in municipalities in Croat-dominated areas

Report by the UN Secretary-General (reporting period: 29 November 2001 - 5 June 2002)

"Since the riots in Mostar, Trebinje and Banja Luka last year [2001], police performance improved at sensitive events, such as religious celebrations or commemorations. The first incident-free commemoration by Bosniac women in Bratunac (near Srebrenica) on 11 May 2002 of violence that had occurred in 1992 against the Bosniacs demonstrated professional police planning in a historically difficult area. Active policing in return areas created the security conditions essential for an unprecedented number of minority returns. While the number of reported inter-ethnic incidents (approximately 100) remained about the same as during the comparable period in 2001, the number of serious crimes has decreased. When inter-ethnic incidents did occur, police and municipal officials were now more likely to condemn the incidents publicly and to take appropriate additional security measures. However, police investigations into high-profile inter-ethnic crimes, and subsequent judicial follow-up, remained inadequate. For example, court proceedings arising from the riots at the Ferhadija Mosque in Banja Luka in 2001, which began last year, made very little progress." (UN SC 5 June 2002, para. 7)

UNHCR report (reporting period: August 2000 - August 2001)

"The security incidents that have occurred throughout the reporting period highlight the unsteady security situation faced by minority returnees throughout BiH. These incidents took place across the country, although the occurrence of incidents involving the security of individual returnees was higher in the RS, especially in the eastern and north-eastern parts. In the period 3 August 2000 to 3 August 2001, 290 minority return-related incidents were reported to the International Police Task Force (IPTF) throughout BiH. Of these, 193 took place in the RS, 83 in the Federation and 14 in the Brcko District.

Not only is the incidence of minority violence twice as high in the RS as compared to the Federation, it must be noted that the severity of these incidents is also far greater in the RS. While the majority of incidents in the Federation involved verbal harassment and occasional damage to property, the incidents in the RS involved shootings, significant damage to property, the use of explosives, physical injuries, and sometimes even death. Brcko District also encountered return-related violence over the last year. Additionally, many local police departments and the judiciary are not functioning properly, thus exacerbating the security situation facing minority returnees. Increases in the number of return-related incidents can be directly correlated with the growing number of minority returns.

[...]

Republika Srpska

Since its establishment in January 2001 following the November 2000 elections, the new government in the RS has been under great pressure from the international community to demonstrate its commitment to

implementing the GFAP. Despite the more moderate constitution of the new RS Government, violent incidents against returnees continue to occur regularly in the RS (particularly in the north-eastern areas around Bijeljina, Zvornik and Bratunac-Srebrenica), with apparently little effort being made on the part of local or government officials to prosecute those perpetrating these crimes.

Municipalities with higher rates of Bosnia returns, such as Bijeljina, Prijedor, Zvornik and Janja were characterized by a particularly high number of incidents. Similarly, significant levels of violence directed towards minority returnees were recorded in Trebinje and, in some instances fatally, in Banja Luka, Bratunac and Vlasenica.

[...]

Federation of BiH

In the Federation of BiH, the majority of security incidents took place in municipalities in Croat-dominated areas. Although Croatia has withdrawn key elements of its financial and political support for Croat extremists inside BiH, the HDZ ('Croat Democratic Union' - traditionally the most powerful Croat political party in BiH) held a 'referendum' on self-rule for Croat-dominated areas of BiH (i.e. on the creation of a so-called 'third' Entity) on the day of the General Election in November 2000, in what was generally considered an attempt to shore up the HDZ's local powerbase.

[...]

A few examples of security incidents in the Federation of BiH include:

On 4 April, a recently reconstructed school building in Crni Lug in Bosanko Grahovo Municipality (Canton 10) was destroyed by an explosive device. The school was intended to be used temporarily as accommodation for returnees awaiting reconstruction assistance. No injuries resulted from this incident. Another serious incident occurred in the same Municipality on 6 April when an explosive device was thrown at the home of a returnee in Kazanovi.

[...]

On 26 May 2001, an explosive device was thrown into the home of a Serb returnee in Humi, near Mostar (Canton 7), that was being constructed by a Bosniac company. The explosion caused minor damage to the house." (UNHCR September 2001, paras. 8-16)

See also:

RFE/RL, "Bomb tossed at Bosnian Muslim's home", 8 January 2002 [Internet]

UNHCR press releases, "16-years-old returnee killed", 12 July 2001, "Attack on returnees in Foca", 21 June 2001, "Explosive device thrown on returnees", 7 April 2001, and "School in Crni Lug (Bosansko Grahovo Municipality) blown up", 4 April 2001 [Internet]

See also "Bosnia-Herzegovina: Violence against minorities in Republika Srpska must stop", Amnesty International, 10 November 2001 [Internet]

For a selection of security incidents in 1999 and 2000, see UNHCR "Update of UNHCR's Position on Categories of Persons from Bosnia and Herzegovina in Need of International Protection", Annex 1, August 2000 [Internet]

For detailed reports on security incidents, see Human Rights Reports prepared by the Human Rights Coordination Centre (Office of the High Representative) [Internet]

Law enforcement and judicial institutions contribute to impunity in certain areas (2000-2001)

- Police forces remain mono-ethnic in most areas and their effectiveness in crime detection, investigation and response remains low

- The lack of an independent judiciary continues to be another major concern

"In his previous reports, the Special Rapporteur [of the UN Commission on Human Rights] outlined his major areas of human rights concern in Bosnia and Herzegovina. These concerns remain valid. The role of the police, as agents of the State, in ensuring the effective protection of human rights is vitally important. Despite the efforts of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) to restructure the local police, police forces remain mono-ethnic in most areas and their effectiveness in crime detection, investigation and response remains low. The lack of a functioning and independent judiciary continues to be another major concern. The interference of political power structures both within law enforcement agencies and the judicial system remains strong. The judicial system assessment programme (JSAP) of UNMIBH, which is closing down in December 2000, has over a period of two years monitored and assessed the court system. Its main findings have been that the entire judiciary is politically, professionally and structurally dysfunctional. The successor of JSAP, the Independent Judicial Commission, will have the difficult task of actually implementing the judicial reforms needed." (UNCHR 29 January 2001, para. 8)

"Given that potential returnees regard security in their place of origin as a basic precondition for return, it is essential that local police forces meet their obligations under the GFAP to provide a safe and secure environment for all persons in their respective jurisdictions. Local police forces have, in many instances, failed to provide effective protection to members of minority constituent peoples and reports continue to be received of returnees experiencing harassment that may be sanctioned by the local police. Widespread insecurity continues to prevail in certain areas, and perpetrators of criminal acts against minority returnees regularly go unpunished.

IPTF continues to be responsible for the dismissal of officers who fail to provide adequate protection for the committal of acts not in accordance with the law. Between September 2000 and March 2001, 14 police personnel throughout BiH were de-authorized for 'severe violations of law'. It should be noted that, in some cases, de-authorized officers (including, in one case, a dismissed Chief of Police) have refused to turn in uniforms, firearms and official government vehicles. Despite the very important efforts by the IPTF to enhance the number of so-called minority police officers, only 258 minority officers could be deployed in the Federation between April 1999 and July 2001, and only 228 could be deployed in the RS during the same period.

In order to support the effectiveness of police activities and to end the cycle of impunity that pervades some areas, it is also necessary to have in place an adequate and functioning criminal code. The criminal legislation and procedures still applied in the Entities were taken from the legal framework that existed within the former Socialist Federal Republic of Yugoslavia, and do not comply with international standards of due process of law. As noted by the UNMIBH Judicial System Assessment System Programme (JSAP), whose mandate came to an end on 30 November 2000, 'the BiH criminal justice system fails to uphold its primary responsibility to prosecute and to punish criminal behaviour while protecting the fundamental rights of the accused.' The functions of the JSAP were taken by the Independent Judicial Commission (IJC), under the auspices of OHR, which began its work in March 2001." (UNHCR September 2001, paras. 17-19)

"The police misconduct in responding to minority return-related violence, particularly in the RS, can be divided into five categories:

- **Operational failure to control demonstrators** – failure to deploy police officers preventatively in order to prevent the spread of violence; in some instances, the local police have made only cosmetic adjustments to security plans to deflect scrutiny;
- **Failure to perform adequate preliminary investigations** – claiming that mines or grenades were not planted, and that they were merely left over from the war, in order to avoid performing criminal investigations; failure to conduct basic preliminary investigative actions, such as interviewing witnesses or victims and following up leads;

- **Bypassing public prosecutors** – attempting to reduce criminal liability for acts by failing to send information to the public prosecutor; and instead forwarding reports to courts for minor offences, where small fines are imposed (if at all); criminal proceedings are not initiated in these cases, and perpetrators generally go unpunished;
- **Failure to co-operate with judicial investigations** – ignoring requests of investigative judges to give testimony regarding events witnessed by the police;
- **Failure to testify truthfully in trials** – lying in court in order to downplay the culpability of perpetrators of minority incidents." (OHR/HRCC April 2001, para. 17)

See also "Policing the Police in Bosnia: A Further Reform Agenda", a report by the International Crisis Group, 10 May 2002 [Internet]

See the website of the UN Mission in Bosnia and Herzegovina for the assessment reports prepared by the Judicial System Assessment Programme [Internet]

For more information on the progress of the reform of the police forces and the judicial system, see also the Report of the UN Secretary-General on the United Nations Mission in Bosnia and Herzegovina, 30 November 2000 [Internet]

Return severely hampered by an estimated one million landmines in some 30,000 separate areas throughout Bosnia and Herzegovina (2001)

- 49 mine related incidents in the first half of 2001, bringing the total since the signing of the Dayton Peace Agreement (DPA) to 1,296
- Returnees may not always be aware of the mine situation in their immediate surroundings and may not know what precautions to take
- March and April are particularly high-risk months for rural communities because farmers start to go out into the fields and woods where mines may have been buried

"Of particular concern, an estimated one million mines and unexploded ordnance remain in some 30,000 separate areas in BiH. Only 50-60% of this total estimated number of minefields have to date been recorded. Mine contamination prohibits the use of over 290 square kilometres. Returnees are the most likely group to suffer a mine accident as they lack knowledge of the battle area." (UNHCR August 2000, sect. 2)

"Land mines are one of the main obstacles to the safe return of refugees and displaced persons and are a major hindrance to economic recovery in BiH. According to the Bosnia and Herzegovina Mine Action Centre (BHMIC) in Sarajevo which is responsible for the co-ordination of some 40 de-mining organizations in BiH, there were over 30,000 mined areas and approximately one million land mines in the country at the end of the war in November 1995. Official estimates indicate that only about 60% of the mined land is officially registered. The other 40% presents a major challenge for the demining community. [...]

"The presence of land-mines in areas where returnees settle may increase the risk of accidents. Returnees may not always be aware of the mine situation in their immediate surroundings and may not know what precautions to take to protect themselves in a mine-contaminated environment", says Vanja Bojinovic,

Mine Awareness Co-ordinator for the ICRC in BiH. She adds that the majority of people injured or killed by mines were male. 'As time passes, people are looking to the future and are thinking less about the prevailing dangers from the mines laid during the war.' According to the ICRC's statistics, March and April are particularly high-risk months for rural communities because as soon as the long winter is over, farmers start to go out into the fields and woods where mines may have been buried. In addition to maintaining

accurate data on mine accidents in BiH, the ICRC has been developing a major mine awareness programme since the end of the war. The organization works with 128 volunteers who give lectures or hold seminars on land mines with groups of returnees and local people all over the country. Moreover, a school programme supported by the Ministries of Education of both entities trains teachers to conduct mine awareness activities for children. The de-mining of BiH is also a major concern for UNHCR. Between January 1998 and December 1999, the Office funded a mine clearance programme with six teams of deminers, two from each of BiH's constituent peoples. In keeping with UNHCR's strategy of promoting safe return, the programme was handed over to Norwegian People's Aid (NPA) and Help, a German NGO, in December 1999. Both organizations employ local de-miners and work in close co-operation with BHMAL." (UNHCR March 2001, pp. 2-3)

"From 1996 to end June 2001, 1296 individual mine incidents have been recorded by the International Committee of the Red Cross (ICRC). From January to end June 2001, 49 mine related incidents were recorded and of these incidents, 32.7 percent involved fatalities, killing 16 persons." (UNHCR September 2001, para. 20)

See also ICRC "Bosnia-Herzegovina: More than a thousand mine victims in peacetime", 26 April 2001 [Internet]

Entities adopt amnesty legislation in line with Dayton Agreement (1999-2001)

- New Federation Law on Amnesty (December 1999) applies to almost anybody who committed a crime between 1 January 1991 and 22 December 1995 except for certain very serious crimes
- Law on Amnesty in the Republika Srpska was brought in line with the requirements of the Dayton Agreement in July 1999
- RS courts generally implement the law but the inefficiency of the judicial system in the RS hampers the swift processing of cases
- Both Entity governments have agreed to exempt returnees from conscription for five years following their return (February 1998) but there are reports conscription of displaced persons
- There is a widespread public ignorance of the possibility of opting for non-military service

"Implementation of Article VI of Annex 7 of the GFAP, which provides for the granting of an amnesty to all those who evaded the military draft, deserted or refused to answer a military call-up during the conflict, may be considered essential to allow for the safe and dignified return of male refugees from BiH. In order to facilitate implementation of this guarantee, both Entities adopted laws on amnesty.

The Federation of BiH Law on Amnesty came into force on 11 December 1999, and provides amnesty to almost anybody who committed a crime (i.e. any of the crimes set out under the relevant criminal codes that were in force in the territory of the Federation of BiH) between 1 January 1991 and 22 December 1995, except for certain very serious crimes such as crimes against humanity and international law and those defined in the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY), as well as certain specified crimes under the criminal code such as aggravated theft, rape and murder.

Similarly, albeit after considerable pressure from the international community, the Law on Changes and Amendments to the Amnesty Law of the Republika Srpska was eventually passed in the RS, entering into force on 23 August 1999. This law grants amnesty to, inter alia, persons who in the period between 1 January 1991 and 22 December 1995 deserted or evaded a draft call from the RS Army. These amendments brought the RS amnesty regime into line with the GFAP requirements regarding amnesty.

A monitoring exercise was conducted in February and March of 2000 by UNMIBH's JSAP, and the findings were published in June 2000. Generally, the findings of this report were positive, as the general

tendency was apparently for the RS courts to implement the law. However, the report also indicated that the judicial system in the RS remained inefficient and that the processing of cases was proceeding very slowly.

With regard to post-war conscription and draft evasion, the Sarajevo Declaration of February 1998 committed both Entity governments to the enactment of legislation on conscientious objection and on alternative service, and to the exemption of returnees from any form of conscription for a period of five years following return.

Unfortunately, it appears that neither Entity government has made any substantive provision for allowing either conscientious objection to military service or for performance of alternative service. It has been reported that there is a serious lack of awareness on the part of those liable for conscription of the possibility for them to opt for alternative service rather than military service. Of greater concern, in the absence of accurate citizenship records, is that the use of school and education records for conscription purposes at local level appears to have resulted in a number of recorded cases of conscription for military service of displaced persons.

It is widely recognized that the Entity legislation that would regulate conscientious objection and alternative service is unsatisfactory. The Federation Law on Defence requires significant amendments, including making it mandatory for a person liable to conscription to be made aware in advance of his/her right to conscientiously object to military service, and that the period of alternative service be reduced from an arguably punitive 24 months to (at least) the standard (in terms of length of regular military service) 12 months. nonetheless, despite the current legislative provisions, there is generally considered to be widespread popular ignorance of the possibility of opting for non-military service." (UNHCR September 2001, paras. 36-42)

Freedom of movement

Improving freedom of movement despite continued influence of ethnic separatists (2000-2001)

- All permanent police checkpoints were dismantled in 1999
- The introduction of universal license plates in 1998 also improved the freedom of movement throughout Bosnia significantly
- Many problems remain to prevent returns, including the obstruction by hard-liners in order to increase ethnic homogeneity in a specific area
- Displaced persons were frequently pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence
- Despite these obstacles, ethnic minorities began returning to their destroyed villages in increasing numbers

"The Constitution provides for 'the right to liberty of movement and residence,' and freedom of movement, including across the IEBC, continued to improve; however, some limits remained in practice. The IPTF and SFOR completed the dismantling of all permanent police checkpoints in 1999, greatly enhancing freedom of movement.

Freedom of movement improved significantly with the introduction of universal license plates in 1998. The new plates do not identify the vehicles as being registered in predominantly Bosniak, Bosnian Serb, or Bosnian Croat areas.

[...]

However, many problems remained to prevent returns, including the obstruction by hard-liners of implementation of property legislation, political pressure for individuals to remain displaced in order to increase ethnic homogeneity of the population in a specific area, and the lack of an ethnically neutral curriculum in public schools [...]. For example, the European Roma Rights Center (ERRC) reported that Roma from the RS (most of whom are Muslim) who were forced out of their homes allegedly have had serious difficulties returning to their prewar homes. The ERRC reported that Roma have had to pay financial compensation, ranging from \$1,500 to \$5,000 (3,000 to 10,000 KM) to Serbs occupying their prewar homes in order to move back. The ERRC also reported that some Roma's homes are occupied by RS government bodies.

[...]

The continued influence of ethnic separatists in positions of authority also hindered minority returns. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns. IDP's living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence. In particular, IDP's in the hard-line RS areas of Bratunac and Srebrenica, mostly from Sarajevo, were intimidated from attempting to return [...]. For example, in June Serb IDP's living in Kotorsko blocked the main Sarajevo-Brod highway for several hours after Bosniaks began returning to the village to clean their property. The Serbs were angry because they were unable to return to their homes in Vozuca, which continue to be occupied by Bosniak refugees from Srebrenica. Several days after the blockade, Bosniaks blocked another portion of the highway to call attention to Serb harassment and intimidation, which was obstructing their return to Kotorsko. In mid-July several hundred Bosniaks blocked a main road near Maglaj, in central Bosnia, to protest the impending eviction of Muslim fundamentalist families occupying Serb property in the village of Bocinja. The blockade lasted for several days. However, within weeks of the end of the blockade, authorities began evicting Muslim families from Bocinja without incident.

Despite these obstacles, ethnic minority refugees and IDP's began returning to their destroyed villages in increasing numbers in some areas of Herzegovina and the eastern RS. For example, in the spring Bosniaks began returning to Zepa, the outskirts of Foca, and even villages near Visegrad. In the summer, several Bosniaks returned to Srebrenica town, and dozens more returned to several outlying villages. Elsewhere in the RS, Bosniaks began returning to the center of Prijedor and Doboje. Serb returns accelerated in the Capljina area of Herzegovina. However, local government officials continue to obstruct minority returns to Drvar and to harass Serb returnees.

Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's.

The increased number of ethnically integrated police forces helped improve the climate for returns, although security remained inadequate in some areas." (U.S. DOS February 2001, sect. 2d)

"[D]espite the inclusion in Article I (4) of the Constitution of BiH of a guaranteed right to return to freedom of movement, the introduction by the High Representative in 1998 of uniform vehicle license plates across BiH, and the ongoing activities of UNHCR bus-lines across key return axes, certain segment of the displaced population remain reluctant and uncertain to cross inter-Entity, and sometimes inter-Cantonal boundary lines." (UNHCR September 2001, para. 10)

Assessment visits: Considerable improvements in 1999 and 2000

- Most of the areas of Bosnia and Herzegovina have opened up for visits in 1999, including areas in eastern and south-eastern Republika Srpska
- The number of security incidents reported during assessment visits in late 1999 and 2000 was almost non-existent

"Article I(4) of the Constitution of BiH guarantees the right to freedom of movement. Freedom of movement has substantially improved with the introduction of the new common license vehicle plates. Most of the areas of BiH have opened up for visits in 1999, including areas in eastern and south-eastern RS. Many visits are now either spontaneous or organized by refugee and displaced persons associations themselves without any involvement of the international community.

UNHCR continues to operate 20 inter-Entity bus lines which are intended to encourage inter-Entity movements and to compensate for the lack of security and the absence of public and commercial transport from the Federation to the RS and vice versa. The UNHCR bus lines provide a sense of security and are more frequently used by Serbs than by Bosniacs or Croats. UNHCR bus lines are flexible and often re-directed in order to follow return trends and identified axes of return. The number of security incidents reported during assessment visits in late 1999 and 2000 was almost non-existent." (UNHCR August 2000, sect. 2)

Inter-entity bus traffic supported by UNHCR has contributed to improved freedom of movement of minority members between the entities (1996-2001)

- Free bus service initiated by UNHCR in 1996 to foster cross-entity visits of minority members
- Security of buses initially ensured through escorts by international armed and police forces
- Bus lines have been commercialised progressively since 1998
- UNHCR bus lines are flexible and often re-directed in order to follow return trends and identified axis of return
- However, the UNHCR bus lines do not prevent security incidents from taking place during assessments visits

"By late spring of 1996, it was obvious to UNHCR that the assessment visit strategy was not working and that the dividing lines between the entities were hardening into de facto borders. It was equally clear that tens of thousands of 'minority' Bosnians desperately wanted to cross the lines to visit their former towns, get in contact with family members and friends, find out whether their former houses were still standing and, if so, who was occupying them.

In perhaps its boldest experiment, UNHCR decided to open a free bus service on routes to the Sarajevo Serb suburbs and between cities such as Banja Luka and Drvar, Tuzla and Bijeljina, and Sarajevo and Gorazde. UNHCR began this program with considerable trepidation because it was clear there might be harassment and attacks on the buses. There were indeed some problems on a number of routes initially, but overall the bussing program was a success. The buses were often filled to capacity and the frequently emotional response of the riders made clear that beneath the surface of the inter-community cold wars, there remains a pool of 'normal people' who resist the nationalists' program of ethnic segregation.

The safety of the bussing experiment was of high concern at the start, and this was an area where IFOR took special measures to assure security. The initial runs on some routes were escorted by IFOR and IPTF, and were monitored from the air. Bosnian Serb authorities in some areas such as Banja Luka initially resisted the buses on the grounds that the service had not received prior authorisation, that the drivers were not licensed in the RS Entity, and the buses were uninsured. At one point, a British IFOR commander in Banja Luka dispatched armoured vehicles to an especially troublesome Bosnian Serb checkpoint with orders to attach hooks to the police cars and drag them away. This put a definitive end to the resistance at that location. Over time the harassment subsided.

The service was sub-contracted to the Danish Refugee Council. By the end of the year, 11 such bus lines were in operation, providing transportation to up to 1,000 passengers per day wishing to visit their places of

origin. UNHCR intended to transfer this service to a commercial operation, but security concerns have so far prevented the implementation of this intention. Despite the efforts of local authorities, in particular Bosnian Serbs and Croats, to obstruct the bus service, some 283,000 passengers have used the buses as of April 1997. The annual cost of this service has been approximately \$1.3 million. While the impact of the bus service on actual numbers of minority returns is impossible to determine, there is no doubt that it was an important confidence-building effort and promoted freedom of movement across the former confrontation lines." (ICG 30 April 1997, section 1.4)

"The present UNHCR-sponsored bus lines enabled hundreds of thousands to visit their former homes and re-establish pre-war links. While some of these bus lines were commercialised during 1998, UNHCR will maintain the remaining bus lines which service minority returns and are not commercially viable, and will open additional bus lines particularly in sensitive areas of minority return." (UN December 1998, p. 59)

"There are now 17 UNHCR bus lines. Thirteen lines previously run by UNHCR were commercialised in 1998 and handed over to private companies. A survey conducted in December 1998 revealed that for many people, this was the only way to visit the other Entity, friends, relatives and homes. The UNHCR bus lines provide a sense of security and are more frequently used by Serbs than by Bosniacs or Croats. UNHCR bus lines are flexible and often re-directed in order to follow return trends and identified axes of return. However, the UNHCR bus lines do not prevent security incidents from taking place during assessments visits. For instance between March and June of 1998, a series of violent incidents took place which ranged from a group of 50-75 Serbs stoning the Kladanj-Vlasenica UNHCR bus to the physical assault and/or robbery of a number of Bosniac passengers from Sapna (Federation) visiting Zvornik (RS). In Zvornik, when victims approached the local police for help, the common response was that they were attacked by a gang operating in the area and that the victims should not return in the future. Another incident took place in the town of Piskavice, outside of Vlasenica (RS), and involved a group of approximately 12 Bosniac women, five of whom were verbally and physically assaulted whilst visiting their pre-conflict homes and the local graveyard. On 29 August 1998, a crowd of Serbs threatened the displaced Bosniacs who were visiting Klisa (RS). The displaced Bosniacs were advised to leave and, as a result, they held the IPTF officers hostage. On 5 June 1998, displaced Bosniacs also originally from Klisa had their bus stoned. On 5 October 1998, the UNHCR bus line Trebinje (RS)-Mostar (Federation) was stopped for two hours by the Federation local police. The luggage of the passengers was searched and some boxes of cigarettes were confiscated.

While these types of incidents are not a daily occurrence, they happen with enough frequency to indicate that tensions remain high and that full freedom of movement is still not fully assured throughout the country." (UNHCR May 1999, sections 2.45-2.46)

"Bus lines (one a cross-border service) were operational in 2001. The number of bus lines was reduced to nine after April 2001, due to commercialization of four lines. The remaining lines will be privatized as soon as they become commercially viable." (UNHCR June 2002, p. 353)

See Map of UNHCR bus lines as of January 2001 (website of UNHCR Office of the Chief of Mission in Bosnia and Herzegovina) [Internet].

Returning displaced are not subject to the payment of so-called "war taxes" (1999)

"The expression 'war taxes' can be defined as any amount of money which returning refugees have to pay directly or indirectly to the local authorities or communities in exile in their quasi official capacity upon return because of their stay abroad during the conflict." (UNHCR May 1999, section 2.47)

"Returning displaced persons are not usually subject to the payment of such taxes (except in the Gorazde Canton where Cantonal Decision of 11 April 1997 provides that returning displaced persons and refugees

have to pay an extra 20% for the issuance of certain public documents, such as a driving licenses, ID cards and passports)." (UNHCR May 1999, note 92)

Agreement on free movement of persons signed between both Entities (August 1998)

"On 11 August [1998], the Ministers of Trade and Finance of the RS and the Federation signed an agreement in which they committed themselves to remove obstacles to internal trade. This is another step forward in attaining freedom of movement of persons, goods, services, and capital in BiH. Even though implementation of the agreement has proven difficult, the Ministries of both Entities have recognised that from a legal point of view they cannot ignore the presence of the other Entity and that they will both benefit economically from mutual co-operation." (OHR 14 October 1998, para. 96)

Vulnerable groups

Persons of mixed ethnicity or in mixed marriages may face violence upon return (2000-2001)

- There are still many areas where mixed marriages and persons of mixed ethnicity will face harassment and discrimination on account of their mixed ethnicity

"It is UNHCR's position that the assessment of the possibility for the return of persons of mixed marriages or persons of mixed ethnicity will have to be conducted on a case-by-case basis. In many areas mixed couples and persons of mixed ethnicity continue to face discrimination in employment and access to housing and education possibilities for their children. Moreover, the children of mixed marriages can encounter particular problems in re-integration, including the difficulty of being forced to choose their own 'ethnic' identity. As noted by the Federation Ombudsmen, '[a] special form of discrimination related to [a] child's right to a name and identity occurs in schools where names of children are used for perfidious discrimination.' The return of these persons to certain areas can be confronted with violence or harassment, uncertainty, instability and also invokes the real possibility of re-traumatization." (UNHCR September 2001, para. 93)

Members of the Roma communities face widespread discrimination upon return (2000-2001)

- Roma returnees have problems in accessing social benefits, adequate housing and employment
- There are reports of obstruction to the return of Roma in eastern Bosnia and in the RS
- The absence of 'national minority status' for Roma explains the lack of attention to their situation

"The pre-war Roma population in BiH numbered approximately 50,000-60,000 and may be higher as this figure does not include those who declared themselves as 'Yugoslavs', 'Muslims' or 'Others'. No updated figures of the post-conflict population are available and accurate statistics on the Roma population in general are difficult to obtain.

Before the conflict, many Roma lived in what is now the Federation of BiH, especially in urban areas such as Sarajevo and Tuzla. Many Roma also lived in what is now the RS, predominantly in the eastern region near the areas of Bijeljina and Zvornik, as well as Brcko. Many of those displaced from this region are still living abroad or remain displaced in the Federation. Having been generally displaced during the war, Roma

returnees often encounter extremely difficult conditions including widespread discrimination in terms of access to employment, to adequate education for children, to social services and health benefits, and to adequate housing. Roma in BiH can also be subjected to acts of violence perpetrated by residents of return areas. Attacks by Croat nationalists against returning Roma have been registered in eastern Bosnia and the return of Roma has also been seriously hindered by local authorities in the RS, one example being in Bijeljina, where municipal and Entity military and civil institutions had been situated in former Roma houses, including the Ministry for Displaced Persons and Refugees, the Military Court, and the RS Directorate for Privatization.

Roma constitute a large minority group in BiH and yet are often overlooked in all spheres of public life. The absence of 'national minority status' for Roma and a general lack of awareness that the Roma constitute a minority group add to the difficulties and prejudices encountered by Roma returnees. The Stability Pact for South-Eastern Europe has suggested that in the year 2001, which has been declared the International Year of the Roma, both governmental organizations and NGOs in the Region focus their efforts on the plight of Roma." (UNHCR September 2001, paras. 88-90)

See also Access of Roma to Education and Health Care Services in Turly Canton, Federation of Bosnia and Herzegovina December 2001 - January 2002, report published by the OSCE, the Council of Europe and UNICEF [Internal link]

"Almost everywhere throughout Bosnia and Herzegovina, many houses of people who left during the war (and particularly those belonging to ethnic minorities) are currently used to host displaced persons. Refugees and displaced persons often cannot return to their homes without evicting others - which is almost impossible in the absence of satisfactory alternative solution for occupants. In principle, this is primarily a logistical problem: movements should be synchronized, with some sort of temporary accommodation provided where needed. But many 'temporary' occupants have no intention of returning to their place of origin (for political, economic or personal reasons), particularly among rural people currently accommodated in cities. Reconstructing villages of origin has proven both costly and relatively ineffective in motivating such people to return: even once their homes are repaired, they tend to stay in town. Assisting them in settling in the urban environment where they currently live may be the only solution to enable the pre-war owners to return.

A number of families control several housing units (often theirs and one or several occupied ones): split households, extension of pre-war housing space, returns to villages while keeping a housing unit in the city, etc. A recent UNHCR survey shows that Sarajevo could host an additional 40,000 returnees (i.e. the bulk of the expected returns) with no deterioration in the housing situation (as measured by number of persons per unit) compared to pre-war levels. Preliminary analysis indicates that a similar situation might exist in several other regions. Improving allocation and management of the existing housing space (with decentralized, incentive-based mechanisms) may be more important to support reintegration (and much less expensive) than constructing new housing units." (OHR/RRTF March 1998, para. 44)

"Most habitable accommodation in Bosnia and Herzegovina is presently occupied (legally or illegally). Achieving substantial returns will therefore depend on generating vacant housing space - the fast track solution - and resolving property disputes related to occupied apartments and houses. This latter process will be time consuming and painful, as it involves contested rather than vacant space and forces people to move, sometimes into inferior accommodation." (OHR/RRTF 13 December 1998, para. 3.3)

See also "Obstacles to the return of the displaced: numerous housing options have not been pursued by the local authorities (1999)" [\[Internal link\]](#)

Vulnerable Groups

Reintegration of vulnerable groups can prove very difficult (2000-2001)

- Returnees without prospects of re-integration run the risk of ending up in collective centres, which the local authorities and UNHCR are trying to phase-down
- Ethnic membership, lack of financial resources and absence of family support seriously affect the access of vulnerable groups to health care and social services
- Already disadvantaged groups also risk being further marginalised through reconstruction assistance, privatization and allocation of the housing stock
- Many returnees, in particular in rural areas controlled by another ethnic group, or elderly, disabled and residents of collective centres, find themselves in extremely precarious conditions

"The assessment of medical cases and socially vulnerable persons, such as (mentally and physically) handicapped persons or the elderly, should not be limited merely to the availability of treatment or special care requirements in BiH. Several other factors play an equally important role in ensuring accessibility to treatment and special care. The financial resources of the concerned individuals must be taken into account, since the former social policy of free access to social services and health care, applied under the socialist

system, has changed with the introduction of fees to access health care and social services. Vulnerable but impoverished returnees in general do not have access to proper treatment and to medical facilities. The health insurance system is still ineffective and the restructuring of the health care and social service infrastructure is far from complete. The reform of the Entities' legislation regulating these matters may well take some time since it must take into account the constitutional competencies of the various levels of government authority.

The ethnicity of a returnee might also affect her/his access to health care and social services. Therefore, the reintegration of members of minority constituent peoples might be further undermined by their vulnerability and their disability. Provided there are no other protection problems, the possibility of repatriation of individuals in need of special care should be assessed on a case-by-case basis. Returnees without prospects of re-integration run the risk of ending up in collective centres, which the local authorities and UNHCR are trying to phase-down by providing solutions to the displaced residents. Consideration should be given to whether the community of origin or relatives can provide care and assistance or, alternatively, to whether the appropriate institutions are close to the place of origin so as to ensure proper reintegration in the place of pre-conflict residence, and finally as to whether funds are available to pay for services provided by a medical facility or through home care. The reintegration of elderly persons without family support can prove particularly difficult. The elderly in BiH represent close to 11% of the total population as opposed to the 1991 figure of 6.5%. UNHCR discourages the creation of new institutions for vulnerable persons, because they do not take into account their needs of independence and socialisation and because they often represent an expensive model of care for which the authorities in BiH do not provide the necessary funds to sustain. As in any repatriation, children separated from their families or traditional care-givers must be accorded special care and attention, particularly regarding their legal status and special protection needs." (UNHCR August 2000, sect. 3)

"Insufficient attention has been paid to the needs and problems of persons belonging to vulnerable groups, many of them women, in the return process. There is a grave risk of already disadvantaged groups being further marginalized and excluded when property is redistributed in Bosnia and Herzegovina through reconstruction assistance, privatization and allocation of the limited available housing stock. Additional efforts are needed to address the needs of vulnerable people." (UNCHR 29 January 2001, para. 33)

"Five years after Dayton, discrimination on the basis of ethnicity, political opinion and gender remains one of the core problems in Bosnia and Herzegovina. The importance of this matter increases as the international community tries to push for the accelerated return of refugees and IDPs. Return makes sense only if it is sustainable. Once the familiar obstacles of poor security and difficulties in property repossession are overcome, access to social and economic rights will be of primary importance. Unfortunately, many returnees - particularly in rural areas and locations where returnees are a small minority (in particular in eastern Republika Srpska and some Bosnian Croat controlled areas) - find themselves in extremely precarious conditions. This is especially true for the most vulnerable groups among the returnees, including the elderly, sick and disabled, and residents of collective centres." (UNCHR 29 January 2001, para. 18)

See also "Extremely Vulnerable Individuals: The Need for Continuing International Support in Light of the Difficulties to Reintegration Upon Return", November 1999, website of UNHCR mission in Sarajevo [Internet]

See also "Special protection needs of vulnerable categories of returnees (especially women)(2000)" [Internal link]

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

Sustainable return continues to be hindered by the withholding of employment opportunities from members of minority groups (2000-2001)

- Unemployment rate stands around 40% in the Federation and is even higher in the RS
- The limited employment opportunities are compounded by widespread discrimination based on ethnicity, political affiliation or gender
- Discriminatory dismissal or recruitment is especially prevalent in the public sector
- There are also certain concerns that the privatization process in some parts of BiH is taking place in a corrupt fashion
- International efforts towards eliminating 'ethnic' discrimination in employment, focuses on legislative reform and the implementation of an anti-discrimination strategy
- Entities's labour laws provide a measure of compensation, albeit largely symbolic for discrimination and loss of jobs suffered during the conflict
- Young people are unlikely to return to areas where there is no employment

"The economies of both Entities remain in a fragile state, with unemployment hovering around 40 per cent in the Federation, and even higher in the RS. International aid is decreasing, and living standards are also declining. Reductions in aid are resulting in greater pressure on national authorities to improve the economic situation of its citizens, and the extent of fraud and corruption at higher levels of government are becoming more apparent as greater moves towards openness and transparency are demanded by the international community in the course of the ongoing economic reform of the country. As noted by the International Crisis Group, 'Bosnia's economic situation is bleak... if the foreign investment on which the country must rely is to flow, the numerous obstacles to setting up businesses, making money legally and enjoying the fruits of success must be removed'.

The limited employment opportunities are compounded by widespread discrimination based on ethnicity, political affiliation or gender. In addition to political obstacles, the current state of the economy often does not allow minority returnees to reintegrate into the employment market. Pressure on the employment market is already high since the BiH economy does not generate enough jobs to absorb all or even a substantial part of the available workforce. It is also feared that discrimination based on ethnicity, political affiliation and/or gender will affect the selection criteria of those who may lose their employment as a result of economic reform.

Discriminatory dismissal or recruitment based on ethnicity, political affiliation, membership in a particular trade union or participation in social movements is especially prevalent in local administrations at all levels, public enterprises, the legal profession, the medical field, schools and universities. Such discrimination, in particular on account of ethnicity, started during the conflict, when the employees who were displaced were either dismissed or put on waiting lists. There are also certain concerns that the privatization process in some parts of BiH is taking place in a corrupt fashion, and that the result may be that many companies come to be owned entirely by one 'constituent people', which may in turn have a negative impact on non-discriminatory employment practices.

Bearing in mind the above considerations, the international community has adopted a dual strategy towards eliminating the problems of 'ethnic' discrimination in employment, focusing on legislative reform of the RS and Federation Labour Laws to ensure that the shift from the pre-war socialist system to a free market economy is carried out in a non-discriminatory fashion, and on implementation of a joint, inter-agency anti-discrimination strategy, designed to support the adoption of a set of fair employment principles.

The key elements in this strategy are audits of the employment practices of selected enterprises, and encouragement on the part of donors to condition their aid and investment on the adoption by recipient enterprises of non-discriminatory hiring and firing practices.

To date, both the RS and Federation Labour Laws have been reformed. Anti-discrimination clauses have been included in both laws, and retro-active provisions have been included in both of the Laws to provide a measure of compensation, albeit largely symbolic (pre-conflict employers are, in the majority of cases, not obliged to re-hire those pre-conflict employees dismissed from their jobs) for discrimination and loss of jobs suffered during the conflict in BiH.

It is indisputable that a clear pattern of employment discrimination on 'ethnic' and political grounds appears to prevail in post-conflict BiH. The few existing economic opportunities are reserved for those who provide political support to the dominant political parties. As property re-possession continues to increase in pace, such discrimination – based on past experiences and on a currently justifiable fear of future discrimination – becomes an increasingly significant deterrent to minority return." (UNHCR September 2001, paras. 75-80)

"The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. As a result, most minority returnees were elderly. This placed a burden on receiving municipalities. Younger minority group members, who depend on adequate wages to support families, generally remained displaced, especially in cases in which they had managed over the past 7 years to find work." (U.S. DOS February 2001, sect. 2d)

The Human Rights Chamber for Bosnia and Herzegovina [Internet] and the Human Rights Ombudsperson for Bosnia and Herzegovina [Internet] issue decisions relating to employment discrimination which can be searched on the web.

See also "Prevention and Elimination of Discrimination in Employment, Fair Employment Practices Strategy", October 2001, a revised policy paper from the OSCR, UN OHCHR, UNHCR and the Office of the High Representative [Internet]

For more information on the labour law in Bosnia and Herzegovina, consult the human rights reports prepared by the Human Rights Coordination Centre (HRCC) [Internet]. Paragraphs 108 to 113 of HRCC report covering the period between 1 April and 30 June 2001 contain information on the latest developments.

See also OSCE report "Employment Discrimination in Bosnia and Herzegovina", June 1999 [Internet]

See also "Persisting economic difficulties keeps unemployment rate at a high level (2000-2001)" [Internal link]

Division of the pension system affects minority members and returnees (2000-2001)

- Pension system is divided into three separate funds for the Federation, RS and Mostar

- A December 2000 agreement between the funds provides for the mutual recognition of pension and disability insurance rights
- The RSW Fund withdrew from the Agreement in 2001
- Significant differences in pension amounts and the persistent non-transferability of health insurance affects the sustainability of return movements
- Payments of pensions are seriously affected by the lack of money in the funds
- Constitutional Court ruled that refusal to pay pensions amount to violation of property rights (January 2001)
- Despite the payment of pension via the PTT, pensioners rarely receive their pensions on time

"There continue to be serious difficulties in obtaining pensions for returnees, mainly related to a fragmented pension system and unharmonized legislation, which can constitute a significant impediment to returns.

On 27 March 2000 the directors of the then three pension funds, the Social Fund of Pension and Disability Insurance of Bosnia and Herzegovina (the 'Sarajevo Fund'), the Bureau of Pension and Disability Insurance Mostar (the 'Mostar Fund') and the Public Fund of Pension and Disability Insurance of Republika Srpska (the 'RS Fund'), signed an Agreement on Respective Rights and Obligations Regarding Implementation of Pension and Disability Insurance which provides for the mutual recognition of pension and disability insurance rights between the funds of the two Entities. This Agreement should overcome some of the major problems of the BiH pension system. In December 2000, however, pensioners continued to face serious difficulties in accessing their pension entitlement.

In particular, one of the important achievements of the Agreement, especially with regard to returnees, was that it enabled pensions that had been granted in places of displacement (i.e. generally in the 'other' Entity) to be paid in other places in BiH. Thus a person who had been granted a pension in Pale as a displaced person would now be able to collect that pension (paid by the RS fund) in Sarajevo upon return.

Despite this improvement, the approach thus adopted was not entirely satisfactory, largely because pensions paid by the RS Fund remain significantly lower than those in the Federation. Thus even those persons who had held a pension in Sarajevo before 1992, but who had since been receiving payment from the RS Fund, would not be able to revert back to the Sarajevo Fund, and consequently would continue to receive only the amount they had been receiving in the RS. Furthermore, they would not qualify for the additional benefits (e.g. subsidized public transport) available to those whose pensions were paid by the Sarajevo Fund. Similarly, when the Agreement was signed, no consideration was given to the knock-on effect on health insurance coverage for pensioners. As a consequence, significant differences in pension amounts and the current non-transferability of health insurance (also funded by pension contributions) to anywhere other than the territory covered by the fund paying the pension, increases the difficulties faced by pensioners upon return and affects the sustainability of their return.

An additional obstacle to returnees accessing their pensions, however, has been the haphazard and often irregular amounts of pension payments. While the High Representative, in November 2000, further rationalized the pension system by amending the regulating framework for pension funds such that (provided they did not fall below a certain amount) the amounts of pensions to be paid would vary according to the amount of contributions collected for the relevant month, this decision, while reducing to a more reasonably deliverable level those pensions that were paid, did not resolve other significant problems still affecting the functioning of the pension system. There continues to be a lack of money in the funds. This is partly due to the inadequacy of the tax base and collection, but is also aggravated by the amounts paid in military pensions. Significant problems in the functioning of the pension system thus remain to be resolved.

On the other hand, a significant legal development during the past 12 months was a Decision of the BiH Constitutional Court on the issue of pensions, which ruled that pension-funds' refusal to pay pension

entitlements for the period 1 April 1992 until 1 July 1997 constituted a violation of property rights. This was the first binding decision in BiH confirming that pensions and disability insurance rights are equatable with property rights and that, consequently, pensioners have a right to a fair hearing (including the issuance of a formal decision) in the determination of their rights from their pension and disability insurance.

Other complications in the pensions system have included the absence of a pension fund for Brcko District, and, at a regional level, various problems resulting in the non-payment of pensions to Croatian Serb refugees temporarily resident in BiH, as well as to Bosnian Croats resident in Croatia.

While these problems affect many persons, it is crucial that the elderly in particular, as well as widows and single parents with children, are able to access their entitlements, as this is often the only source of income available to these categories of persons, and as these entitlements often also determine access to health care and other forms of social welfare benefits." (UNHCR September 2001, paras. 60-67)

"Inter-Entity Transfer of Pension: There is now a system in-place whereby returnees can collect their pension via the PTT. The only exception is Mostar where a returnee contacts the pension fund which then transfers the pension to either the PTT or bank which ever is the most convenient for the potential recipient. Similar arrangements, with respect to health care provision and the social protection of disabled persons, are being negotiated by members of the International Community with local authorities. Whilst the Agreement on Pensions' distribution access the entities seems to be respected, due to arrears in contribution for pension funds, pensioners rarely receive their pensions on time. despite the Mutual Rights and Regulations in the Implementation of Pensions and Disability Insurance, which entered into force on 25 May 2000, pension funds in the respective Entities still require different documentation to receive payments. The new law on pensions, entering into force in January 2002, will change the complicated system of pension payments, dependent on the former salary and years of service." (OHR HRCC 18 October 2001, para. 105)

"At present, despite these positive developments such as the merger of the Sarajevo and Mostar Funds or, on a related front, the improved access to insured health care for returnee pensioners, the situation of displaced persons and returnees in the area of pensions has now become precarious with the recent withdrawal of the RS Fund from the Agreement on Mutual Rights and Obligations in the Implementation of Pension and Disability Insurance." (UNHCR/Stability Pact June 2002, p. ii)

For more detailed information, see "Pension and Disability Insurance Within and Between Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia in the Context of the Return of Refugees and Displaced Persons", a discussion paper prepared for the ongoing trilateral dialogue in the context of the Stability Pact Regional Return Initiative Task Force, October 2001 [Internet] and its update released in June 2002 [Internal link]

In March 1999, OSCE issued a paper/study on the pension system and its current problems in BiH. See full text of the report on the website of OSCE Mission to Bosnia and Herzegovina [Internet]

See also the decision by the Constitutional Court of Bosnia and Herzegovina "S. and Z. Elezovic, from Mostar vs. the Mostar Cantonal Court", 29 September 2000 (Case No. U 5/00) [Internet]

Coping mechanisms developed by the population to compensate food insecurity (1994-1999)

- Available information suggests a trend of improved food security from 1994
- Agriculture became the primary source of income for the local population during and after the war, while significantly fewer internally displaced households were able to rely on agriculture as a household income source

- Low levels of income and destruction of property were addressed by pooling of resources and combining households that would have lived separately under normal circumstances
- Free accommodation and non-payment of public services, remittances from abroad, sale of personal belongings and unregistered and informal sector work were other coping mechanisms developed by the population to compensate food insecurity

"The information found on household food security and coping mechanisms mainly relates to the years following the Dayton Peace Agreement, and only in part to IDPs.

Food availability during the post-war period was characterized by steady improvements in supply and declining prices resulting from the resumption of commercial transport and normalization of trade. Although large portions of the population remained vulnerable and dependent on humanitarian aid due to their limited purchasing power, the Food Security Survey of 1997 by CIET International and the WFP Food Aid Beneficiary Household Survey of 1998 confirmed a trend of improved food security. The survey portrayed steadily increasing food security from 1994 to 1996, applying indicators such as households' storage capacity, purchase of food and spending on non-essential food items such as coffee. Equally, in 1997 only some five percent of surveyed households perceived food as a major problem, compared with 30 percent in 1994.

The main coping mechanisms developed by the population to compensate food insecurity were:

- **Agriculture:** Although the contribution of agriculture to Gross Domestic Product before the war was relatively limited, Bosnia-Herzegovina was nonetheless regarded as a dominantly rural area, with 94 percent of the arable land being privately owned. As mentioned earlier, the primary source of income for many village households was salaried work in nearby industries for the benefit of social security (pensions, health care); agricultural production was relied on to supplement income. Even in highly industrialized areas in central Bosnia, up to 80 percent of households had some access to land and practised agriculture. Consequently, agriculture and the livestock sector assumed an important role in the population's food security during and after the war, and because of their smallholder nature, could adapt to the lack of fuel, agricultural inputs and machinery (WFP/UNHCR/FAO 1996). Accordingly, agriculture, particularly in the Republika Srpska, increased as a primary source of income, parallel to a decrease in marketing of agricultural production (which was more important in the Federation). Compared with the domiciled population, significantly fewer IDP households were able to rely on agriculture as a household income source (World Bank 1999a).
- **Pooling of resources:** Low levels of income and destruction of property were addressed by pooling of resources and combining households that would have lived separately under normal circumstances (World Bank 1999a).
- **Free accommodation and non-payment of public services:** Another important coping mechanism consisted of accommodation, i.e. the assigning of abandoned houses to IDP households. A further frequent subsidy to household income was the partial or non-payment of bills for public services such as water and electricity, but not telephone bills, which households tended to pay (World Bank 1999a). However, these practices are likely to decline.
- **Remittances from abroad:** For large portions of the population, support from family members living abroad constituted an important supplement to the household income. Money transfers from relatives living in Western Europe, including refugees, were assumed to account for about 30 percent of income (WFP/UNHCR/FAO 1996).
- **Sale of personal belongings:** The 1998 WFP household survey revealed that between seven and nine percent of WFP beneficiaries in the Federation and Republika Srpska, respectively, had sold personal belongings to generate cash during the three preceding months. The items most commonly sold were

livestock, jewellery, cars and furniture. It may be assumed that this percentage was considerably higher in earlier years, when unemployment rates were higher (WFP 1998a).

- Unregistered and informal sector work: Up to 24 percent of households not involved in agriculture relied on unregistered work as a means of coping and compensation for loss of regular work (World Bank 1999a). " (WFP May 1999, pp. 30-31)

Discrimination on the labour market: The case of the Aluminij and Soko factories (Mostar)(1999)

- The dismissal of workers from those factories solely on the grounds of their Bosniak and Serbian extraction or their religion is a violation of ILO provisions against discrimination in employment
- The Committee invited the Government of BiH to take necessary measures to ensure that workers dismissed from the Aluminij and Soko factories receive adequate compensation and are as far as possible reinstated in their posts

"Employment and Non-Discrimination: In November 1999, ILO issued a report regarding a complaint submitted by the BiH Union of Metal Workers and the BiH Confederation of Independent Trade Unions in November 1998, concerning discrimination in Aluminij and Sokol, two large Mostar-based companies.

The report, prepared by a tripartite committee of independent experts in charge of examining the case - recognises the violation of Convention No. 111 Concerning Discrimination in Employment and Occupation as well as a violation of Convention No. 158 Concerning Termination of Employment. The Committee also found a breach of Convention No. 81 Concerning Labour Inspection, as the cantonal labour inspection was not permitted to visit the company by the Cantonal Deputy Ministry of Social Affairs (while according to ILO standards, labour inspectors should have the right to conduct surprise visits without prior authorisation).

Although Convention No. 111 came into force in 1994 in BiH, and while the allegations pertain to 1992, the Committee found out that 'the detrimental consequences of the alleged violations have continued to be felt since the entry into force of Convention No. 111,' in the sense that the dismissed workers have to date not been reinstated in their posts, nor have they received the arrears of wages owed to them or any compensation.'

The Committee of Independent Experts stressed that 'the primary responsibility of any State that ratifies an ILO Convention [is] to ensure that it is actually applied,' adding that 'as regards Convention No. 111, incorporating the principle of discrimination in employment into the Constitution or legislation, is not in itself enough to ensure that the principle is applied in practice; it is also necessary to provide guarantees to all workers that their national extraction or religion shall not be considered a reason of dismissal'.

In its recommendations, the Committee invited the Government of BiH 'to take necessary measures to ensure that workers dismissed from the Aluminij and Soko factories solely on the grounds of their Bosniak and Serbian extraction or their religion: 'receive adequate compensation for the damage that they have sustained; receive payment of any wage arrears and any other benefits to which they would be entitled if they had not been dismissed; and are as far as possible reinstated in their posts without losing length of service entitlements.' Where reinstatement is impossible, the Government is invited 'to ensure that a formal dismissal procedure be instituted'. In November, Aluminij recruited several Serbs and Bosniaks. However, relative to the overall number of employees, the proportion is negligible." (OHR HRCC January 2000, paras. 72-76)

Minority women particularly discriminated against in employment (1999)

"There is inadequate protection for women's full and equal access to employment in all sectors and at all levels, and labour laws tend to promote women's reproductive roles. There are strong protections regarding maternity and health benefits in both Entities, but women have a great deal of difficulty collecting their benefits. The protections which are offered by the labour laws are often not implemented in practice, in part due to the dysfunctional enforcement mechanisms at all levels of government. A 'glass ceiling' phenomenon is evident, whereby women, despite the apparent lack of legal barriers to equality in employment, are underrepresented in management and executive positions. Minority women are particularly discriminated against in employment, and women are impacted by the preferences given in employment to exsoldiers." (OHR/HRC September 1999, para. 89)

Displaced and the returnees particularly affected by unemployment (1998)

- High unemployment rates prevail throughout the country
- Unemployment is about 20 to 30 percent higher for displaced than for residents, and average salaries 20 to 30 percent lower than those of residents

"Successful economic revival is key to effective reintegration of refugees and displaced persons. At this stage, unemployment is one of the major impediments for many to resume a normal life, while many of those currently receiving regular incomes are reluctant to move (and consequently to return to their place of origin or even to Bosnia and Herzegovina). There are two facets to this issue:

High unemployment rates prevail throughout the country. Assessing the exact extent of the problem remains difficult in the absence of reliable statistics. Social surveys show, however, that about a third of Bosnia and Herzegovina's labor force is currently unemployed, with substantial variations between cantons and regions (see Box 8). Such employment rates are comparable to those of the immediate pre-war period (27 percent in 1991) or in less dynamic countries in the region (e.g. FYR Macedonia, with an unemployment rate at 36 percent in 1995).

Returnees and displaced persons are particularly affected. Several surveys have been conducted to assess the extent of unemployment among returnees, but sample populations were often too limited and too specific to be representative. However, they all indicate significant unemployment rates. With regard to displaced persons, preliminary surveys indicate that unemployment is about 20 to 30 percent higher than for residents, and average salaries 20 to 30 percent lower than those of residents. The difficulties returnees and displaced persons face stem from different reasons:

- i. social networks play an important role in Bosnia and Herzegovina for finding jobs, and returnees and displaced persons have less access to efficient networks;
- ii. public and socially-owned sectors remain predominant in the economy (accounting for 59 percent of jobs in the Federation, and 67 percent in Republika Srpska) and local authorities tend to privilege their constituencies (i.e. the residents) in job allocation;
- iii. there is an element of resentment vis-à-vis returnees which impedes their full reintegration in the labor market; and
- iv. ethnic minorities are clearly discriminated against in many instances, particularly for access to public jobs.

Experience in other Central and Eastern European countries shows that it takes many years to resolve the unemployment issue, and that the transition to a market economy is accompanied by significant changes in labor market composition (less agriculture and industry, more services; less public employment, more private or self-employment). In Bosnia and Herzegovina, many refugees and displaced persons (as well as

residents) will have to change jobs, and will often no longer find employment opportunities where they formerly worked."

Box 8: unemployment rates – tentative estimates (spring 1997)

FEDERATION (BY CANTON)		REPUBLIKA SRPSKA (BY REGION)	
Una-Sana	46.5	Eastern Region	34.7
Posavina	64.3	Western Region	22.7
Tuzla-Podrinje	27.7	Average	27.3
Zenica-Doboj	24.4	Unemployment rates are generally higher for women than for men, for people with secondary education than for others (whether more or less educated). Pre-war conglomerates still keep "waiting lists" of unemployed workers which may result in some "hidden unemployment" (particularly in Republika Srpska, where the unemployment rate could be closed to 40-50 percent).	
Gorazde	39.4		
Central Bosnia	32.8		
Neretva	34.4		
Western Herzegovina	18.5		
Sarajevo	33.9		
Western Bosnia	35.3		
Average	32.5		

(OHR/RRTF March 1998, paras. 37-38)

"In the context of the general high levels of unemployment in Bosnia and Herzegovina, international support obviously cannot be targeted only on returnees and/or displaced persons without exacerbating tensions and making reintegration difficult." (OHR/RRTF March 1998, para. 39)

"Transition to a market economy and restructuring of economic activities as a consequence of the breakdown of the internal Yugoslav market are resulting in significant changes on the labor market. Returnees and displaced persons are likely to be among those most affected by these changes, and should not be marginalized in the adjustment process." (OHR/RRTF March 1998, para. 43)

"About 60 percent of unemployed displaced persons are looking for jobs which do not require specific qualifications or skills." (OHR/RRTF March 1998, para. 43)

Landmines hampers self-reliance of returnees (1998)

- Heavy mine pollution of the land needed to support returning refugees and internally displaced persons who rely on agriculture for economic sustainability

"[T]he overall problem of UXO pollution and mine continues to be a serious impediment to the process of reconstruction, rehabilitation and reconciliation.

In assistance to the transition to development, the FAO has commissioned a study, which identified highly productive but mine polluted agricultural land located along the Inter Entity Boundary Line and within the Zone of Separation. This land is needed to support returning refugees and internally displaced persons who have no alternative but to rely on agriculture for economic sustainability. The areas selected as most urgently in need of demining total 400 hectares. Funds should be made available by the beginning of 1999 so that commercial contracts may be let and administered through the MACs. The aim is to clear the land in time for the beginning of the 1999 Spring planting season." (UN December 1998, p. 84)

The situation of the displaced and returnees: A "Literary Review of Agricultural Issues" by Action contre la Faim

- Agriculture has an elevated importance, especially in rural areas in the aftermath of the war because "passive" farmers (part time farmers before the war) are now 100% reliant on agriculture for their livelihood
- Returnees face specific problems in agriculture, depending on whether they are returning as a minority or as a majority and whether they are coming from overseas or from within BiH: Problems can include access to land, markets, technical support and inputs, loss of social network, unemployment, high initial costs for repair of housing

"The Relevance of Agriculture to the Issues of Displacement and Return"

In pre-war Bosnia and Herzegovina agriculture played an important role in the household economy of many people. Much of the farming was carried out on a part time basis by households where the primary source of income was from full time employment. As a result of the war the level of unemployment in BiH has risen, particularly in rural areas, so the importance of agriculture has increased also. Ironically, in the aftermath of the war there has been serious damage to the agriculture industry, with destruction of equipment, breakdown of infrastructure and adverse legislation affecting farmers. The result of this is that yields are lower, labour requirements are higher for less economic return and many farmers are unable to farm for income generation.

The situation is more complicated for displaced people for many reasons. Often people have been displaced from urban centres and are less able to produce crops effectively, their motivation is lower, their access to inputs is limited and their future is uncertain. [...] Displaced people are even less likely to find employment in their area of displacement, so their dependence on agriculture is that much higher. The irony is that it seems as though there is a negative correlation between the importance of farming and the ability to farm.

The future for the displaced who are currently living in rural areas depends on the pattern of return in the forthcoming months and years. There are many complex factors that influence return and returns to rural areas are surely affected by agricultural issues. The situation is almost certainly different for minority and majority returnees, although the law is the same (or will be if and when Republika Srpska comes into line later this year [1998]). There is also a difference between minority returns to deserted areas and minority returns that require eviction of a displaced person. For many reasons, return to rural areas requires access to the means for agricultural production, which includes access to land, inputs and technical support. This report aims to look at the factors which influence agriculture, the importance of these factors for displaced and thus how agriculture influences return." (Davies August 1998, "The Relevance of Agriculture to the Issues of Displacement and Return")

"Summary of Points Raised"

1. Agriculture has an elevated importance, especially in rural areas in the aftermath of the war because "passive" farmers (part time farmers before the war) are now 100% reliant on agriculture for their livelihood.
2. Agriculture in general in the country is depressed compared with before the war. There has been a widespread breakdown in collection and distribution infrastructure, technical support and institutions along with widespread damage to agricultural facilities and equipment.
3. Displaced people in rural areas are disadvantaged for several reasons; lack of land, high unemployment, loss of social network, discrimination, loss of assets, lack of experience.
4. There are differences between groups of displaced due to land size, which is determined by the date of displacement, and whether the person concerned has come from a rural or urban environment. Post-Dayton displacement - a phenomenon particularly associated with Eastern Republika Srpska - has not been

investigated in this report but it is generally felt that this group of people are not as disadvantaged as pre-Dayton displaced.

5. The majority of near-future minority returns are expected in rural areas (in the Zone of Separation between entities).

6. Returnees face specific problems in agriculture, depending on whether they are returning as a minority or as a majority and whether they are coming from overseas or from within BiH. Problems can include access to markets, technical support and inputs, loss of social network, unemployment and high initial costs for repair of housing.

7. Returnees can legally regain access to their land in the Federation but the procedure is complicated and can take a considerable amount of time. In the Republika Srpska it is more difficult because the current laws oppose return. This applies to majority return and minority return, but a minority return that requires eviction of a displaced from the majority community is hard to envisage.

8. Farmers in the Republika Srpska are less disadvantaged than their counterparts in Federation. This could be partly due to government legislation (agricultural assistance's, concessions on fuel etc.), partly due to cost of production (which enhances profitability/marketability) and partly to the circumstances surrounding displacement (people who had more time to evacuate could bring more of their possessions with them).

9. In the future of Bosnia and Herzegovina there will be a trend of population movement towards urban areas due to economic pressure and this is evidence in itself that a return to the pre-war demography will never occur.

10. In the long term as a result of this urbanisation there will be a change in the profile of agriculture in the country towards larger and more profitable farms with a much smaller proportion of the population involved in agriculture." (Davies August 1998, "Summary of Points Raised")

Participation

New Election Law provides for the right to vote of the displaced (August 2001)

- Displaced persons may vote either in their place of residence or in the place where they currently live
- Council of Europe expresses concern regarding the implementation of the law
- New law also prohibits from running in elections any person failing to vacate a house or a apartment in violation of property or occupancy rights of displaced persons

"On 23 August [2001] the BiH passed the Election Law, thus ending several years of failed attempts. Both Chambers approved this crucial piece of legislation in the version that had been submitted to them by the CoM as a result of an agreement in principle on its content reached by key party leaders under the auspices of the International Community (apart from my Office, the OSCE and the CoE were also involved). This crucial decision means that BiH now has the legal framework through which to sustain democratic governance as this new Law paves the way for the formation of an Election Commission." (OHR 13 September 2001, para. 1)

Comments by the Venice Commission of the Council of Europe

"The Law [...] contains complicated provisions as to the place where a person may vote. Displaced persons may vote either in their place of residence or in the place where they currently live (Article 18.8). The overall goal of the provision, to solve the property question, is defensible. However, under the current legal and technical circumstances, a certain number of issues raised by this rule need to be addressed. The provision is confusing due to its vague wording, although some guidance may be found in Article 18.9, which serves a similar purpose, but for persons running in elections. Technically, implementation will be very difficult, as the voters' register and housing registers are not compatible: the voters' register is centralised, whereas the housing registers are decentralised to the municipal level and equal standards are

not applied. Furthermore, due to the unwillingness of many municipalities to issue any eviction orders, there is a risk that the provision may be politically misused, with the effect that people may be treated unequally and thereby discriminated against." (Venice Commission 24 October 2001)

Article 18.9 prohibits from running in elections any person failing to vacate a house or a apartment in violation of property or occupancy rights of refugees or displaced persons

See the English translation of the Election Law of Bosnia and Herzegovina (based on the original version published in the "Official Gazette" dated 19 September 2001) [Internet]

Implementation of privatisation process has been discriminatory against displaced persons (2001)

- Entity governments were allowed to distribute disproportionate numbers of vouchers to war veterans, which discriminated against the displaced
- Legislation in RS made sure that minority returnees could not acquire property in the privatisation process, while providing discounts to war veterans and Serbs
- On 17 July 2001 the High Representative allowed for a discount to refugees and displaced persons returning to RS when purchasing their socially owned apartments

"The privatisation program imposed on Bosnia by the international community was misconceived from the start. Based on an already discredited model used in Russia and the Czech Republic, USAID hired the accountants and consultants PricewaterhouseCoopers to create a voucher-based scheme that would enable the state not only to liquidate its assets, but also to pay its debts to its citizens. The voucher model is flawed because it does not attract fresh capital. It merely changes ownership on paper. As a consequence, it does not bring the technology and know-how transfers necessary to boost both the production and productivity of worn out or war-torn plant. Moreover, the short-termism inherent to the voucher system provides incumbent management opportunities to accumulate shares in their firms, often marginalising shareholders who acquired stakes during the pre-war bout of privatisation under Yugoslav Premier Ante Markovic.

The system also required an intricate implementation infrastructure that war-torn Bosnia still lacks to this day. When USAID and the World Bank began constructing the system in 1997, more than half of all Bosnians were still refugees or displaced persons. The constitutional structure ordained by Dayton had already proved dysfunctional, having created two entities which were – and remain – locked in mutual enmity, dead set against coordinated action for the common good, and led by politicians interested mainly in consolidating their wartime gains by retaining control over economic prizes. Furthermore, the prevalence of the fuzzy concept of 'social ownership' (dating back to the era of Tito, Kardelj and self-management) and the absence of clearly recorded land titles (dating back even further) made it extremely hard to establish ownership. This, in turn, permitted arbitrary interpretations of who 'owned' any given property, a circumstance which local politicians have flagrantly abused.

Rather than implement privatisation on the state level – which would have been the logical choice given the small scale of the Bosnian economy – the privatisation legislation, written and sponsored by USAID in 1998, created an entity-based scheme involving twelve privatisation agencies: one for the RS, one for the Federation as a whole, and one for each of its ten cantons. From the very start this institutional and regulatory framework had enormous potential for corruption. It offered politicians the chance to confirm the effects of ethnic cleansing by means of ethnically exclusive privatisations. It also afforded them a large measure of control over most aspects of the process. One clear conflict of interest was that the legislation permitted the managers of each state company to create the privatisation program for their own firm. Moreover, the legislation provided numerous opportunities for local authorities to strip the assets of state-owned enterprises, thus leaving less of value to be privatised.

Privatisation has also stimulated ethnic politics, since entity governments were allowed to distribute disproportionate numbers of vouchers to 'their' war veterans, which discriminated against citizens who had fled or been forcibly removed from their homes during the war. In both entities almost half the vouchers (by value) issued thus far have gone to war veterans. In the Federation, vouchers were vastly overvalued and could be sold by their recipients for just 3-5 per cent of their face value. This allowed subsequent buyers to acquire vouchers very cheaply and to use them to buy an entire company for peanuts. It also favoured domestic over foreign investors, as demonstrated in the case of the ultimately quashed privatisation of the Sarajevo Holiday Inn.

In Republika Srpska, this problem was avoided by linking the worth of vouchers to the value of the enterprise being privatised and to the number of would-be investors. But this system, too, was easy to abuse, making sure that any shares acquired by ethnic minorities would always comprise less than 50 per cent of a firm's capital. Until recently the RS system, unlike that in the Federation, did not permit voucher-holders to use them to purchase socially owned apartments. This made sure that minority returnees could not acquire property in the privatisation process, while providing discounts to war veterans and Serbs who moved into the RS during and after the war. However, on 17 July 2001 the High Representative issued a decision allowing for a 75 per cent discount to refugees and displaced persons returning to RS when purchasing their socially owned apartments." (ICG 7 August 2001, paras. 18-19)

See also the decisions regarding the privatisation adopted by the High Representative on 17 July 2001:

- *Decision Amending the Law on Sale of Apartments with Occupancy Rights [Internet]*
- *Decision Further amending the Law on the Privatization of State Owned Apartments [Internet]*
- *Decision giving approval to the amended RS Law on Apartment Privatisation [Internet]*

Decision of the High Representative on "High Representative amends entity laws on privatization of socially owned apartments", press release, 17 July 2001 [Internet]

Numerous human rights concerns with respect to the privatization process in both Entities (2000)

- Both Entities have designed programmes indirectly giving substantial preferential treatment to members of the ruling ethnic group
- Mono-ethnic ownership can be expected to have a deleterious effect on employment policies of companies
- Employees are increasingly submitting complaints about irregularities and the impact of the process upon their employment
- In response the international community introduced new regulations attempting aimed at improving the overall financial and legal framework of the privatisation process

"Erosion of Economic Rights through Discrimination in Privatization: Numerous human rights concerns have emerged with respect to the privatization programmes of both the Federation and the RS. Both entities have designed programs indirectly giving substantial preferential treatment to members of the ruling ethnic group. In the RS, by expanding the pool of Serbs allowed to participate through the creation of categories of participants, which are by definition only Serb, the value of vouchers accruing to Bosniaks/Croats has been diminished. This means that it is unlikely that Bosniaks will be able to gain control of many or in fact any of the companies being sold in the RS. Mono-ethnic ownership can be expected to have a deleterious effect on employment policies of companies. (Please note that currently the Federation Privatization agency has suspended the privatization process of larger scale sales through tender on the recommendation of the international community. However, it seems that the reasons for suspension are unrelated to the concerns expressed above.)" (OHR HRCC 15 May 2000, para. 63)

"Privatization process remains the subject of serious human rights concerns. In particular, unresolved issues of ownership and the ability of ordinary citizens to participate continue to plague the process. Employees are increasingly submitting complaints about irregularities and the impact of the process upon their employment. In response the international community has recently undertaken to introduce new regulations attempting aimed at improving the overall financial and legal framework of the privatisation process.

- On 22 May 2000, OHR dismissed the Federation Privatisation Agency Management Board Director;
- On 18 August, the High Representative issued a decision amending the Federation Law on Funds Management Companies and Investment Funds;
- An international review is underway for 14 companies located in HDZ-controlled areas where Bosniak-controlled factions of the Federation government are alleging misfeasance.
- On 22 June 2000, the Human Rights Chamber issued the provisional measures freezing the joint venture deal between the Agrokomerc Company in Velika Kladusa and the Perutina Ptuj Company in Slovenia for 90 days.
- The Chamber found that ownership of Agrokomerc had not been clearly established, and concluding the deal would have an irreversible impact on shareholders who might in fact own the company." (OHR HRCC 31 August 2000, para. 62)

Right to vote: International community tries to prevent manipulation of the registration process (1996-2000)

- The international community expected most displaced Bosnians to vote in their pre-war municipalities in order to support the reintegration process
- Ruling parties made humanitarian assistance to the displaced conditional upon registration as voters in the municipality of displacement and discouraged pre-war residents from registering to vote in their pre-war municipalities
- Steps are being taken by the international community to both prevent electoral engineering and allow displaced persons to vote freely
- Under the draft election law, internally displaced persons maintain the right to vote in either their current or pre-war municipalities

"In an effort to overcome the fraudulent practices used in the run-up to the 1996 [Mostar and national elections], OSCE amended some of the rules pertaining to voter registration for the purposes of the 1997 municipal elections. The general rule concerning displaced persons remained unchanged. Thus, a citizen who no longer lived in the municipality where he or she resided in 1991 was, as a general rule, expected to vote in person or by absentee ballot in that municipality. The rule that displaced voters may vote in their current municipality if they can prove residence there since before 31 July 1996 was also left unchanged, though the type of documentation acceptable to prove residency was limited to a residency receipt or displaced person's card issued by the appropriate authority on or before 31 July 1996. Moreover, the option for voters displaced within the country to vote in person at an intended place of residence (by completing the P-2 form) was narrowly circumscribed— persons displaced within the country were not allowed to register in an intended place of residence and refugee voters could only do so if they could establish genuine ties with the place. This was intended to prevent widespread manipulation of the registration process, and thereby protect internally displaced persons from being coerced by local authorities into registering in a specific municipality against their will.

The various changes went some way towards preventing fraud and manipulation, though there were still abuses. In particular, ruling parties, especially the SDS and Croatian Democratic Union (HDZ), made humanitarian assistance conditional upon presentation of a receipt showing registration in the municipality

and also provided fraudulent documents, such as falsified displaced persons' cards, to enable displaced persons to register in the municipality in question. In addition, some local authorities were allegedly responsible for organising or encouraging violence and intimidation against pre-war residents seeking to return to their homes in order to discourage them from registering to vote in their pre-war municipalities.

The situation may have improved since then. Information on such practices in regard to elections held in September 1998 and April 2000 is scant which could be taken to indicate that such practices and problems are a thing of the past. Equally, it could be an indication that such problems and practices persist undetected. Either way, steps are being taken by the international community to both prevent electoral engineering and allow displaced persons to vote freely in the future. The rules and regulations issued by the PEC for the April 2000 elections allowed displaced persons to vote either where they were before the outbreak of the conflict or in the municipality in which they now live and in which they intend to continue to live, though only if they can provide documentary evidence of continuous residence in the current municipality six months prior to the elections. The rules also provided in Article 2.10(f) that '[n]o person shall forfeit any rights or entitlements based on the municipality voting option exercised by the person. No person shall be required to present any document issued for the act of voting, except as is necessary for the purposes of voter registration, confirmation or registration, or voting.' Furthermore, they provided for an OSCE International Registration Officer with the authority to delay the registration of a person if the authenticity of the documents to establish voter eligibility was questionable. OSCE also retained the right to require the production and inspection of any document, record or related material required for registration. Any municipality issuing false documentation or statements or refusing to provide requested information in a timely manner, was to be subject to appropriate penalties. The Rules and Regulations also maintained the Election Appeals Sub-Commission (EASC) which was charged with adjudicating complaints regarding *inter alia* violations of the Rules and Regulations, including, presumably, violations of above-mentioned Article 2.10(f). The EASC was empowered to impose penalties against any individual, candidate, political party, coalition, list of independent candidates or body that violated the Rules and Regulations.

Some, though not all, of these provisions are reflected in the draft election law which on entry into force will replace the existing PEC Rules and Regulations. The draft law was prepared by Bosnian and international experts as well as representatives of the Office of the High Representative (OHR) and OSCE. Under the draft law, internally displaced persons maintain the right to vote in either their current or pre-war municipalities and shall not be required to present any document issued to them in regard to voter registration except for the purposes of voter registration, confirmation of registration or voting. Chapter 6 of the draft law concerns 'protection of the electoral right' and provides that any person whose right established by the draft law was violated can file a complaint to the competent authority for the conduct of elections or the Elections." (Bagshaw September 2000, pp. 12-14)

See also Joint OHR/OSCE Press Release "OHR and OSCE continue to insist on Adoption of Election Law" Sarajevo, 09 May 2000 [Internet]

See Draft Election Law, website of the Office of the High Representative [Internet]

See also OSCE/ODHIR "Bosnia-Herzegovina Elections 1998, 12-13 September" [Internet]

See also International Crisis Group reports on elections in Bosnia [Internet]

International community supports the capacity of the civil society to address human rights issues (2000)

- Three drafts, state level and two entity laws, on associations and foundations were reviewed by the Office of the High Representative and are expected to enter the legislative process shortly.

- OHR, in cooperation with OSCE, established a Civil Society Coordination Group to coordinate NGO capacity building activities of international and donor organisations in areas of human rights and democratization

"Efforts to develop the capacity of civil society, through NGOs, to address human rights issues and to ensure the sustainability of human rights activities have continued. Thus, three drafts, state level and two entity laws, on associations and foundations were reviewed by OHR and are expected to enter the legislative process shortly.

Cooperation between NGOs and the international community was increased within this period and networks have become more sustainable and operational involving NGOs from almost all territory of Bosnia and Herzegovina. Nevertheless, only a few efforts have been undertaken in the development of capacity of local human rights NGOs to ensure sustainability of human rights activities currently undertaken by international organizations. OHR, in cooperation with OSCE, has established a Civil Society Coordination Group which consists of several intergovernmental and donor organizations which address human rights and democratization. The aim of the group is to promote cooperation between agencies working to advance the ability of NGOs and other members of civil society, as well as to develop a common policy, avoid overlap and ensure a more systematic and long term approach in the advancement of a sustainable civil society." (OHR 3 May 2000, paras. 76-77)

Law on Associations and Foundations respecting independence of Non-Governmental Organisations: Developments

"The draft state level Law on Associations and Foundations has been finalized by the OHR after the OHR departments decided that the law would cover only associations and foundations and not public legal persons (public corporations established by the institutions of BiH or by the institutions of District of Brcko), as reported earlier. It is expected that the draft law will be distributed to the Council of Ministers by the end of this month. The latter is to forward it to the State Parliament.

Concerning the draft Law on Associations and Foundations in the Republika Srpska the draft law was sent to the RS National Assembly in July, where the law passed the first reading without debate. For the final adoption of the law it will be necessary that the draft passes the second reading at the next RS National Assembly session.

Finally, with respect to the Federation law, in July OHR, USAID and the International Center for Non-for-profit Law have held two meetings with the Federal Ministry of Justice and Ministry of Social Affairs, Refugees and DP's in order to present the draft. At the last meeting it was agreed that the ministers would send their comments on the draft by July 21st to OHR and have another meeting on 31st July to finalize the draft which would be consequently sent to the Federation Parliament." (OHR HRCC 28 July 2000, sect. 6)

A lobby group for the displaced: the Coalition for Return (1996-1998)

- 1996: Creation of the Coalition for Return, a multi-ethnic movement of displaced persons
- Objective of the organisation is to lobby for the creation of an environment conducive to return of all displaced, regardless of their nationality
- The Coalition for Return has also organized assessment visits and disseminated information on the rights of the displaced

"A promising development during 1996 was the formation of the Coalition for Return, a multi-ethnic movement of displaced persons from all parts of Bosnia and Herzegovina. Coalition for Return's aim is to lobby for the creation of an environment conducive to the return of all displaced persons - regardless of

their nationality - to their homes of origin. The Coalition was established on the initiative of Deputy High Representative Ambassador Michael Steiner in Sarajevo in October 1996. Representatives of displaced persons were urged by Ambassador Steiner to form a forum to counterbalance the nationalist-separatist political agendas of the ruling political parties. Within five months, the Coalition managed to organise a network spanning both Entities, the neighbouring countries, and refugee host-countries in Western Europe, including approximately 70 displaced persons associations representing tens of thousand individuals.

The Coalition for Return has met with local authorities to persuade them to comply with the provisions of Annex 7 of DPA, and to promote the safe and voluntary return of all displaced persons to their homes of origin. A representative of Coalition for Return told [the International Crisis Group] 'Until now, the political parties have been pressured only from the 'outside' - by people on whom they did not rely for support. The Coalition for Return can be more effective by pressuring from the *inside*. If the displaced persons of various communities take up the return issue themselves, local authorities will have to respond because their political support depends on the local community, including the displaced.'

The Coalition for Return has also focused on bringing displaced persons in contact with other displaced persons currently residing in their homes. The Coalition for Return has organised fact-finding visits to identify areas of the country where return is most feasible. The Coalition for Return is in the process of consolidating relevant information which will serve to bridge the gaps on questions and issues relevant to displaced persons. Such research could be valuable sources of objective and unbiased information for displaced persons, thus enabling them to make informed choices about returning to their homes or remaining in their temporary areas of residence.

The Coalition for Return has organised three major conferences in Banja Luka, Mostar and Tuzla, focusing on strategies for return and repatriation during 1997. The following projects have either been initiated or will be in 1997: (1) the opening of four regional offices in Sarajevo, Banja Luka, Mostar and Tuzla; (2) identification of viable areas for returns; (3) provision of information to internally displaced persons and refugees, especially in Croatia and the Federal Republic of Yugoslavia, through a monthly bulletin; (4) establishment of a strategy planning group to provide information to international organisations and relevant authorities; (5) initiation of a self-help home repair programme; (6) expansion of a weekly television programme dedicated to issues relevant to displaced persons; (7) appointment of three journalists - one from each ethnic group - to act as the Coalition's spokespersons; (8) appointment of a team to disseminate information to displaced persons in the country as well as abroad; (9) establishment of links with organisations providing legal aid and information to internally displaced persons and refugees; (10) initiation of a lobbying effort to pressure Entity authorities to repeal discriminatory legislation; and (11) promotion of the return of displaced persons as a major issue during the September 1997 municipal elections." (ICG 30 April 1997, section 1.4.3)

"Most minority returns so far have been spontaneous, arranged by displaced persons themselves through local non-governmental organisations. The Coalition for Return (whose representatives the Special Rapporteur met in July 1998) has organized assessment visits, collected and disseminated information, and advocated strongly for returns, thus creating some small progress. The Special Rapporteur believes this is a good way to achieve sustainable returns, and hopes that these associations receive support for their work." (UN GA 11 September 1998)

See also "High Representative meets Displaced Persons and Refugee Associations" OHR Press Release 26 January 2000 [Internet]

DOCUMENTATION NEEDS AND CITIZENSHIP

Document-related needs

IDPs do not always register upon return (2002)

- Registration is a pre-condition for accessing basic services

"UNHCR regional Co-ordinator for South Eastern Europe and the Chief of Mission in BiH, Mr. Werner Blatter, accompanied by DCOM SFOR General De Goesbriand visited Stolac today. During the visit the UNHCR and the SFOR delegation met with Stolac Mayor, Zeljko Obradovic, and the Head of Municipal Assembly, Zoran Turkovic.

In the course of their meeting, Blatter highlighted the need for unification of the education and health systems in the municipality.

[...]

Blatter also expressed his concern over the fact that many returnees are not registering with the municipality upon return. 'Not only is registration in the place of return the responsibility of returnees, but it is also a pre-condition for their access to all utilities, health care and education', said Blatter." (UNHCR 14 March 2002)

Minority returnee continue to face burdensome administrative procedures for the issuance of identity documents (2000-2001)

- Entities have been unable to adopt uniform legislation regarding identity documents and residence registration
- The High Representative issued on 30 July 1999 a Decision on Identity Cards in order to protect the rights of returning refugees and displaced persons to obtain an ID Card
- There are still reports of returnees being unable or unwilling to apply for identity documents

"The issue of residence registration and issuance of identity cards is crucial, since access to social services (social welfare, health care, and humanitarian assistance) and ultimately reintegration are conditioned by the fulfillment of this administrative requirement. In order to have a better understanding of the situation in this area, UNHCR carried out surveys in both Entities, analysing the domestic legal framework and the practice of registration of returnees and displaced persons [38]. These studies *inter alia* indicated that returnees had encountered a variety of obstacles when applying for issuance of identity cards.

Recognizing that there was a clear need for the legal frameworks regulating identity card issuance and residence registration to be overhauled, a Working Group consisting of representatives of OHR, UNHCR, OSCE, UNMIBH and SFOR was established in 1999. In 2000 the Working Group produced a set of draft BiH laws on identity cards and Permanent and Temporary Residence Registration, accompanied by a new draft law on Entity Numbers (JMBs). These laws envision the operation of regimes governing the issuance of identity cards, residence registration and the issuance of personal identification numbers at state (BiH) level and have been the subject of much debate. Despite having been presented to and discussed by the BiH Council of Ministers on a number of occasions, no agreement has been reached to date on adoption of these draft laws [39].

Nonetheless, reports continue to be received by UNHCR of returnees being unable or unwilling to apply for identity cards, or to register their residence in their place of origin. In many cases (e.g. in the Eastern RS) this may be due both to a general unease among minority returnees with regard to dealings with local representatives of the respective Entity Ministry of the Interior - generally the police station. Of more concern, however, is the complex and often burdensome application and issuance procedures currently in place in both Entities, which often provide local officials with ample opportunity to make life difficult for minority returnees, e.g. levying excessive administrative fees or by making demands for hard-to-produce documentation.

As noted by one independent monitor of developments in BiH '[p]ublic administration [in general] is BiH is a labyrinth of pre-war, wartime and post-war institutions, often exercising overlapping administrative authority.' [40] "

[Footnote 38: UNHCR Sarajevo, *Survey on Registration of Repatriates in the Federation of Bosnia and Herzegovina and Entitlement to Food Assistance and Medical Care*, May 1997 (Update in November 1998); *Registration of Repatriates in the Federation of Bosnia and Herzegovina and Entitlement to Identity Documents, Food Assistance and Medical Care*) and *Survey on Registration of Repatriates in the Republika Srpska and Entitlement to Identity Documents, Food Assistance and Medical Care*, October 1997 (Update in April 1999)] [Internet]

[Footnote 39: Until such laws are in place, the High Representative on 30 July 1999 issued a Decision on Identity Cards. Under the Decision [Internet], all public documents issued by a competent body of the former SFRY and the former Socialist Republic of Bosnia and Herzegovina (SRBiH) are recognized as official proof of the facts stated therein and must be accepted by all public officials in BiH. Specifically, personal identity cards issued by a competent SFRY/SRBiH body, which were valid on 6 April 1992 may be exchanged until 5 April 2002, for new personal identity cards.]"

[Footnote 40: International Crisis Group, *Rule of Law in Public Administration: Confusion and Discrimination in a Post Communist Bureaucracy*, Sarajevo, 15 November 1999.] (UNHCR September 2001, paras. 43-46) [Internet]

"In order to protect the rights of returning refugees and displaced persons to obtain an ID Card, the High Representative issued on 30 July 1999, a Decision on Identity Cards. Given the fact that returnees faced a myriad of obstacles to obtain their ID Cards and the lack of a legal framework in line with the GFAP, this interim measure imposed by the High Representative was a must. Under the Decision [note], all public documents issued by a competent body of the former SFRY and the former Socialist Republic of Bosnia and Herzegovina (SRBiH) are recognised as official proof of the facts stated therein and must be accepted by public officials at all levels, be it Municipalities, Cantons, Entities, or the State. Specifically, personal identity cards issued by a competent SFRY/SRBiH body, which were valid on 6 April 1992 may be exchanged until 5 April 2002, for new personal ID Cards as envisaged by valid laws and regulations." (UNHCR August 2000, sect. 2)

Improving access to documents and mutual recognition of documents (2000-2001)

- There are still cases of excessive fees being charged for accessing personal records but incidents have decreased significantly
- Entities recognise documents issued in a different Entity but problems remain for documents issued in Croatia and the Federal Republic of Yugoslavia

"In both Entities the situation regarding access to documents are continued to improve. The BiH *Law on Freedom of Information in Bosnia and Herzegovina* was adopted in October 2000 [41], and establishes that

every person has a right to access information in the control of public authorities in BiH, to the greatest extent possible consistent with the public interest, and that public authorities have a corresponding obligation to disclose information. It should also enable every person to request the amendment of, and to comment on, his or her personal information in the control of a public authority [42].

Nonetheless, individuals continue to face difficulties accessing personal documents due to registers having been destroyed or records having disappeared, as is the case, for example, in Drvar. The retrieval of records and documents is often subject to excessive bureaucratic procedures. There are still cases of excessive or illegal fees being charged for accessing personal records or other official documents, although the incidents reported have decreased dramatically.

Difficulties also continue to be encountered with regard to recognition in the Federation of BiH of documents issued in the Federal Republic of Yugoslavia (FRY). It is hoped that, in light of the recently established diplomatic relations between BiH and FRY (15 December 2000) these difficulties will eventually be overcome. Similar difficulties have also been encountered with regard to the mutual recognition of documents between the Republic of Croatia and the RS."

[Endnote 41: BiH Official Gazette, No. 28/2000. 17 November 2000.]

[Endnote 42: the Federation Law on Recognition of Public Documents on the Territory of the Federation of Bosnia and Herzegovina (entered into force on 26 February 1998) provides for the recognition of public documents issued by the authorities of the then Republic of Bosnia and Herzegovina and the so-called 'Herzeg-Bosna' authorities. Although its implementation was difficult at the initial period, it appears that in practice, the previous problem of one Entity refusing to recognize documents issued by the other is no longer an issue of concern.] (UNHCR September 2001, paras. 47-49)

Citizenship

Federation still needs to adopt citizenship law (2001)

- The BiH Citizenship law provides for the adoption of citizenship laws in both Entities
- Absence of citizenship law in the Federation leaves former SFRY citizens who took up permanent residence in BiH before 1998 in a limbo

"Effective citizenship remains critical to the exercise of human rights and fundamental freedoms. The Law on Citizenship of Bosnia and Herzegovina (the 'BiH Citizenship Law') entered into force on 1 January 1998. Its provisions ensure the legal continuity of the internal citizenship of the former Socialist Republic of BiH and regulate the status of those who did not hold this citizenship but who had permanent residence in BiH.

The BiH Citizenship Law also provides for the adoption of citizenship laws of both Entities – a necessary precondition for an adequately functioning and fully implemented citizenship regime. To date, only the RS has passed a law on citizenship. The Ministry of Administration and Local Self-Government (MALSG) took over citizenship-related tasks from the RS Ministry of Interior (MOI) in September 2000.

The absence of a functioning legal citizenship framework in the Federation of BiH has prevented the overall implementation of the citizenship legislation in BiH. In particular, it currently prevents those former SFRY citizens who took up permanent residence in BiH before 1998 and who are now living in the Federation of BiH, from acquiring BiH/Federation citizenship, although according to the BiH Citizenship Law, such persons have been eligible for BiH citizenship as of 1 January 2000. The draft Federation Citizenship Law therefore needs urgent adoption." (UNHCR September 2001, 33-35)

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

Family unity

Missing persons and disappearances: 17,000 cases have still not been solved (January 2002)

- Exhumations have been implemented under an OHR-mediated Agreement reached in 1996
- The ICRC has received request to trace more than 20,000 missing persons since the war years, of which about 2,500 have been accounted for
- Investigations have been hampered by lack of cooperation from local authorities, in particular in the RS

"Under an OHR-mediated agreement reached in 1996, exhumations are carried out by the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons. The commissions are free to carry out exhumations and collect unburied mortal remains in territory under the authority of another majority ethnic group using an established notification system. The International Commission for Missing Persons (ICMP), which operates in all countries of the former Yugoslavia, reported that the remains of an estimated 2,500 persons had been recovered during the year, including a mass grave found in Jakarina Kosa near Prijedor containing the remains of 372 Muslims, the largest mass grave discovered in the country. This number was significantly higher than in the previous year because the Federation Government increased the budget for courts involved in the exhumation process. The ICMP established an in-country DNA identification system, which began operations in October, in three DNA laboratories in Sarajevo, Banja Luka, and Tuzla. The ICMP collected 18,230 blood samples in the country of relatives of missing persons to aid in the DNA identification of approximately 4,000 unidentified recovered remains, exhumed primarily from around Srebrenica. During the year, the ICMP identified 117 recovered remains using DNA techniques. The Missing Persons Institute (MPI), a state of institution opened in August 2000, continued to prepare to eventually take over responsibility from the ICMP for recovering and identifying human remains and supporting families of the missing.

The International Committee of the Red Cross (ICRC) reported that since 1995 it has received request from family members to trace 20,741 persons missing from the war years, including 17,191 Muslims, 723 Croats, 2,577 Serbs, and 250 others. A total of 2,498 of these persons have been accounted for (300 of whom were found alive). The ICRC noted that in 1999 it suspended further meetings of the Working Group for Tracing Missing Persons – created by the Dayton Peace Agreement to serve as a channel for passing request to local authorities—due to lack of cooperation from local authorities. At year's end, the ICRC was attempting to reconstitute the group with new representatives.

Authorities in the RS have failed to conduct full investigations into several war time disappearance cases, as ordered by the Human Rights Chamber of Bosnia and Herzegovina. For example, by year's end, RS authorities had failed to comply with the BiH Human Rights Chamber's 1997 order to conduct a full investigation into the disappearance of Father Tomislav Matanovic from Prijedor in 1995, whose body was discovered in October." (U.S. DOS 4 March 2002, sect. 1b)

Households exposed to increased domestic tensions as the result of displacement and return (1999)

- Violence against women is not addressed adequately by the authorities

"Violence against women is not defined in any domestic law nor have there been any official instructions or policy statements regarding the problem by government at any level. In Bosnia, domestic violence against women has increased due to: difficult transitions when women became heads of households, while men went to war, compounded by tensions when the men returned home, often to underemployment [or] unemployment; forced migration resulting in the loss of community which might otherwise provide a safety-net for the strains on families; and post-traumatic stress not only on those who fought during the war but those who remained behind. Given the lack of legal definition of domestic violence, courts are left to decide what measures to take, if any against perpetrators." (OHR/HRCC September 1999, para. 90)

Religion

Freedom of religion: Violence and vandalism against ethnic-religious minorities (2001)

- Religious discrimination against minorities occurs in virtually all parts of the country, but more so in the RS and in Croat-dominated cantons
- Increasing return movements and the pressure of the international community on nationalist parties led to several violent incidents during the first half of 2001

"Religion and ethnicity are identified closely in the country. Despite the constitutional provisions for religious freedom, a degree of discrimination against minorities occurs in virtually all parts of the country. Discrimination is significantly worse in the RS, particularly in the eastern RS, and in Croat-dominated areas of the Federation. However, incidents of discrimination occurred in Bosniak-majority areas as well. In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons. At times minority religious believers, clerics, and properties associated with religious minorities sometimes became targets. Increasing refugee returns and the resulting growth in ethnic/religious minorities, combined with sustained pressure from the international community on nationalist political parties, led to severe tension and several violent incidents during the first half of the year. On May 5, approximately 1,500 Serbs, many of them from the hard-line nationalist Ravna Gora Chetnik movement, disrupted a cornerstone laying ceremony for the reconstruction of the destroyed Omar Pasha mosque in Trebinje, in the southern RS. Members of the crowd beat the local OHR representative and a television cameraman in a scuffle that resulted as the Serbs blocked Bosniak and international dignitaries from entering the site. On May 7, a riot broke out in Banja Luka on the occasion of a similar cornerstone laying ceremony for the reconstruction of the destroyed Ferhadija Central Mosque; approximately 200 of the estimated 2,000 to 5,000 protesters broke through police lines and violently attacked participants, including elderly persons, government officials, and representatives of the international community. The rioters trapped over 300 persons in a building on the site owned by the Islamic Community for approximately 8 hours until RS police evacuated them. Protesters stoned the building and removed Islamic symbols. Approximately 30 persons were injured in the riot, including a Muslim man, Murat Badic, who died from his wounds on May 26. Protestors also burned Bosniak-owned business, eight buses that brought Bosniaks to Banja Luka, and heavily damaged the car of Bosnia's Foreign Minister (who is a Bosniak).

Protests in Bosniak majority areas in response to the Trebinje and Banja Luka riots were largely peaceful. There were, however, some violent reprisals. On May 6, unknown assailants threw a grenade at the house

of the leader of Trebinje's Muslim community. Local police detained two Bosniak men for throwing a hand grenade at the Serb Orthodox Church in the Bosniak-dominated town of Sanski Most on May 8. The windows of a nearby cafe owned by a Serb also were smashed in the incident. Also on May 8, a group of displaced Bosniaks originally from the RS refused to allow a group of displaced Serbs, originally from Sarajevo, to enter the Osjek cemetery in Ilidza, a suburb of Sarajevo that was predominantly Serb before the war. On May 9, 11 tombstones in an Orthodox cemetery in Tuzla were desecrated and the cemetery chapel vandalized. Three Bosniak juveniles were arrested and charged in the case and local government officials condemned the vandalism. Also on May 9, approximately 20 Bosniaks stoned a house inhabited by Serbs in Sarajevo. Local police responded immediately, but no arrests were made.

In Croat-dominated Glamoc, unknown persons shot at Serb returnees' houses and the Orthodox Monastery Veselinje with automatic weapons. Police had no suspects in the case at year's end. Also in May, leaflets were distributed in Doboj, in the RS, calling on Muslims to leave the city and urging Serbs to protest against the reconstruction of the city's mosque. On December 4, a crowd of Croats attacked the reconstruction site for the Stolac mosque, burning the fence surrounding the site. Local police did not intervene and later released two of the perpetrators who had been arrested for the incident (see Section 1.c.).

Attacks against Orthodox and Catholic clerics and religious edifices have occurred in Sarajevo. On May 28, a Muslim woman walking with her husband and children physically and verbally assaulted a Catholic nun in central Sarajevo. On June 3, a group of Muslim youths harassed Catholic seminary students in front of the Catholic cathedral in Sarajevo.

In Croat-dominated areas of Herzegovina, Muslims felt pressure not to practice their religion in public and have been the subject of violent attacks in the past." (U.S. DOS 4 March 2002, sect. 5)

PATTERNS OF RETURN AND RESETTLEMENT

Movements of return

Significant return movements since 2000 (2002)

- 2000 was declared a breakthrough year with 67,000 persons returning to areas where their ethnic group is in minority (minority return)
- Minority return rate has increased regularly since then
- Since January 2002, UNHCR is witnessing a steady increase in returns of over 30% each month

"[There] has been significant improvement on returns in the past three years. When I took office, in 1999, the rate of return was such that the Federation process would have taken at least another 22 years. In the RS, it would have taken another 40 years. By 2001, UNHCR registered the return of 92,061 people to their pre-war homes in areas where their ethnic group is in minority. In contrast, the year 2000 – which was declared then a breakthrough year – saw only 67,445 of the 'minority' returns. Figures this year show an increase greater than 20 % over the record 2001 figures. Thus a similar increase in overall return can be expected at the end of this year. If this rate is maintained – and I believe it can be maintained – mass return will be completed by 2004. This will be a historic achievement." (OHR 14 May 2002, para. 30)

"More than 40,000 so-called minority returns were recorded by UNHCR in first five months of 2002, according to UNHCR statistics released today. An additional 9,504 persons returned to their homes in May, representing a 30.5% increase in the rate of return since January 2002 compared to the same period in 2001.

"The return season is well underway, and it is expected that in 2002 returns will surpass the 2001 figure of 92,061. Disturbingly the rate of returns continues to outpace the availability of funds for housing reconstruction and other sustainability activities, factors which impede returnees' efforts to rebuild their lives in Bosnia and Herzegovina", said UNHCR Officer in Charge, John Farvolden.

As at end of May, 24,031 returnees were recorded in the Federation of BiH, 14,453 in Republika Srpska and 1,613 in Brčko District." (UNHCR 9 July 2002)

Detailed return statistics are available on the website of UNHCR Chief of Mission in Sarajevo [Internet]. See in particular:

Minority return 2002 (also includes minority return figures from 1996 to 2001) [Internet]

Returns summary to Bosnia and Herzegovina from 01/01/96 to 30/04/02 [Internet]

UNHCR statistics do not systematically include figures for "self-organised" return movements (2000)

- A substantial number of returnees do not register with UNHCR fields
- Many of the spontaneous returns reflect a "home-grown" strategy by the displaced and Bosnian government officials to target areas of least resistance

"Given the confusion in post-war Bosnia, exact numbers of returnees are difficult to calculate. Information on refugee returns is collected primarily by three different agencies: United Nations High Commission on Refugees (UNHCR), Office of the High Representative's Reconstruction and Return Task Force (RRTF), and the NATO-led Stabilisation Force (SFOR). In addition, each utilises a different methodology for gathering data on returns, and each readily admits that its numbers are inaccurate. Given the difficulties of accurate statistical collection in Bosnia, none of these numbers should be taken as absolute. Rather, they should be seen as relative indicators of trends. UNHCR figures are based on the number of returnees that actually register with the UNHCR field offices. RRTF figures are based on "previous experience and the fact that substantial numbers of returnees do not register." SFOR figures are based on "reports from SFOR patrols, which cannot cover the whole state, but may be useful as a trend indication." As a result of the different methodologies, UNHCR, RRTF, and SFOR all provide differing estimates. Given the difficulties of accurate statistical collection in Bosnia, none of their numbers should be taken as precisely accurate, but rather as general indicators of trends. (ICG 31 May 2000, "How Many?")

"In April [2000] the self-organised return movements of Bosniak displaced persons from Sarajevo Canton to their places of origin in Eastern RS Municipalities increased. These returns often take place without any assistance and the returnees live on the ruins of their pre-conflict homes. Since 1 April, some 100-150 people returned to their villages of origin in Miljevina MZ, municipality of Foca/Srbijne. They settled in tent camps in seven locations and started cleaning their ruined houses and fields. No security incidents have been reported. The first self-organised return to Zepa took place on 20 April. Twenty-nine displaced persons from the Sarajevo area returned to four villages, and 20 persons remained overnight. A second self-organised return movement to Rogatica took place on 27 April. More than 100 persons joined the convoy on the announced day, the majority were taking advantage of the movement to make an assessment visit to their destroyed properties. Approximately 45 persons remained camping in the three villages. ." (OHR HRCC 15 May 2000, para. 21)

"Spontaneous returns to Canton 1 have picked up in April, particularly to Kljuc and Bosanska Krupa municipalities, areas to which only very small numbers of returnees had returned since 1996. More than 50 Bosnian Serbs have come back to Kljuc and there are indications that many more will follow both from the RS and FRY. Visits to clean and plant the fields have increased." (OHR HRCC 15 May 2000, para. 28)

"Many of the spontaneous returns reflect a "home-grown" strategy by refugee groups and Bosnian government officials to target areas of least resistance. In this strategy, refugees return to remote, unoccupied, burned out villages deep within "enemy" territory, where there is little or no presence of the majority group. Because the returns are low visibility and do not displace members of the majority ethnic group from their housing, ethnic tensions are usually manageable, and the local majority is able to slowly adjust to the presence of a significant minority group nearby. Success in one village is then duplicated in another nearby village. This policy of reoccupying remote or empty regions, is responsible for most of spontaneous returns. Refugees from the same region - seeing the viability of these initial returns - are then encouraged to return." (ICG 31 May 2000, "Breakdown of Returns")

Preferences of the displaced

Survey conducted end of 2000 reveals that the majority of the displaced in the RS does not wish to return (2000-2001)

"Seventy-four percent of IDPs currently living in FBiH expressed their wish to return to their pre-war homes (in RS), while only 16 % of IDPs in RS wish to return to FBiH (some 20% of IDPs in both entities were unsure regarding return.)" (UN November 2001, p. 34)

For detailed figures by municipality, see the report by statement of return prepared on the basis of the re-registration process implemented jointly by the governments of the Federation of Bosnia and Herzegovina, the Republika Srpska, and the United Nations High Commissioner for Refugees end of 2000. Please note that the figures provided in the report refer to households. [Internal link]

Survey conducted by the CRPC and UNHCR: 76% of respondents currently residing in the Federation and 34% of respondents currently residing in the RS prefer to return to their pre-war property (November 1999)

- One of the main barriers to return identified by respondents is personal security and security of their property
- Other obstacles to return include: lack of economic opportunities, need for reconstruction assistance, difficulty in asserting property rights

"The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) has been asked by the United Nations High Commissioner for Refugees (UNHCR) to conduct a survey on the preferences and intentions of displaced persons and refugees. More than 3,000 interviews were conducted throughout Bosnia and Herzegovina, in Croatia and the Federal Republic of Yugoslavia. Respondents were requested to identify how they would prefer to exercise their property rights, and what factors (be they legal, socio-economic or political) influenced their preferences. The research provides a current snapshot of the intentions of displaced persons and refugees, four years after the signing of the Dayton Agreement. It looks at why so many persons remain without a durable solution, and suggests choice and flexibility in approaches to these problems. Its goal is to ensure that the wishes of the people concerned are known and taken into account.

The research confirms that many, if not most, wish to return to property they occupied prior to the war. The results reveal that approximately 61% of all respondents wish to return to their pre-war property. Within BiH, 76% of respondents currently residing in the Federation and 34% of respondents currently residing in the RS prefer to return to their pre-war property. 76% of all Bosniak, 73% of all Croat, and 36% of all Serb displaced person respondents indicated a preference to return to pre-war property. 54% of refugees in Croatia and 49% of refugees in FRY expressed a desire to return to their pre-war homes. The majority of all respondents (59%) who indicated a preference to return cited the mere fact that 'this was their home' as their main motivating factor. The second most prevalent factor cited by those who indicated a preference to return was that their current housing situation was unacceptable.

Security: One of the main barriers to return identified by respondents is personal security and security of their property. The majority (58%) of all respondents who indicated a preference to sell, exchange or lease their properties indicated that they would return if the local authorities guaranteed their safety or if their pre-war neighbours returned. 4

Economics: Economic factors have also affected preferences to return. 21% of all respondents who indicated a preference to sell, lease or exchange their property indicated that they would return if there were job opportunities available.⁵ 23% of respondents with agricultural land adjoining their pre-war property indicated a preference to settle in an urban location.

Reconstruction: 19% of respondents who indicated a preference to sell, lease or exchange indicated that they would choose to return if their pre-war property was reconstructed. Of the returnees that were interviewed, approximately 61% indicated that they had received international reconstruction assistance.

Legal Framework: Given the difficulties to implement the property laws at the time of the research (i.e. before the High Representative amended the legal property framework through his 27 October 1999 decisions), and the real difficulties that refugees and displaced persons continue to face in asserting their

legal rights, respondents were asked about the impact the legal system had had on their preferences regarding the exercise of their property rights. Out of all respondents interviewed, 67% had filed claims with the competent administrative authorities and were awaiting a response. In the instances where administrative authorities issued decisions confirming the right of the respondent to return to pre-war property, 21% of respondents were advised that they would not be able to return until alternative accommodation was located for the current user. A total of 5% indicated that they were unable to return due to destruction of their pre-war property. Of the returnees that were interviewed, 90% indicated that their property remained vacant during the war, and therefore complicated eviction procedures were avoided." (CRPC/UNHCR 1999)

"Many, if not most local and national authorities, leaders of displaced persons organizations and most of the Republika Srpska media have continuously voiced the opinion that the overwhelming majority of these displaced persons do not want to return, as they are not interested in living in a multi-ethnic Bosnia-Herzegovina. This assumption is used time and again as an explanation for the difficulties hampering the return of the pre-war non-Serb population. For example, surveys conducted in collective centres by Republika Srpska refugee authorities are frequently quoted as confirmation of this view. However, such a generalization of the situation may oversimplify the opinions and wishes of this displaced population. A survey conducted by the CRPC on behalf of UNHCR, displays a more nuanced picture. Interviews conducted with a cross-section of 3,000 displaced persons in both entities, as well as Bosnian refugees in the Republic of Croatia and the Federal Republic of Yugoslavia, showed that 34% of respondents currently living in the Republika Srpska, and 36 % of all Bosnian Serb displaced persons wished to return to their pre-war homes." (AI July 2000, p. 17)

Current Preferences of Refugees and Displaced Persons: Conditional Return (1998)

- The large majority of displaced Serbs intend to relocate within Republika Srpska (or in third countries) - while Bosniacs, and to a lesser extent Croats, appear more willing to return to their places of origin
- Older people are generally more willing to return, while younger people prefer to stay or go where there are more employment opportunities.
- Preferences are also linked to family status, education level, places of origin and residence
- The primary concerns for displaced persons to return to their place of origin are political environment and security
- Once the political and security situation is considered satisfactory, displaced persons identify lack of employment opportunities and accommodation problems as the two main obstacles for successful reintegration

"Two surveys recently conducted by the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC, established under Annex 7 of the Dayton Peace Agreement) and by the Danish Refugee Council (DRC) provide some information about the preferences of refugees and displaced persons under current circumstances. Although the survey sample is perhaps not fully representative of all refugees and displaced persons, identified trends are consistent with registration patterns for municipal elections (to vote for the place of origin or for the place of residence) and with an analysis of claims submitted to the CRPC. These preferences are not, however, static and may change as the political and security environment improves.

Preferences are closely linked to ethnicity (see Table 1). The large majority of displaced Serbs intend to relocate within Republika Srpska (or in third countries) - while Bosniacs, and to a lesser extent Croats, appear more willing to return to their places of origin.

Exceptions to general "ethnic patterns" are very local and often occur in municipalities where large returns would challenge the current majority. This is true in both Republika Srpska and the Federation. The CRPC survey also observed that the determination of minority displaced persons to return to municipalities where they were pre-war majorities (or large minorities) seems often premised on a desire to alter the political control of the return destination. Reciprocally, current majorities (and authorities) are very reluctant to accept returns of large groups which could challenge their status. This suggests that minority returns may be easier to achieve in areas where an overwhelming pre-war majority still exists.

Table 1: "Would you like to return to your pre-war home?" CRPC Survey (displaced persons and refugees in neighboring countries)			
In percent:	Yes	No	Maybe
Bosniac	80	7	13
Croat:	62	17	21
Serb:	23	55	22

Preferences are linked to age and family status. As a general pattern, older people are more willing to return, while younger people prefer to stay or go where there are more employment opportunities. This is particularly true for pre-war rural populations. Many young men are still fearful of crossing the Inter-Entity Boundary Line, since some people have reportedly been arrested for having served in the other Entity's army (amnesty laws remain unsatisfactory in Republika Srpska, and are not adequately implemented in the Federation). Preferences are also linked to education levels: people willing to return to minority areas or even to Bosnia and Herzegovina (for refugees accommodated in host countries) are likely to be less skilled than average.

Preferences are closely associated with places of origin and residence - and with local factors such as circumstances which surrounded eviction, damage level, presence of old neighbors, etc. Local trends are highly variable and need to be carefully assessed, for defining priority areas in delivering assistance. (OHR/RRTF March 1998, para. 11)

"Obstacles To Successful Return and Reintegration: Political Environment And Security First

The CRPC and the DRC surveys provide useful information on the main subjective factors which influence refugees and displaced persons when making the decision (in current circumstances) on whether to return or relocate - and on where to relocate to (see Table 2):

the primary concerns for refugees to return in Bosnia and Herzegovina and for displaced persons to return to their place of origin are political environment and security;

once the political and security situation is considered satisfactory, refugees and displaced persons identify lack of employment opportunities and accommodation problems as the two main obstacles for successful reintegration. "

Table 2: "Would you choose to return to your pre-war home under any of the following circumstances?" CRPC Survey (displaced persons and refugees in neighboring countries)	
If your neighbors from before the war also returned to their homes?	25 %
If the local authorities guaranteed your safety?	22 %
If there were job opportunities available?	16 %
If your house were reconstructed?	12 %

(OHR/RRTF March 1998, para. 12)

For further information on the factors underlying the decision of the displaced to return, see "Preventing Minority Return in Bosnia and Herzegovina: The Anatomy of Hate and Fear" (section "Refugees and Decisions whether to return") by the International Crisis Group (10 August 1999) [Internet]

Preferences of the displaced living in camps in the Republika Srpska: Most families wish to be accommodated or relocated in RS (1998)

"ARA carried out a survey (Step to Return, Study Research, February/March 1998) on the wishes to return of the population living in collective centres in Republika Srpska (at that time the population of the collective centres in Republika Srpska was approximately 6,900 individuals). The results showed that 77% (1,998 families) wished to be accommodated or relocated in RS at the moment. Out of this number, 62% (1,246 families) expressed a wish to be relocated in the present place of residence (town where the collective centre is located), and 38% (752 families) would like to be relocated in another area of RS. 12% (308 families) wished to return to their place of origin. 113 families (4%) would like to be accommodated in specialised institutions and 6% (151 families) would like to go abroad.

18 % (466 families) would like to be accommodated in rural areas, 82 % (2,137 families) would like to be accommodated in urban areas. 29% of the residents have changed their position wishing to change their former rural life with a life in urban areas.

The return of the 308 families could happen in the following areas of BiH: Drvar (72 families), Sanski Most (62 families), Sarajevo (61 families), Petrovac (24 families), Krupa (11 families), Grahovo (9 families), Kluc (9 families), Mostar (8 families), Jajce (7 families), Konjic (4 families).

The majority of the persons wishing to return did not express any particular comments on the conditions for return but a significant number of individuals mentioned the following conditions: access to public services; reconstruction of the house; security; relocation of the families currently occupying the flat; return of close relatives and compatriots.

The role of the municipality is of great importance regarding the provision of accommodation for the persons presently accommodated in the collective centres. The majority of the families wish to be relocated in Visegrad (525 families), Trebinje (192 families), Serb Sarajevo (183), Prijedor (180), Bratunac (147), and Lukavica (120)." (Campigotto December 1998, section 3.1)

Selected types of return movements

Returns to destroyed villages: the vulnerability of the "house cleaners" (2000-2001)

- Relatively large numbers of displaced persons (usually male heads of household) return to their pre-war homes to preparing it for reconstruction work
- Conditions in which returnees have to live create a new kind of dependency on humanitarian aid from UNHCR and other international organizations
- There is no clarity about when and how much funding will become available for reconstruction of houses and infrastructure, upon which such returns are clearly dependent

- Other factors hampering the sustainability of return include the presence of landmines, the lack of employment opportunities and the absence of education facilities for minorities
- Some minority returnees have repossessed their homes only to sell their property and move to areas where they are of the ethnic majority

"[T]he larger return movements have been mostly to more distant villages or hamlets which have been totally or partially destroyed. Such initiatives tie in with the notion that 'funding follows return' - meaning that potential returnees need to demonstrate their eagerness to return by starting to clear rubble from their destroyed houses and preparing it for reconstruction work. By now relatively large numbers of displaced persons are, almost weekly, travelling to their pre-war villages and in most cases scores of them (usually male heads of household) have stayed near their pre-war homes overnight.

These large-scale return events have been described as major breakthroughs in the returns process to eastern Republika Srpska. However, two months on, reports indicate that such types of returns lack serious prospects of sustainability. The returnees staying overnight are quickly becoming demotivated by the conditions in which they have to live - tent settlements among the ruins of their homes with no electricity, running water, medical service, or even reliable shelter during bad weather conditions. A new kind of dependency on humanitarian aid from UNHCR and other international organizations has been created and some of the returnees are reportedly already considering returning to Sarajevo in mid-June.

There is no clarity about when and how much funding will become available for reconstruction of houses and infrastructure, upon which such returns are clearly dependent. Some reports have indicated that reconstruction aid may not arrive before August at the soonest, when the return and reconstruction season is more or less winding up for the year. At a funding conference organized by the Stability Pact for Southeastern Europe at the end of March 2000, donor countries pledged to contribute large amounts of money towards reconstruction of houses and infrastructure aimed at enabling the minority return of tens of thousands of refugees and internally displaced persons in Bosnia-Herzegovina. Yet although donor countries pledged approximately US\$239 million to refugee returns for Bosnia-Herzegovina and Croatia (of which US\$180 million is intended for Bosnia-Herzegovina), only approximately US\$ 60 million constitutes 'new' pledges (nota bene: for both Croatia and Bosnia-Herzegovina). The remainder of the pledged amount is a reaffirmation of previous commitments that are outstanding. Alarming, despite the establishment of the Stability Pact, donor governments' interest in actually living up to these pledges seems to be on the wane. There is a great risk that this might slow down the return process and disrupt the optimistic predictions of actual returns that the international community was hoping for.

It is also obvious that such returns will never be durable solutions without reintegration of the returnees in the local municipality and, apart from police patrols (under the constant supervision of IPTF), there are apparently few steps taken to initiate this.

In addition, areas like Zepa are reportedly still heavily mined, as may be the case for other more distant villages. An acute funding problem appears to have arisen for mine clearing operations throughout the country. UNHCR's mine clearing programme expired at the end of 1999, and other demining activities have effectively been suspended since the beginning of the year. Apart from presenting a direct security threat, the presence of mined areas further undermines the sustainability of returns as it limits the ability of returnees to work on their land." (AI 1 July 2000, pp. 12-15)

"Once refugees return, they are faced with a number of factors - beyond electricity, running water, and house repair - which make staying difficult. First and foremost is finding employment. Minority returnees are typically unable to obtain re-employment in their pre-war state-owned firms. As a result they are left to fend for themselves, either by starting private companies with their own limited resources, or falling back on subsistence agriculture. In both instances, refugees typically lack the capital either to start a business, or to purchase farm tools and seeds. The lack of education is also a problem, particularly for the increasing number of returnees with children. Local schools were often destroyed during the war, and a number of

donors are reluctant to reconstruct schools. Often the nearest school is distant, either back in the returnee's majority area, or controlled by the majority ethnic group and teaching a version of history or religion unacceptable to the returnee. As a result, numerous instances have occurred where refugees have returned to their pre-war homes and then left, unable to sustain themselves." (ICG 31 May 2000, "International community and Bosnian Government Readiness")

"As repossessions of pre-war homes and returns to these homes take place, it is becoming increasingly apparent that many of the conditions necessary for sustaining such returns have not been met. Indeed, there is evidence that some PLIP beneficiaries have repossessed their homes, only to sell their property and move elsewhere - to areas in which they are of the ethnic majority. The systematic application of such administrative, legal and political obstacles to return as those noted below are significant contributory factors to abortive returns." (OHR/HRCC 5 February 2001, sect. 1)

Special protection needs of vulnerable categories of returnees (especially women)(2000)

- A study, compiled by UNHCR and the Office of the United Nations High Commissioner for Human Rights (April 2000), gives special attention to the particular problems faced by vulnerable women in minority returns
- The lack of familial or community support, psychological trauma, personal security and security of property are of key importance in women's decision to return to an area where their nationality is now in the minority
- Access to reconstruction assistance may also be problematic for those women who require child care assistance, are alone or are elderly and/or immobile

"Due consideration should be given to the fact that many pre-war inhabitants of large parts of the eastern Republika Srpska are still considerably traumatized by having been victimized by, or having witnessed gross human rights violations committed during the war by the Bosnian Serb army and Serb paramilitaries. Instances of renewed violence, albeit not personally directed against them, may have a retraumatizing effect; such persons will need a redoubling of efforts to reassure them that they will be able to live in their pre-war community without fear for their safety.

In addition, the specific protection needs of female returnees should be taken into account. A large number of women who are single heads of families are potential returnees to certain parts of the eastern Republika Srpska (Srebrenica, Bratunac and Vlasenica). In a recently published study, compiled by UNHCR and the Office of the United Nations High Commissioner for Human Rights (OHCHR), special attention is given to the particular problems faced by women in minority returns. The study found that the issue of personal security and security of property is of key importance in women's decision to return to an area where their nationality is now in the minority, particularly in the light of the fact that many of them are single heads of households following the death or 'disappearance' of their husbands during the war. It recommends that local police forces improve the investigation and prosecution of the perpetrators of ethnically motivated violence, and that the composition of the police forces be multi-ethnic and gender balanced." (AI July 2000, pp. 23-24)

"Gender study: 'Daunting Prospects - Minority Women: Obstacles to their Return and Integration': In April, UNHCR (assisted by the OHCHR) issued a report on the current situation and specific obstacles to return and integration faced by displaced and returnee women. The study focuses on female-headed families, single women and extremely vulnerable women, from all ethnic backgrounds.

The study identified three specific obstacles to return for the categories of women examined: (1) lack of familial or community support, (2) personal security and (3) psychological trauma. It was generally found

that their fear of returning (whether or not justified) was compounded by the lack of familial or community support, or by psychological trauma. Regarding access to the reconstruction assistance, it was found that there is no common (BiH wide) criteria for beneficiaries of reconstruction assistance. In many cases, it was not clear whether women were prioritised or sidelined for such assistance, or indeed if such aid was evenly distributed. Specific concerns were raised with the principle of 'funding follows return,' which may disadvantage those who require child care assistance, are alone or are elderly and/or immobile. Regarding the repossession of property, the report recommends serious efforts be made to ensure that vulnerable women are not forgotten, whether with respect to monitoring evictions, the allocation of alternative accommodation, or the re-allocation of unclaimed apartments.

Other issues, such as the prosecution of alleged war criminals, satisfactory gender and ethnic composition of local police forces, access and quality of health care, employment opportunities and access to education and vocational training, were also reviewed as factors affecting return and/or integration potential. Without improvements, the report found, women will continue to be marginalized, and their return and/or integration potential compromised.

This study strongly recommends, in line with the Beijing Platform for Action, an active and visible policy of mainstreaming a gender perspective into all policies and programs by both international actors and local governments, in order to assess the impact of decisions on women and men, respectively. The study further recommends that collective return programs be enhanced, incorporating female-headed families and single women, alongside other returning families, in order to ease the fear about return expressed by many women interviewed, as well as providing community support, for those who genuinely and freely choose to return. In addition, while noting the need to continue to promote and support minority returns, other durable solutions, such as local integration and settlement, will need to be found for those who are unable for valid protection reasons to return, or who are unwilling to do so." (OHR HRCC 15 May 2000, paras. 32-35)

See *Daunting Prospects. Minority Women: Obstacles to their Return and Reintegration, UNHCR/UNHCHR, April 2000 [Internet]*

See also *Extremely Vulnerable Individuals: the Need for Continuing International Support in Light of the Difficulties to Reintegration upon Return, UNHCR, November 2000 [Internet]*

UNHCR reviews the situation of returnees in Tuzla Canton (January 2000)

- An extremely low percentage of interviewees had secured employment since their return, while a correspondingly high percentage indicated re-employment to be their chief concern at present
- UNHCR study also highlights the vulnerability of the Roma population and persons living in transit centres

"Returnee Monitoring Study: Refugees Repatriating to Tuzla Canton, Bosnia and Herzegovina: In January 2000, UNHCR released a study of the conditions of returnees to Canton 3 (Tuzla Canton) targeting in particular recent repatriates (both returnees and displaced persons), predominantly displaced from the RS, transit centre inhabitants and Roma. UNHCR conducted 226 interviews on issues relating to security, residence registration and documentation, employment, education, access to social services, pensions, and access to public services. UNHCR found many areas of concern with respect to ensuring the sustainability of return. A quarter of interviewees had been asked to pay war taxes either during their stay abroad, or upon their return to BiH. An extremely low percentage (3%) of interviewees had secured employment since their return, while a correspondingly high percentage indicated re-employment to be their chief concern at present. Of the interviewees who believed they were eligible for a pension, 34 % had not been able to secure this pension and 26% of interviewees indicated that they had problems with access to electricity, telephones and/or water.

Several issues appeared to be particularly pressing for the Roma population. The level of confidence of Roma in the police was very low. The employment rate of Roma interviewed was less than 2% and participation rates of Roma children in education stood at a mere 9%, with most families citing financial difficulties preventing them from sending children to school.

Of people interviewed who are living in transit centres, approximately 50% were extremely vulnerable individuals (EVI's), many of whom had been unable to repossess their property, and none were employed." (OHR HRCC 15 May 2000, paras. 29-31)

See Returnee Monitoring Study, Refugees Repatriating to Tuzla Canton - Bosnia and Herzegovina, UNHCR Sarajevo, January 2000 [Internet]

Urban minority return (1999)

- Not all returnees register their residence, and many end up staying with friends or family pending return of their property
- Returns to urban areas are generally not reconstruction-led, but rather facilitated either by returnees' staying with friends and family, or by property law implementation

"(The following information is based on information provided by UNHCR on returns to four urban centres in BiH: Sarajevo, Tuzla, Banja Luka and Mostar. It is not exhaustive, but is meant to highlight various issues faced by returnees attempting to return to urban areas, as previous reporting has tended to focus return to rural areas.)

Urban Minority Returns April - September: It is difficult to estimate actual numbers of minority returns which have taken place to urban areas, in part because not all returnees register their residence, and in part because many end up staying with friends or family pending return of their property. The following statistics are UNHCR estimates, as of August 31, 1999.

	Minority returns: Dayton-April 1999			Minority returns: April-August 1999		
	Bosniaks	Croats	Serbs	Bosniaks	Croats	Serbs
Sarajevo	---	18,957	10,315	---	384	1,092
Tuzla	---	107	287	---	9	45
Banja Luka	571	130	---	85	---	---
Mostar	520	244	963	172	12	92

Urban Returns through Reconstruction and Property Implementation: in rural areas, returns to urban areas are generally not reconstruction-led, but rather facilitated either by returnees' staying with friends and family, or by property law implementation. An increase in returns to urban areas thus requires strict implementation of property laws. This is still not in evidence in most of the Federation, and in the RS the implementation has only barely commenced.

Some evictions have been taking place in Sarajevo, but overall the attitude of the Cantonal Government is obstructionist and there has been open pressure by the Ministry of Justice on the courts to stop evictions. The Sarajevo municipalities range in their co-operativeness on property return, Ilidza, Ilijas, and Hadzici being relative co-operative, while Novo Sarajevo, Novi Grad, and Vogosca are generally uncooperative. Stari Grad has not been active on property return.

In Tuzla municipality the municipal authorities are generally co-operative in facilitating minority returns. The Tuzla Housing Department is taking a leading role in the development of the Tuzla-Bijelina axis, a

property mechanism facilitate the return of displaced persons to these municipalities. The implementation of property laws in cases of multiple occupancy has been greatly facilitated during the reporting period by the establishment of Double Occupancy Commissions (DOC's), comprised jointly of local authority representatives and international representatives.

In Banja Luka, the local authorities have not made any efforts to minority returns and return to occupied property is thus still an extremely process. In 1999, there have been some thirty evictions/reinstatements in Luka. The vast majority of returns take place discreetly to relatives and the statistics available do not correspond with the actual returns. Reconstruction of new housing has very limited significance in facilitating minority returns.

There has been virtually no return to Mostar through property law implementation, although some through reconstruction. In Mostar, decisions on claims for repossession of socially-owned property have been issued in less than 2% of cases. Enforcement of decisions and reinstatement of claimants is not being ensured by the authorities. Local authorities refuse to take action on multiple occupancy cases, and have yet to address the 'post-Dayton eviction' cases. A Double Occupancy Commission has been established, but has not yet resulted in reinstatements despite the issuance of 14 decisions.

Security and Urban Returns: Generally, security is not an issue in Sarajevo and Tuzla. No cases of violence or harassment have been reported recently. In Banja Luka there has been a tremendous improvement of the security situation since 1996, but individual circumstances, as well as the political climate, dictate returnees' security considerations. In Mostar, security considerations still play a significant role." (OHR/HRCC September 1999, paras. 18-25)

"Unregistered" return movements (1999)

- Official statistics for return are based on returnees registering with local authorities
- Some municipalities prefer to understate actual levels of return in order not to raise the attention of their own ethnic electorate; on the contrary, other municipalities may overstate their return levels to appear cooperative with Dayton
- In other cases, returnees deliberately fail to register in order to avoid losing social benefits from their municipality of displacement

"The UNHCR and all major international agencies working with refugee return realise that official return figures are unreliable. UNHCR relies on data submitted by local authorities. 'Registered returns,' therefore, are based on returnees registering with local authorities. Often, authorities prevent returnees from receiving new identity cards, without which a whole range of benefits cannot be accessed. Such municipalities understate actual levels of return in order not to draw the attention of their own ethnic electorate that minorities are returning. Dobojski SDS Executive Board President Boro Paravac finally admitted, in May 1999, that 2,000 Bosniaks had returned to destroyed villages in Doboj. Up to then, the Doboj Ministry of Refugees always filled in '0' when UNHCR presented forms to them requesting return figures. Despite the Jusić and Dugi Do returns in early 1997, many official documents from Zvornik do not mention these returns. In other cases, returnees deliberately fail to register, as a loss of old identity card may deprive them of health and pension benefits from their own majority ethnic municipality from which they are returning. This problem frequently arises in return areas close to the Inter-entity Boundary Line. Other issues, such as access to education or compulsory military service in the army of another entity also prevent returnees from registering. As a result, it is possible that some returnees are not counted at all. In other cases, municipalities may overstate their return levels so as to appear co-operative with Dayton as a means of receiving higher levels of international aid. Many cases exist of Sarajevo Serb DP's in RS registering for cards so that other documents can be accessed more easily, without any intention of conveniently, Sarajevo authorities count these as 'returns'." (ICG 28 October 1999, endnote 211)

Return of refugees to situations of internal displacement (1999)

- The great majority of repatriations from abroad are now to areas where the returnee would be displaced but among the majority, while the returnee's home lies in an area where they would be among the minority
- These returnees are trying to find temporary accommodation in various municipalities along the Inter-Entity Boundary Line, particularly in parts of the Una Sana Canton, Canton Sarajevo and throughout Tuzla-Podrinje Canton
- Since the resources in the areas of accommodation, employment, education, health service and humanitarian aid are generally scarce, repatriates to circumstances of displacement compete with the local population and the other displaced persons
- There is now a 'grey' population of perhaps tens of thousands of these relocatees who are not registered, whose whereabouts are not recorded and who are vulnerable to manipulation.

"[T]here may be pressures on persons [originating from areas where they would no longer be in the majority upon return] to return, but to a majority area. The great majority of repatriations from abroad are now to areas other than the returnee's home. They are to areas where the returnee would be displaced but among the majority, while the returnee's home lies in an area where they would be among the minority. (Note [1]) UNHCR is gravely preoccupied that the return and peace-consolidation processes are, and may continue to be, seriously undermined by induced repatriation to an area which is not the pre-conflict place of residence, but where the returnee will be part of the majority. Article I(1) of Annex 7 of the GFAP provides for the right of every refugee or displaced person to return to her/his pre-conflict place of residence. This recognises that the deliberate placement of groups of people into housing belonging to other ethnic groups in order to secure ethnically-based control over territory and thus prevent minority return (also referred to as hostile relocation), is unacceptable.

Given the Federation policy to refer returnees from abroad to areas close to their pre-conflict homes, these returnees are trying to find temporary accommodation in various municipalities along the Inter-Entity Boundary Line, particularly in parts of the Una Sana Canton, Canton Sarajevo and throughout Tuzla-Podrinje Canton, all areas already well known for their lack of absorption capacity. Not least because of slow progress in the implementation of the GFAP, in particular its Annex 7, in the RS and, notably, in its Eastern parts, Bosniac returnees originating from the RS are currently unable to return to their homes of origin in the RS. Nor can the majority of these returnees remain in the transit accommodation which they usually identify on first arrival. Such returnees thus face further displacement to temporary accommodation.

Induced repatriations to situations of internal displacement which is not sustainable aggravate existing problems and are increasingly counterproductive for ongoing efforts to implement the GFAP, and specifically to promote minority return opportunities generally. This is widely recognised by OHR, OSCE, SFOR and others concerned. In situations of internal displacement, people are relocating to the homes of others (minorities) and as the option of returning to their own homes does not yet exist, they are not exercising a free choice. The following paragraphs set out briefly the effects of such returns on the individuals themselves, on others, and more generally.

i) Effect on the individuals themselves

Such returnees have little choice as to their place of temporary residence, and as accommodation becomes scarcer, they have still less. They are exposed to a number of protection problems. For example:

The majority of municipal authorities in the Federation of BH and RS register those who cannot return to their pre-conflict place of residence if they can provide proof of accommodation, but are not in a position to assist them in identifying accommodation if they are in need. [...] [In other municipalities,] the non-registration of displaced person and, consequently, the denial of the displaced person's card to them means that they are denied access to food, medical care and other assistance.

In addition, it should be noted generally that those displaced internally because of the conflict are now living temporarily in places other than their registered place of permanent residence and have obtained temporary residence registration under certain circumstances. A displaced person, irrespective of her/his place of origin, cannot convert temporary residence registration to registration of permanent residence, unless s/he first deregisters at her/his place of former permanent residence and has managed to integrate fully, without depending on any assistance provided by the authorities.

It is therefore not surprising that such returnees often come under the influence and pressure of those who are opposed to their subsequent (minority) return to their homes and are vulnerable to these pressures, as they are to the increasingly organised mafias who control the housing market, the local economy, etc.; or vice versa, not least because of their economic and physical insecurity, they are manipulated by extremists to create the potential for violent incidents in forced return attempts or to support radical nationalist agendas. This is aggravated by the fact that they are forced to spend their return grant (if received) and savings not on repairing their homes and restarting a sustainable life, but on short-term survival, exorbitant rents, bribes, etc. Their continued displacement without prospects for a meaningful future is therefore a major destabilising factor.

Repatriates returning to displacement in the countryside often rely on smallscale farming for their livelihood. As rich farmland has already been allocated to the early displaced, the newly arrived displaced repatriates would only get land of lower quality and higher mine risks. This land often lies near the former front lines.

ii) Effect on others

Increasingly, these relocations are directly blocking minority returns that could now be realised. Such returnees, with accumulated savings and the financial assistance package provided by the authorities, are very likely to occupy accommodation to which the pre-conflict occupants and owners would return, if they were able. The recent returnees are also likely to dislodge displaced persons unable to pay higher accommodation rentals now being sought by impoverished locals. Such returns may force the most vulnerable into collective centres.

Transit or temporary accommodation may become blocked, not least because of the new arrivals of refugees and returnees from FRY.

iii) More generally

Since the resources in the areas of accommodation, employment, education, health service and humanitarian aid are generally scarce, repatriates to circumstances of displacement compete with the local population and the other displaced persons. This aggravates already existing prejudice and hostility against returning refugees who are perceived as 'traitors and wealthy' while those remaining in BH are considered to have 'defended the country and suffered'. According to a report commissioned by the World Bank, 'discrimination within the communities of people of the same nationality can at times be stronger than against people of other nationalities'.

Indeed, these relocations deplete the absorption capacity of municipalities and are therefore increasing the level of social frustration, criminality and domestic violence as a result of over-crowding and the dashed expectations of the returnees. Reconciliation is set back as a result, as national and international observers attest. Those local authorities who are genuinely ready to commit to minority return are unable to do so

because of the need to accommodate these 'majority relocatees'. This also impinges on the ability of municipalities to meet Open City criteria. Those local authorities who are seeking reasons to block minority return are strengthened, as are the corrupt and criminal elements in their communities. There is now a 'grey' population of perhaps tens of thousands of these relocatees who are not registered, whose whereabouts are not recorded and who are vulnerable to manipulation. As in Sanski Most, 'hostile relocation' also feeds agendas for local political manipulation to secure ethnically-based control over territory, thus preventing minority return and giving rise to future instability. It provides those who obstruct the peace process with yet another tool.

In summary, these returns to internal displacement are clearly undermining the progress that is being made on minority return and causing real and avoidable hardship.

Note [1]: According to UNHCR, approximately 100,000 BH refugees still remain in Germany. The total figure of repatriations from Germany since the signing of the GFAP amounts to some 250,000. In 1998, 83,000 BH refugees from Germany benefited from assisted return programmes (GARP/IOM). UNHCR estimates the overall number of returnees from Germany by the end of 1998 to reach 105,000, including self-organised returns. More than 2,000 were deported in 1998. While the deportation numbers may not appear significant, they do have in practice a major impact on people who are trying to make an informed choice as to their possible repatriation. The majority of these returns in 1998 has been to internal displacement. UNHCR summarised its concerns in a Note by UNHCR on Repatriation from Germany to Bosnia and Herzegovina dated 21 July 1998, which was shared with the German Government in July 1998 and remains valid. On the Return of Refugees and Displaced Persons, the PIC, in its Peace Implementation Agenda, annexed to the December 1998 Madrid Declaration of the PIC, regretted the small proportion of minority returns of those who returned in 1998. In view of the limited absorption capacity in BH, a rapid pace of returns leading to relocation would adversely affect not only the minority return process but also the full implementation of the Federation and newly passed RS property laws, both of which are high priorities of the international community in BH during 1999." (UNHCR May 1999, paras. 2.68-2.79)

For a detailed discussion of the relocation policy, see International Crisis Group (ICG), "Minority Return or Mass Relocation?", (Sarajevo), 14 May 1998, section 2 "The Spectre of Mass Relocation" [Internet].

Assessment visits become more and more spontaneous (June 1999)

- This evolution indicates increase freedom of movement and greater confidence of the displaced in their security
- This appears to be the case both in parts of the RS (such as Sokolac and Han Pijesak, Rogatica) as well as in some parts of the Federation, such as Una Sana Canton.
- Some return movements have resulted in violent reactions by the receiving Serb communities (for example in areas such as Vecici (Kotor Varos) and Dubica) which illustrates a growing trend towards organised and often politicised return movements led by Bosniak DP leaders

"The process for organizing visits of displaced persons and refugees to their former homes appears to be increasingly led by the refugees/DP's themselves, rather than organized through the international community, indicating increased freedom of movement, and greater confidence in their security. DP associations in many parts of the country are arranging details directly with local police/authorities, merely notifying UNHCR of details, and UNHCR then sharing the information with other IO's for monitoring purposes. This appears to be the case both in parts of the RS (such as Sokolac and Han Pijesak, Rogatica) as well as in some parts of the Federation, such as Una Sana Canton. This seems to indicate a greater sense of security and freedom of movement. Still, visits to some parts of the country, including Foca/Srbinje, remain difficult, and UNHCR thus remains directly involved." (OHR/HRCC June 1999, para. 2)

"Large numbers DP's are returning to areas such as Kotor Varos, Prijedor and Dubica in convoys. These returns are ostensibly 'spontaneous' (self-organized), but there are indications that they may in fact be organized through DP associations. These return movements have resulted in violent reactions by the receiving Serb communities, for example in areas such as Vecici (Kotor Varos) and Dubica. This illustrates a growing trend towards organised and often politicised return movements lead by Bosniak DP leaders. The concern is that these returns may be based on mis-information from DP leaders to their community, resulting in serious violence in some cases. UNHCR is pressing the RS local and Entity governments to ensure security of returnees, but also advising the potential returnees and DP leaders to adopt a low-key, de-politicised approach in order to minimise incidents." (OHR/HRCC June 1999, para. 6)

For detailed information on assessment visits, see the HRCC Human Rights Reports, website of the High Representative [Internet]

Returning displaced persons take a step-by-step approach (1998)

- The approach consists of successive trips, followed by temporary stays, and eventually return
- Returns are often taking place without being registered with the local authorities

"The lack of inter-Entity communications (e.g., regular post service, telecommunications, regular public transport) is an obstacle to the return of displaced persons: experience shows that most returning displaced persons take a step-by-step approach (successive trips, followed by temporary stays, and eventually return) - which requires adequate inter-Entity communications. Although the UNHCR-chartered bus services have proven extremely helpful, much remains to be done to normalize the situation." (OHR/RRTF March 1998, para. 31)

"Returns are often taking place without being registered with the local authorities. The UN Secretary-General reports that '[b]y mid-November 1998, as estimated 32,5000 refugees and displaced persons had returned during the year to areas where their ethnic group is the minority. The figure compares to 77,5000 minority returns since the Dayton Peace Agreement. Only 9,000 minority returnees, however, have been officially registered by the authorities'." (UN SC 16 December 1998, para. 39)

War-induced movements: typology (1998)

- The conflict has caused new movements, which would not have happened in a peaceful situation, such as the expulsion of ethnic minorities from areas with strong economic potential
- The conflict has also accelerated pre-war urbanization- and transition-related population movements, which will not be reversible

"Even prior to the start of hostilities in the former Yugoslavia, significant population movements had taken place. The effect of the conflict has been two-fold: (i) it has caused new movements, which would not have happened in a peaceful situation; and (ii) it has accelerated pre-war migration trends.

Population movements can be classified in four categories:

Movements which would not have happened in peace time. These include: expulsions of ethnic minorities from areas with strong economic potential, abandonment of housing units located close to frontlines or heavily damaged, etc.

Movements resulting from pre-war housing shortages. Before the war, a relatively large number of families shared their houses with relatives. With the departure of ethnic minorities, many households have split up and currently occupy several housing units (and they are reluctant to return to the pre-war situation).

Urbanization (see Box 2). Urbanization began prior to the war, in patterns similar to those of other Central European countries. The war caused a large number of rural people to move to cities, and many of them have become accustomed to urban standards of living. Many former rural dwellers may prefer to remain in town rather than to return to remote areas. This is likely to be particularly true for younger people.

Transition-related movements. Bosnia and Herzegovina is undergoing a substantial economic reform process. A number of pre-war large enterprises are likely to be restructured (e.g., Zenica steel plant), and new businesses are already emerging in many places (e.g., Tuzla). The distribution of employment opportunities throughout the country is rapidly changing - which has generated and will continue to generate significant labor force migration (although ethnic factors are likely to constrain such movements for at least a few years).

Box 2: Urbanization

Before the war, about 40 percent of Bosnia and Herzegovina's active population was employed in agriculture. However, only 16 percent of the 570,000 farms had more than 5 ha (and 35 percent had less than 1 ha) of cultivable land. Agricultural output in many mountainous areas was very poor and primarily limited to subsistence needs. Household incomes were often completed by a salary earned by one family member working abroad or in a neighboring factory. Social infrastructure of villages was heavily subsidized (to a large extent by the Northern republics in the former Yugoslavia). During the period 1986 - 1991, a large number of people moved from the countryside to the cities. Similar trends can be observed in other Central European countries: as an example, since 1989, rural employment has declined by 40 percent in the Czech Republic.

The four types of movement have different potentials for reversal: ...

Movements which would not have happened if the war had not occurred can, in principle, be reversed. If adequate encouragement is given to local authorities, combined with significant financial assistance, people who were expelled or had to abandon their homes, in particular ethnic minorities, may be in a position to return. ... Movements which were accelerated by the war are less likely to be reversible. Urbanization trends and transition-related movements are unlikely to differ from patterns observed in other Central European countries. And governmental authorities are no longer able to subsidize the social infrastructure of villages, while extensive repairs have to be carried out in many places. In many instances, sustainable return to rural areas which relied on subsistence farming prior to the war will not be possible.

Regardless of their preferences, and even if the political situation improves substantially, a significant number of refugees and displaced persons will have to relocate for economic reasons, particularly those originating from rural areas which suffered heavy destruction. However, to foster sustained peace in the region, the decision to relocate should be made with a sense of free will (in view of economic opportunities for example, rather than as a result of political pressure), which requires effective implementation of the 'right to return'." (OHR/RRTF March 1998, paras. 13-15)

Scenario of population movements: impact of the economy (1998)

- Displaced people have not gone back to areas where there are little economic prospects, even where donor funds have been spent
- Implementation of economic assistance should, therefore, accompany (or follow), rather than precede, movements

"Current demographic and economic differences among regions are likely to be aggravated in the years to come. Areas which suffered extensive destruction are often those where minority returns are also the most difficult from a political perspective. Such areas are likely to continue declining economically. Most of the population of Bosnia and Herzegovina will be concentrated in regions where economic activity has already restarted (e.g., Herzegovina, Sarajevo, Tuzla, Bihac, Banja Luka area). There is, however, little evidence to date of potential regional overcrowding due to returns or relocation; at least until the start of population movements between major urban centers (through exile or death, Bosnia and Herzegovina has lost about 15 percent of its population since 1991). ... Economic differences between both Entities could create or impede population movements. If economic difficulties remain more acute in Republika Srpska than in the Federation, many displaced persons originating from the Federation and currently in Republika Srpska may decide to return to their place of origin for economic reasons (i.e. because of greater job opportunities). On the other hand, potential returnees from the Federation to Republika Srpska could be discouraged by the relative absence of economic prospects in that Entity (on movements and economic situation, see Box 3). Efforts should be made to ensure balanced economic development throughout the country."

Box 3: Two major lessons learned from past mistakes

- i. Economic assistance is crucial for successful reintegration, but has little influence on the decision of people to return to their place of origin. Personal and political factors (and only marginally economic factors) are the main determinants in the decision for refugees and displaced persons (and particularly minorities) to return. Experience shows that people are not going back to areas where donor funds have been spent [...]. Implementation of economic assistance should, therefore, accompany (or follow), rather than precede, movements to facilitate and sustain them, although there is still a case for well-targeted and coordinated intervention to encourage returns in some areas.
- ii. People have not gone back to areas where there are little economic prospects. Regardless of agreements they had made, many families have not returned to remote villages (even after their houses have been repaired with international assistance). Efforts should be made to analyze the sustainability of potential returns before undertaking major reconstruction works.

(OHR/RRTF March 1998, para. 16)

Political and legal factors

Opposition against return of ethnic minority remains strong (2001)

- Despite noticeable improvements, obstruction by hardliners continues to hamper returns and the implementation of property law
- Objective of nationalist authorities is to strengthen the ethnic homogeneity of areas under their control
- Minority returnees face employment discrimination, lack of access to essential services and utilities

"There were some improvements during the year that facilitated returns. In the RS, more than 80 percent of the RS Refugee Ministry's budget was spent on resettling Serb IDP's to the RS. Much of the funding was spent on new housing for residents of collective centers, instead of on alternative accommodation to facilitate evictions. However, during the year, the RS allocated some funds to reconstruct Bosniak housing in Brcko, and allocated other funds for assistance to Serbs returning to the Federation. Although IDP's in the hard-line RS areas of Bratunac and Srebrenica, mostly from Sarajevo, were intimidated from attempting to return (see Section 1.c.), by year's end, more than 50 families from these two towns returned to their homes in the Federation. In early June, the High Representative removed the hard-line Serb mayor of Bratunac for obstructing the return of refugees and IDP's. The mayor had publicly opposed the return of

Bosniaks and had threatened to dismantle several Bosniak houses reconstructed by NGO's over minor legal technicalities. The mayor promptly went into hiding in Serbia, fearing arrest for other criminal activity while he had worked as mayor. The increased number of ethnically integrated police forces also helped improve the climate for returns, although security remained inadequate in some areas (see Section 5).

However, many problems remained that prevented returns, including the obstruction by hard-liners of implementation of property legislation, political pressure for individuals to remain displaced in order to increase the ethnic homogeneity of the population in a specific area, societal violence, and the lack of an ethnically neutral curriculum in public schools (see Section 5). Municipal administration taxes on documents that are necessary for return, such as birth or land certificates are high. In addition, minority returnees often faced employment discrimination, lack of access to health care in the place of return, and denial of utility services such as electricity, gas, and telephones by publicly-owned utility companies.

The continued influence of ethnic separatists in positions of authority hindered minority returns. Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's. Most of those returning from Europe were unable to return to their prewar homes in the RS. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns, although efforts by hard-line Croats to resettle returning refugees and consolidate the results of ethnic cleansings have ceased for the most part. IDP's living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence (see Section 5).

In February it was discovered that a member of the SDS party was involved in arson attacks on the houses of Bosniak returnees. After pressure from the international community, the SDS presidency announced that it would expel the party member." (U.S. DOS 4 March 2002, sect. 2d)

Ethnic differences were used to justify the war and remain a powerful political force in the country. Although some politicians still support the concepts of a "Greater Serbia" and a "Greater Croatia", mixed communities exist peacefully in a growing number of areas, including Sarajevo and Tuzla. However, nationalist Bosnian Serb and Croat politicians sought to increase the ethnic homogeneity of the population in areas they control by discouraging IDP's of their own ethnicity from returning to their prewar homes if they would be in the minority there. Hard-line Bosnian Croats continued to discourage some Croat returns to central Bosnia and actively have recruited displaced Croats to resettle in Herzegovina; however this intimidation has decreased. Some hard-line local authorities in the eastern RS sought to keep information regarding the right to return and conditions in return sites from reaching displaced Serbs in their areas, so as to dissuade them from attempting to return to their former homes. Although the new RS Government officially support the right to return, it continued to obstruct returns on many levels." (U.S. DOS 4 March 2002, sect. 5)

RS authorities give the priority to the resettlement of the displaced Serbs (2001-2002)

- The bulk of the RS Refugee Ministry's budget supports the permanent settlement of Serbs DP's and Refugees
- In an April 2001 resolution, the RS National Assembly requested more support to be given to the displaced families of war veterans
- International community will need to monitor closely the allocation of newly built housing units to prevent abuses
- The Refugee Ministry spent virtually nothing to assist Serbs who wish to return to the Federation
- The High Representative issued a Decision ensuring transparency in the allocation of funds for refugee return in the Entity budgets (January 2002)

"Unfortunately, an analysis of the RS budgets for 2000 and 2001 demonstrates that official priorities focus overwhelmingly on providing incentives to displaced Serbs to remain in the RS while, in many ways, working against minority return. In early 2001, for example, the government budgeted about KM 34.5 million for the Ministry for Refugees and Displaced Persons (Refugee Ministry), KM 28 million of which was allocated to projects. Of this latter sum, KM 21 million (or 75 per cent) was earmarked for resolving the problems of refugees and displaced persons currently residing in the RS (i.e., supporting the permanent settlement of Serb DPs and refugees), while only 25 per cent was allotted to helping returnees.

In a set of parliamentary conclusions in April, the National Assembly 'tasked' the government with closing collective centres in the RS (that is, with finding permanent accommodation for Serb DPs and refugees) and with resolving the housing problems of the refugee and DP families of deceased war veterans by May 2002. The assembly further stipulated that 'at least' KM 29,255,609 of the ministry's budget should be allocated to these tasks, even though the RS Ministry of Veterans and Labour had already budgeted KM 101 million to assist fallen soldiers, war invalids and victims of war in 2001. [RS National Assembly, Adopted Conclusions on Program for Solving the Problems of DPs, Returnees and Refugees, 10 April 2001]

The National Assembly thus instructed the Refugee Ministry to spend more than its total available budget on programs dedicated to solving the housing problems of Serb refugees and DPs. At the same time, the assembly made no mention of funding for programs to assist returnees to the RS, nor even to assist Serbs wishing to return to the Federation. Despite this striking discrepancy, deputies made the rhetorical (and disingenuous) gesture of 'demanding' that the Refugee Ministry accord 'equal treatment to refugees, DPs and returnees in the process of resolving their problems according to the program.'

These parliamentary strictures turned out to be irrelevant, however, when the government was compelled drastically to readjust its budget at mid-year in order to take account of serious revenue shortfalls of between 20 and 30 per cent. Rather than imposing corresponding cuts all round, however, the government now allotted a mere KM 2.1 million to the Refugee Ministry, so reducing its budget by a swingeing 85 per cent. Similar budgetary shortfalls in 2000 had provided an excuse for the government to spend none of the KM 5 million that it had budgeted to support return in that year. The tiny sum remaining to the ministry this year is being spent to build new housing or provide alternative accommodation for displaced Serbs still living in temporary collective centres or vacating homes being reclaimed by returning Bosniaks and Croats.

[...]

Under considerable pressure from the international community, the RS authorities agreed that new housing units created through this program would be allocated according to strict criteria. Accordingly, 'individuals who have failed to claim their properties, individuals who have repossessed their properties and multiple occupants are not eligible to be allocated apartments. Those who are allocated apartments will receive only six-month temporary contracts to use them and will be denied an extension if they do not remain entitled under the Criteria.' ['Collective centre closure program in RS expected to provide alternative accommodation', Joint OSCE, UNMIBH, UNHCR, CRPC, and OHR Press Release, 30 August 2001 [Internet]] In addition, the government promised to use vacated collective centres to provide temporary accommodation for those evicted from dwellings reclaimed by their pre-war occupants, usually people who fled or were expelled during the war.

In this way the international agencies charged with implementing the property laws are attempting to ensure that closing the collective centres assists as much in facilitating non-Serb return to the RS as it does in helping displaced Serbs with no alternative accommodation. Nevertheless, the experience of international officials working on the property laws has shown that international agencies will need to micromanage the use of this new accommodation if abuses are to be prevented. Shortly after the RS authorities agreed to the new criteria, documentation about beneficiaries currently being moved out of collective centres in the eastern RS was suddenly transferred to the Refugee Ministry in Banja Luka, complicating the work of international officials in the field attempting to monitor the use of new housing. The potential injustice of constructing new flats for residents of collective centres could be compounded by

the fact that much of the housing will be built on public land effectively privatised to benefit only Serbs remaining in the RS. Meanwhile, the Refugee Ministry spends virtually nothing to assist Serbs who wish to return to the Federation.

[...]

[A]t the same time as the Refugee Ministry's budget was cut to the bone, the already fat budget of the Ministry for Veterans and Labour received an *increase* at mid-year. An ambiguous KM 4 million item in this ministry's budget for spending on 'special purposes' is now nearly twice the entire budget of the Refugee Ministry. According to the UN, the Veterans and Labour Ministry is involved in the multimillion dollar 'industry' of trafficking women from elsewhere in Eastern Europe for work as prostitutes in Bosnia. The majority of women found working in brothels in the RS during IPTF raids possess work permits issued by this Ministry.

The government's budgetary manipulations make political sense, since groups of veterans and associations of DPs constitute bedrock elements of SDS power at local level. Veterans and their families and Serbs displaced from the Federation and Croatia made sacrifices in the name of the SDS's (and Milosevic's) project for a greater Serbia. They therefore remain as important as emblems in political rhetoric as they do as SDS voters. They are also easily mobilised to demonstrate against the international community and returning Bosniaks." (ICG 8 October 2001, pp. 28-30)

"They were some improvements during the year [2001] that facilitated return. In the RS, more than 80 percent of the RS Refugee Ministry's budget was spent on resettling Serb IDPs to the RS. Much of the funding was spent on new housing for residents of collective centers, instead of an alternative accommodation to facilitate evictions. However, during the year, the RS allocated some funds to reconstruction Bosniak housing in Breko, and allocated other funds for assistance to Serbs returning to the Federation." (U.S. DOS 4 March 2002, sect. 2d)

"On 24 January, I issued a Decision ensuring transparency in the allocation of funds for refugee return in the Entity budgets. It was issued in response to an application lodged by three (non-Serb) members of the RS Constitutional Commission who invoked vital national interest to veto the proposed 2002 RS budget. They maintained that insufficient funds had been allocated to returns to the RS in the 2002 budget, and that funds allocated to minority returns in 2000 and 2001 RS budgets had not been spent. Among other things, my Decision requires Entity Ministers to notify periodically the State Minister for Refugees on their expenditure on refugee return." (OHR 5 March 2002, sect. V)

See also:

"High Representative issues Decision ensuring transparency in the use of funds for return of refugees and displaced persons in both Entities", 25 January 2002 [Internet]

"Republika Srpska failing to implement the Property Laws", OSCE press release, 11 September 2001 [Internet]

"RS Government remains under the influence of nationalist Serb Democratic Party (2000-2001)" [Internal link]

"Bosnia and Herzegovina: Waiting on the doorstep: minority returns to eastern Republika Srpska", Amnesty International, July 2000 [Internet]

"Unfinished business: returned of displaced persons and other human rights issues in Bijeljina", Human Rights Watch, May 2000 [Internet]

Arrests and prosecutions for war crimes: a condition for minority return (2000-2002)

- The level of co-operation of RS authorities with the ICTY remains poor

"[A] critical concern to those returning and minorities who stayed throughout the war is their physical and psychological security. The arrest of war criminals indicted by the ICTY, and support for the exhumations process is essential for the promotion not only of reintegration, but also reconciliation. To date co-operation by local authorities with the ICTY has been poor; with respect to exhumations co-operation has generally been good. The challenge for 2000 will be to assist in ensuring that both processes move forward." (OHR HRCC 20 Jan 2000, sect. 1)

"[The Office of the High Representative] has continued to work closely with ICTY to pressure the relevant authorities of BiH, especially those of the RS, to co-operate more efficiently with the Tribunal. Despite the adoption of the RS Law on Co-operation with the ICTY on 17 October 2001, the level of co-operation remains poor and RS authorities have yet to arrest, or facilitate the arrest of, a single ICTY-indictee." (OHR 13 May 2002, para. 27)

Regional dimension of displacement and return in BiH (2000-2001)

- The return to Croatia of Croatian Serbs currently displaced in the Republika Srpska would free up the space needed for the return of Bosniak and Croat displaced in Bosnia
- Despite the political changes in Croatia and the Regional Return Initiative of the Stability Pact, the procedures for return to Croatia remain obstructive, according to the High Representative

"The return of the displaced within Bosnia and Herzegovina remains inextricably linked to refugee movements elsewhere in the Balkans, and particularly Croatia and FRY [...]. But [the High Representative] expect[s] that the momentum associated with the newly elected Government in Croatia and the Regional Return Initiative launched by the Stability Pact will finally lead to progress on this issue. Croatian Serbs in Republika Srpska, many of whom would like to return to Croatia and whose movement would free up the space needed for Bosniak and Croat return, continue to be my particular concern. However, [...] the procedures for return to Croatia remain obstructive and a complete overhaul is required to enable Croatian Serb refugees to exercise their right to return and to instill confidence in the return process. As foreseen in the return programme, the Croatian Government must allow all its former residents, including those who for reasons beyond their control do not possess Croatian citizenship, to return. The Government of Croatia still needs to extend its consular services in full, and on a non-discriminatory basis, to Croatian Serb refugees in both Bosnia and Herzegovina and the FRY. Only by giving Croatian Serb refugees access to passports will they have genuine freedom of movement to travel to and from their homes of origin in order to make an informed decision about return.

Other issues that remain to be addressed by the new Government are establishment of effective mechanisms that will allow returnees to restore their property and occupancy rights; access to personal documents and non-discriminatory inclusion in reconstruction programmes. In order to bring the Croatian citizenship regime in accordance with international standards applicable in situations of dissolution of a State, the Croatian Government must amend its Citizenship Law to facilitate naturalization of former habitual residents whose genuine, effective links are with Croatia rather than with their country of asylum. The OHR will work within Stability Pact's Regional Return Initiative to help ensure that these legislative obstacles to return are removed urgently." (OHR 3 May 2000, paras. 89-90)

"Refugee return in BiH remains affected by return movements in Croatia and the Federal Republic of Yugoslavia (FRY). There has been little recent progress in return to Croatia, due to the lack of a clear and transparent legal framework for the repossession of property. Therefore some 35,000 Croatian Serbs in the

western RS remain in limbo, creating a serious obstacle to minority return to that entity. My office is also working on improving the return situation from FRY to BiH." (OHR 12 March 2001, para. 37)

See also "Update on durable solutions for refugees and displaced persons in the context of the Dayton Agreement", Humanitarian Issues Working Group, 29 November 1999 [Internet]

For more information on the Stability Pact, see website of the Special Coordinator of the Stability Pact for South Eastern Europe [Internet]

Security and return: involvement of local and international security forces (1999-2000)

- Security incidents related to the greater number of returns to rural areas increased in both entities
- UNMIBH responded by developing security plans jointly with the IPTF, the local police, community leaders, associations of displaced persons, SFOR and UNHCR
- Impunity for the perpetrators of the majority of ethnically-motivated and anti-return attacks continues to hamper durable minority return

"UNMIBH supports a wide range of activities by the United Nations system of organizations. In the first quarter of this year, minority returns registered by the Office of the United Nations High Commissioner for Refugees (UNHCR) quadrupled, from 1,711 in 1999 to 7,300. Security incidents related to the greater number of returns to rural areas have also increased in both entities. UNMIBH has responded by developing, jointly with local police forces, security plans on the local and regional levels to determine what needs to be done before, during and after returns. Most plans involve local police support for active engagement and community policing. This process also relies on field-level consultations between IPTF, the local police, community leaders, associations of displaced persons, SFOR and UNHCR." (UNSC 2 June 2000, para. 24)

"Amnesty International is concerned that return-related incidents of violence against life and property continue to be reported. Amnesty International applauds the efforts undertaken by the local police force to provide extensive and very visible protection in accompanying return initiatives and patrolling return locations. In addition, the close cooperation between the International Police Task Force (IPTF) and the Republika Srpska police force, as well as the increasingly active role of SFOR in the return process should be noted. However, with few exceptions, there appears to be continued impunity for the perpetrators of the majority of ethnically-motivated and anti-return attacks which have occurred over the last year. Amnesty International is also worried by what appears to be complacency in parts of the international community, notably the IPTF, as evidenced in their lack of follow-up in these cases.

While the number of reported return-related violent incidents in the whole of Bosnia-Herzegovina has decreased in relation to previous years, the fact remains that most of them are not resolved and only in rare cases do local and national officials condemn such incidents publicly.

The Ombudsperson of Bosnia-Herzegovina concluded in one of her special reports that the violence directed against returnees and the failure of the authorities to effectively investigate those responsible for orchestrating violent incidents constituted inhuman treatment and is therefore a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The lasting effects of impunity for these attacks cannot be underestimated. In the case of Srebrenica, which has seen virtually no returns to the centre of town, the attack on one of the Bosniac councillors in October last year, which to date has not been resolved, is cited over and over again by the Bosniac councillors as the main reason why they are reluctant to settle permanently in the town. While international monitors have raised questions as to the credibility of these fears and suspect that other motives underlie some councillors'

decision not to move back permanently, the symbolic impact of the attack will last as long as it is followed by apparent inaction.

[...]

Incidents of violence increased in Janja and Bijeljina in the north of the entity at the end of February and the beginning of March this year. This development appears to be clearly connected to the increase in numbers of Bosniacs returning, and also to the fact that the OMI's started issuing positive decisions in property claims. According to local residents in Janja interviewed by Amnesty International, there were some 10 incidents, involving 30 petrol bombs thrown at Bosniac returnee houses between January and March 2000. In Bijeljina, several incidents were also reported, including the repeated throwing of explosive devices at the home of one returnee in the centre of town. To date, no one has been prosecuted for any of these incidents." (AI 1 July 2000, pp. 20-22)

See Human Rights Ombudsperson for Bosnia-Herzegovina, Special Report on Discrimination in the Effective Protection of Human Rights of Returnees in Both Entities of Bosnia-Herzegovina. No. 3275/99, 29 September 1999 [Internet]

The responsibility of the municipality offices of the RS Ministry for Refugees and Displaced Persons (OMIs) in slow return process (2000)

- OMIs are tasked to deal with applications for the return of property and the execution of property-related decisions
- There are frequent reports by potential returnees which indicate that OMIs have on occasion deliberately and unlawfully delayed reinstatements, given incorrect information or failed to act on applications for the return of property
- Most decisions of property restitution are for partially or totally destroyed property which is not currently inhabited
- Reinstatement into property in town and village centres are rare, except in cases of persons who were evicted or expelled from their homes but stayed on during and after the war (the "floaters")
- Other cases of actual returns include instances where returnees have reportedly "bought out" the temporary occupant, or where the local housing authorities proceeded with evictions on the assumption that the owner was abroad and would likely not regain his property

"The Republika Srpska administrative and political authorities, in particular the Ministry for Refugees and Displaced Persons, are meant to play a leading role in enabling returns, by implementing and enforcing property legislation and other administrative procedures. On a local level, the municipality offices of the Ministry for Refugees and Displaced Persons (Odsjek Ministarstva izbjeglih i raseljenih lica, or OMI), are tasked to deal with applications for the return of property and the execution of their own positive decisions as well as enforcing decisions of the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC, the decisions of which are regarded as final and binding).

The long-standing lack of progress in processing claims in the eastern Republika Srpska, coupled with the low number of actual reinstatements has caused the OMIs to become the focal point of criticism by frustrated returnees and by the international community for their largely inadequate performance in this respect to date. Local OMI officials who met with Amnesty International were keen to stress the many practical and resource-related problems they face in their work. While there is clearly a lack of legally qualified staff and general office and logistical equipment, their explanation fails to justify satisfactorily the slow pace at which applications are processed and the lack of execution of affirmative decisions. In addition, international human rights monitors have stated that the lack of attention given on the entity level to ensure that the OMIs operate effectively amounts in itself to political obstruction.

There are frequent reports by potential returnees which indicate that OMIs have on occasion deliberately and unlawfully delayed reinstatements, given incorrect information or failed to act on applications for the return of property claiming that it is not accompanied by the right documentation. These continuing shortcomings appear to be of a fundamental nature and result in cases being deadlocked for long periods of time, with the clear result - in many cases with apparent deliberate intent - of discouraging prospective returnees." (AI 1 July 2000, pp. 6-7)

"The number of cases in which the OMIs [Municipality offices of the RS Ministry for Refugees and Displaced Persons] have taken a decision allowing the pre-war inhabitant to regain possession of his or her property varies from municipality to municipality. In general, it appears that the number of positive decisions has increased significantly since the start of 2000. Yet one constant in the data is that most decisions are for partially or totally destroyed property which is not currently inhabited. While there have been several large-scale return movements of Bosniac displaced communities to empty and destroyed villages (most of which were mono-ethnic before the war), reinstatements into property in town and village centres are rare.

Where such returns have taken place, they often concern specific cases such as the so-called "floaters" in the town of Bijeljina: Bosniacs or Roma who were evicted or expelled from their homes but nevertheless stayed on during and after the war. It has been recognized both by the international community and by local authorities that the floaters should be prioritized in the procedures reaffirming property rights. Yet even these cases proceed slowly and are riddled with irregularities, in some cases adding to the continued vulnerability of such minority "remainees". Other cases of actual returns include instances where returnees have reportedly "bought out" the temporary occupant, or where the local housing authorities proceeded with evictions on the assumption that the owner was abroad and would likely not regain his property." (AI July 2000, p. 10)

See also "Difficulties faced by housing authorities responsible for property law implementation (2000)" [Internal link]

Momentum for minority return: a review of current conditions by the International Crisis Group (May 2000)

- Improving security conditions, increasing enforcement of property rights by pre-war owners and the waning nationalism in neighbouring countries have encouraged displaced population in Bosnia to return home
- Increasing level of returns free up housing for minority pre-war occupants, creating a momentum for a 'virtuous circle' of nationwide minority returns

"The real reasons for the increase in returns are three-fold: refugee impatience; new international community effectiveness; and a change in the psychology of both majority and minority populations

The sharp increase in refugee return comes after four and a half years of hard work by numerous international agencies, including the RRTF, UHNCR, and numerous humanitarian organisations acting as implementing partners for the major donors. Although many of these efforts have met with failure, long-term initiatives have now begun to bear fruit. Some have met with symbolic but numerically insignificant success. All have proven slow. The real reasons for the increase in returns are three-fold: refugee impatience; new international community effectiveness; and a change in the psychology of both majority and minority populations.

Bosnia's refugee population - some of whom have been waiting as long as eight years to return home - seems to have decided that it is time to return. This indicates a subtle shift in the psychology of both majority and minority populations, caused by the absence of fighting for over four years, as well as the

general level of security conveyed by the international presence. So too, many have decided that international community efforts are too slow, and that they must take the initiative to achieve their rights under the Dayton agreement. Other influences on psychology may be attributed to new actions taken by the international community to enforce the right of pre-war occupants to their property, as well as the heartening effect of the elections in Croatia, which provided a strong signal that Croatian nationalism was waning. In addition, Bosniak government officials have actively encouraged refugee groups to undertake spontaneous returns.

The High Representative's imposition of new property laws, as well as the RRTF's emphasis on the rule of law have succeeded in turning what was formerly a highly politicised issue into a simple question of adherence to the law. Using the Property Law Implementation Program (PLIP), the primary focus has shifted from tolerating excuses for non-implementation by local officials to emphasis on following the letter of the law, as expressed in the RRTF document "Non-negotiable Principles in the Context of The Property Law Implementation."

In the cases of evictions from refugee property this has proven highly successful, as seen by the evictions taking place throughout the country. During the month of May 2000, 205 evictions took place in the Federation and 163 in RS. As of the end of February, there had been total 4,882 evictions in the Federation since the imposition of the new property law. Although RS has seen a total of only 424 evictions, the pace is picking up rapidly as evictions spread to such previously untouchable areas as Banja Luka, Bijeljina, Foca, Visegrad and Pale. The OHR has followed through aggressively by dismissing officials who refuse to implement the property laws. Continued evictions send a subtle message to those illegally occupying someone else's property that they can not remain indefinitely. Sooner or later their turn will come. As a result, a major psychological barrier has been breached.

The success of the 1998 Sarajevo Declaration, which succeeded in returning 20,000 non-Bosniaks to Sarajevo, has had an effect throughout the country. As these people are 'down-loaded' from Sarajevo, they free up housing for minority pre-war occupants, while at the same time returning to their pre-war regions and placing pressure on illegal occupants to vacate property. Many people evicted from their Sarajevo apartments have decided to undertake spontaneous returns. Returnees from RS and Croat majority regions, in coming back to Sarajevo, have freed up the housing they illegally occupied in their majority area, which permits increased returns there and creates momentum for a 'virtuous circle' of nationwide minority returns." (ICG 31 May 2000, "Why now?")

A serious obstacle to minority return: the policy of "hostile relocation" (2000)

- Local or entity-level authorities have tried to secure territory and actively block return of minorities by placing displaced persons in housing belonging to a minority ethnic group

"Voluntary relocation has been defined as the resettlement of a person in a property where he or she did not previously live, which occurs with the consent both of the relocated person and the original owner of that property. Relocation in Bosnia-Herzegovina has often been less than voluntary. There have been numerous occasions, even in latter years, of so-called hostile relocation inside Bosnia-Herzegovina, that is, situations where the local or entity-level authorities have tried to secure territory and actively block return of minorities by placing displaced persons in housing belonging to a minority ethnic group. Passive relocation occurs when the displacement becomes a permanent condition not based on the free will of the returnee, including when the individuals concerned become resigned to remaining in their present location." (AI July 2000, note 86)

For more information on the relocation policy, see ICG 'Preventing Minority Return in Bosnia and Herzegovina: The Anatomy of Hate and Fear' (10 August 1999) and 'Minority Return or Mass Relocation?' (14 May 1998) [Internet]

International initiatives

RRTF Action plan for 1999 - Review by the International Crisis Group

- The strategy of the Action Plan consists of more effort in support of an agreed plan, but the authors of the plan are realistic about the difficulties they face in implementation
- It offers no new strategy for breaking down the resistance of host authorities to return

"Negotiated consensual return - the RRTF strategy: third year of failure?"

The RRTF strategy represents the current favoured policy of the international community in promoting returns. It does not represent a consensus on policy, for no such consensus exists, but it does assert the leadership of the High Representative in co-ordinating the Return process, with the authority of the Peace Implementation Council behind him.

The 1999 plan puts forward a three-pronged strategy: space, security, sustainability. Space for return is to be created by reconstruction, by stronger regulations against illegal and double occupancy and so on, continuing the existing strategy that Bosnian authorities are to be pressured to conform to rules they have themselves accepted. Security is to be ensured by employing minorities in local police forces and by exploiting an increased (if vague) commitment by SFOR to support returns. Sustainability consists of creating a welcoming environment in which returnees have not just a home but a life [...].

The strategy is based upon supporting and amplifying existing movements of population back to their homes, concentrating on 'axes of return', since populations in many cases did not become dispersed but moved as a mass to a new location (Kakanj Croats to Drvar and Capljina, Sarajevo Serbs to Srebrenica, Brcko etc, Bosniac-Serb exchanges between Teslic and Tesanj).

The 1999 plan is comprehensive and well thought out. However, despite an on-paper commitment to greater co-ordination of the international effort, and increased staff resources for RRTF to ensure a prompt political response to local problems in as many places as possible, it offers no new strategy for breaking down the resistance of host authorities to return. The strategy consists of more effort in support of an agreed plan, and the authors of the plan are realistic about the difficulties they face in implementation.

The odds were against the success of the plan from the start, but NATO action in FRY after 24 March, just as the Return season was set to start, derailed it completely. For many weeks international organisations were unable to work in Republika Srpska at all, and a sustained campaign to promote return was impossible. Between January and April only 543 Bosniacs and Croats returned to their homes in RS: very few will have returned since then. Within the Federation figures were better, as usual (2959, mostly to Sarajevo and Drvar-Grahovo), but working relations between the HDZ and SDA at national level were uncooperative, and there was no sign of an atmosphere friendly to return, despite the false dawn of the 'Izetbegovic initiative'.

It seems unlikely that the 1999 RRTF plan will achieve the objective it set itself of 'a critical mass and sustainable flow' of minority returns. Will there be a 2000 RRTF plan along the same lines, against a background of dwindling resources? The 1999 plan itself suggests there will not. But what other policies

are available?" (ICG 10 August 1999, "So What works? - Actual and Possible Policies for the International Community")

See other RRTF policy documents and reports (1997-2001) on the website of the High Representative [Internet]

Minority return to the Brcko area: international monitoring (1998-1999)

- The international community has devoted considerable human and material resources to promoting 'peaceful, orderly and phased' returns to the Brcko area
- Pursuant to the Award of the Arbitration Tribunal issued in February 1997, the international Supervisor assembled a staff of 20 internationals and several Bosnians to assist the process of return, reconstruction and economic development
- The return of refugees and displaced persons to their homes of origin has remained limited
- The final award issued by the Brcko Arbitration Tribunal has affected the security situation

"Brcko represents a model for minority returns strictly regulated and monitored by the international community. The Brcko area has been a leading recipient of aid from organisations including the US Agency for International Development and the European commission. For 1998, the OHR hopes to raise a total of 70 million US\$. The European commission has allocated 6.7 million US\$ for the Brcko area, a full ten percent of the funds it plans to spend on return projects this year throughout Bosnia. The World Bank allocated \$6.8 million to repair main roads. Several other donors have made commitments as well.

Over the past two years, the international community has devoted considerable human and material resources to promoting 'peaceful, orderly and phased' returns to the Brcko area. Owing to the strategic importance of Brcko, Serb settlers and Bosniac returnees, often with construction materials supplied by their authorities, rushed to repopulate its destroyed suburbs in 1996. An International Housing commission was established to register and approve applications for returns. Pursuant to the Award of the Arbitration Tribunal issued in February 1997, US Ambassador William Farrand was named Supervisor, and quickly assembled a staff of 20 internationals and several Bosnians to assist the process of return, reconstruction and economic development. Beginning in April 1997, an OHR Returns commission took over the process of approving applications for returns." (ICG 14 May 1998, section 3.e)

Assessment by the Brcko Arbitral Tribunal (March 1999)

"[W]ith respect to the most important of all of Dayton's objectives- the return of refugees and displaced persons to their homes of origin - the progress in the Brcko area has fallen far short of the basic standard spelled out in Paragraph 21 of the Supplemental Award of 15 March 1998. It is true, thanks almost entirely to the efforts of the international community, that in a narrow sense there has been some success in terms of returns: In the RS-held area south and west of Brcko Grad, Bosniacs and Croats returned in sufficient numbers during 1997 and 1998 to enable RS authorities to claim that returns to the Brcko area have been greater than in any other RS municipality. But that in a sense is damning with faint praise: That achievement, such as it is, does not demonstrate 'a very vigorous and consistent program of correction and [Dayton] compliance.'" (Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area 5 March 1999, para. 16)

Development following the final award

"There were few minority returns to the Brcko area of supervision [in April-June 1999]. The reasons for this included the reduced availability of unoccupied houses suitable for reconstruction, uncertainty surrounding the implementation of the Brcko Arbitral Tribunal's Final Award, and tension caused by events in the FRY. By the end of June, however, OHR-North had detected some enthusiasm from members of all ethnic groups for return to homes of origin in the pre-war Brcko Opstina. Bosniaks were able to clean

destroyed houses and begin reconstruction in Dizdarska and Rijeka, two neighbourhoods in the suburbs of Brcko town. Despite prior negative reactions on the part of Serb Displaced Persons to house-cleaning activities in those neighbourhoods in previous years, the Bosniaks engaged in house-cleaning and reconstruction were for the most part unhindered.

The security situation in Brcko has remained calm. Although some Serb political parties sponsored local rallies and protests related both to the NATO air strikes in Yugoslavia and to the Final Award, these gatherings remained non-violent and petered out even before the cessation of the NATO air strikes. The multi-ethnic Police has continued to co-operate with IPTF and to function reasonably effectively despite frequent delays in the payment of salaries to its officers and staff.

In April [1999], the Municipal Assembly elected Sinisa Kisić (SPRS) to the position of Mayor. Executive Board sessions were less confrontational and more productive than at any other time since the multi-ethnic Administration's inception." (OHR 16 July 1999, paras. 28-30)

For a critical review of the return process in Brcko, see International Crisis Group (ICG), Minority Return or Mass Relocation?, (Sarajevo), 14 May 1998, section 3.E "Internationally Regulated Returns - The Brcko Model" [Internet].

For a detailed description of the return process in Brcko in 1997 and 1998, see Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area, Final Award, 5 March 1999, paras. 18-31 [Internet].

For the Arbitral Tribunal's recommendations relating to the return of the displaced in the Brcko area, see Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area, Final Award, 5 March 1999, para. 47 [Internet].

The UNHCR Open cities initiative (1997-1999)

- The UNHCR Open Cities initiative (March 1997) aims at encouraging cities or municipalities, where reconciliation between ethnic communities is possible, to declare publicly their willingness to allow minority groups to return
- Where such willingness has been demonstrated with actual returns, the community should be immediately rewarded and supported with international assistance
- Fourteen Open Cities have been recognised in April 1999 and UNHCR and its partners are currently assessing the potential of a similar number of other municipalities to become Open Cities
- Minority return to Open Cities has been slow; only 15,392 such returns have been recorded in June 1999

"The UNHCR Open Cities initiative aims at encouraging cities or municipalities, where reconciliation between ethnic communities is possible, to declare publicly their willingness to allow minority groups to return to their former homes and participate as full members of the community. Where such willingness has been demonstrated with actual returns, the community should be immediately rewarded and supported with international assistance.

Recognition of an Open City is a simple process based on clear and common criteria. Once a community volunteers itself as open, UNHCR and interested international agencies will meet with the local authorities to ensure that their commitment is genuine and that the community meets the basic criteria for being considered an Open City. These include:

genuine and consistent political will demonstrated by the local authorities after publicly declaring to be Open Cities;
confirmation that minority returns are occurring or will take place without any abuse of these minorities;
confirmation that local authorities are genuinely committed to consistent and equal support for all members of the population for which they are responsible, including:

- a demonstrated willingness by local authorities and the existing community to reintegrate minorities into the normal life of the community;
- equal rights and opportunities for employment, education and appointment to public office;
- freedom of movement which remains a fundamental pre-requisite for viable minority returns; assessment visits by minorities will be encouraged; and
- respect for human rights (to be monitored carefully by international organisations on the ground) to avoid abuses, discrimination, criminality, restrictions to freedom of movement and security incidents indicating a lack of equal opportunity for minorities;

confirmation that these human rights criteria have been applied to minorities who remained in the community or who returned earlier;
due recognition of the relative numbers of minority returnees (e.g. the return of three families to a remote village compared with hundreds of families to a majority, or a small number of villages compared with a large geographic area);
the demonstrated impartiality and involvement of the local police, in co-operation with IPTF as needed, in ensuring that security, law and order prevail for all. The integration of returnees into the local police force is to be encouraged;
confirmation that local authorities are genuinely committed to the removal of mines throughout the municipality; and
a positive use of the media to prepare the resident community for the return of minorities, to invite minorities to return and to promote reconciliation. Inflammatory statements must be banned.

The process does not end with recognition, as UNHCR staff and members of other international organisations will continue to monitor progress and foster sustained commitment to minority return and reintegration or suggest that support be redirected where this commitment has been lost. Thus, the implementation of assistance projects will be rapid, community-based and designed to be handed over to the local authorities. Assistance will be incremental, in accordance with progress, and flexible enough to meet specific needs identified by the community.

Since its launch by the High Commissioner in March 1997, UNHCR's initiative has been warmly welcomed by the international community, which is actively supporting the Programme. For the project to be effective, common application of the criteria and co-ordinated assistance is vital. UNHCR particularly welcomes the support of the United States government which began with an allocation of US\$ 5 million for Open City Support projects and later provided a further US\$ 8 million via UNHCR for the Open Cities Initiative. This is joined by significant contributions from the Swiss Government, the Holy See, and the European Community Humanitarian Office (ECHO). The contribution granted to UNHCR by the Government of Japan, focus on the continuation of the Open Cities Initiative. [...]

UNHCR is encouraging voluntary returns both within and between the two entities, as well as from abroad. It is hoped that the lists of potential and real Open Cities will grow over time, as communities and their leaders see the positive results which follow the reintegration of minority groups.
[...]

Fourteen Open Cities have been recognised and, through field visits and initiating contacts with the local authorities, UNHCR and its partners are currently assessing the potential of a similar number of other municipalities to become Open Cities. One Open City [Vogosca] has been de-recognised due to sustained lack of commitment to minority return and failure to meet the agreed commitments with UNHCR which originally led to Open City status." (UNHCR Sarajevo 15 April 1999)

"[M]inority return to Open Cities has been slow; only 15,392 such returns have been recorded to date. While UNHCR negotiated with local authorities to remove obstacles to minority returns, it became clear that the initiative had certain limitations." (UNHCR June 1999, p. 332)

For an update, see "Open Cities Status Report as of 1 August 1999", United Nations High Commissioner for Refugees (UNHCR), Sarajevo [Internet]

For a critical review of the Sarajevo Return Conference, see International Crisis Group (ICG), Minority Return or Mass Relocation?, (Sarajevo), 14 May 1998 [Internet]

Promotion of minority returns: the Sarajevo declaration (February 1998-February 2000)

- Conference hosted by the OHR, the US Government and the European commission to facilitate more significant returns to the Sarajevo Canton
- The Conference agreed on concrete steps to be taken by the authorities and the international community
- The target of 20,000 minority returns to Sarajevo during 1998 was not met until February 2000

"The December 1997 Bonn Peace Implementation Conference called for a highly visible return conference in Sarajevo to promote minority returns. On 3 February 1998, the OHR, the US Government and the European commission hosted a high-level conference which conditioned future economic aid to the Sarajevo Canton on the return of at least 20,000 minorities in 1998. Although there have been more minority returns to the Sarajevo Canton than anywhere else in Bosnia and Herzegovina, it was agreed that the Canton had nevertheless failed to do enough to facilitate more significant minority returns. The Sarajevo Conference was a highly-publicised attempt to exert pressure on the Sarajevo authorities to take the lead in welcoming minorities.

A Sarajevo Declaration, drafted under the leadership of the OHR, outlined the most grievous problems and set deadlines for solutions." (ICG 14 May 1998, section 3.D.1)

"The Conference agreed on concrete steps to be taken by the authorities and the international community to make Sarajevo a model canton for minority return and multinational coexistence." (OHR 9 April 1998, para. 64)

"Implementation of the Sarajevo Declaration has been marked by continual problems. It is vital that the limited momentum which built up during the Summer should be reinstated, and in particular that no changes be made which might reduce the efficiency of the Cantonal Housing Department. Positive steps in some areas, including public security, have been overshadowed - and in some cases canceled out by - failings by the authorities in other areas, notably housing and return to own homes of minorities. The number of registered minority returns to Sarajevo is around 4,000 - although it would have been closer to 6,000 if whole families had returned in all cases. It is estimated that there may have been 5000 unregistered returns. The recent set-back in education, where the Sarajevo Canton government has reneged upon its previous position of support for the Education Working Group yet again raises doubt about its good faith commitment to implement the Sarajevo Declaration and its fundamental aim of making Sarajevo a model for reconciliation, multi-ethnicity, freedom of movement and the unconditional right to return throughout Bosnia and Herzegovina. These failures could have an impact on international assistance to the Sarajevo Canton in 1999." (OHR/RRTF 12 December 1998, "Executive Summary")

For the full text of the "Sarajevo Declaration", see website of the Office of the High Representative [Internet].

For a critical review of the Sarajevo Return Conference, see International Crisis Group (ICG), Minority Return or Mass Relocation?, (Sarajevo), 14 May 1998 [Internet].

International pressure in support of return: the declaration of the Peace Implementation Council in Madrid (16 December 1998)

- The PIC called for a re-doubling of efforts to create the conditions for a large number of returns in 1999
- The PIC endorsed the Reconstruction and Return Task Force (RRTF) action plan for 1999

"The Madrid [Peace Implementation Council (PIC)] meeting reviewed developments since the Bonn PIC in December 1997, and agreed a peace implementation agenda for the coming year. [At the initiative of the High Representative], the local parties were, for the first time, closely involved in the drafting of the Conclusions. Many of their proposals were reflected in the final texts, which were unanimously adopted. The Council strongly reaffirmed the Peace Agreement as the basis of freedom and democracy in Bosnia and Herzegovina. While noting the substantial progress of the last twelve months, the Council recognised how much more remained to be done to make peace in BiH self-sustaining. It acknowledged that following the end of the 'consolidation period', the next two years will be vital in strengthening the peace process and building democratic and market-oriented institutions - with the authorities in BiH increasingly assuming greater responsibility for the functions now undertaken or co-ordinated by the international community. It endorsed the continued presence of the international community in BiH as vital to help build the peace. But the Council drew attention to the fact that international assistance to BiH was now at its height and would inevitably begin to reduce in the near future. BiH should therefore use the coming period to prepare for life without total reliance on foreign aid.

The Council endorsed a comprehensive blueprint for reinforcing peace in BiH. This included a major effort to promote refugee and displaced person returns in 1999 (including endorsement of the Refugee and Reconstruction Task Force (RRTF) plan for 1999, accompanied by a pledge to provide funding for it). The Council also agreed on detailed proposals to strengthen BiH internally and externally. This will be achieved by measures to: entrench the rule of law, (in particular by reforming the judiciary and restructuring the police on multi-ethnic lines); strengthen BiH's institutions, especially its common institutions; create a market economy in BiH, and press ahead with privatisation; promote further democratisation by developing a new electoral law and further media reform.

BiH will be strengthened externally by the establishment of a BiH Border service at the state level, with the appropriate legal foundation, to control the frontiers of the country, and, inter alia, by steps, to be taken together with the Presidency and the Entities, towards establishing a common security policy and a state dimension to defence. The Madrid Declaration also set out proposals for strengthening BiH's ties with the European institutions, principally the Council of Europe and the EU, building on the efforts of the BiH/EU Task Force. The Council reaffirmed its support for the broad and substantial powers given to me at the Bonn PIC. (OHR 12 February 1999, paras. 4-6)

The PIC agreed that, after the end of the current phase devoted to consolidating peace, the next two years should be devoted to making that peace self-sustaining. Enabling a free choice on return was recognised as an essential component of this strategy. The Council resolved "to support every effort to create the conditions for a major step forward on returns to own homes in 1999 for those who wish to exercise this right."

There was wide endorsement of the RRTF 1999 Action Plan and the emphasis the plan lays on renewed and concerted efforts by OHR, SFOR and UNHCR to promote the creation of conditions conducive to minority returns. The PIC further recognised 'the regional dimensions of return as set out in the UNHCR Regional Strategy presented at Luxembourg and in the reports presented to the Humanitarian Issues Working Group of the Council on 20 November.' 'The Council,' the Declaration continues, 'welcomes the strategy set out therein (which outlines four sustainable solutions, namely voluntary return to pre-conflict homes as the preferred solution, as well as local integration, resettlement and relocation), and calls upon the parties to co-operate in its implementation. The Council welcomes the strengthened links between the RRTF and the Return Facilitation Group, its counterpart in Croatia.'

The PIC called for a re-doubling of efforts to create the conditions for a large number of returns in 1999. In particular, in its final Declaration, the PIC:

- recalled the unfulfilled obligation of the Parties under Annex 7 of the Peace Agreement to co-operate with UNHCR and to create suitable conditions for return;
- insisted that the parties establish the conditions necessary for an effective returns process;
- noted that many tens of thousands of Bosnians have so far expressed a wish to return home immediately to minority areas, and endorsed the Reconstruction and Return Task Force (RRTF) action plan for 1999, which sets out an intensive programme to address the three key issues of space, security and sustainability and includes specific sector plans such as a substantial information campaign;
- undertook to provide the appropriate funding, commitment and resources needed for that purpose;
- welcomed the high degree of co-ordination ensured by the plan, as well as, in particular, the intention of UNMIBH and SFOR to co-operate in its implementation to the maximum extent possible within their mandates."

(UNHCR December 1998a, pp. 1-2)

For the full text of the Declaration of the Peace Implementation Council in Madrid, see website of the Office of the High Representative [Internet].

HUMANITARIAN ACCESS

General

Sporadic violence against representatives of the international community continues to be reported (2001)

- Human rights groups operate without government restriction but their recommendations remain often ignored
- Registration of NGOs have been simplified in December 2001
- International officials were injured, threatened, and taken hostage in riots organised by nationalist groups

"A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. The OHR reports that foreign government and NGO human rights monitors were able to travel without restriction in all areas of the country. International community representatives were given widespread, and for the most part, unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

In December [2001] the Parliament adopted the Law on Associations and Foundations. This law, for the first time, allows NGO's to register at the national level and therefore to operate throughout the country without further administrative requirements. The law follows the general principle of voluntary registration and allows associations and foundations to engage directly in related economic activities.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or categorical refusal.

Sporadic violence against international community representatives continued throughout the year [2001]. On April 6, Croat rioters disrupted a joint operation of local and international authorities to seize documents and other evidence from several offices of Herzegovacka Banka as part of an investigation into allegations of corruption and other illegal activities associated with the HDZ's drive to establish a parallel Croat government. Several local officials, police, SFOR soldiers and other international officials participating in the operation were injured, threatened, and taken hostage by rioters. On May 5, Serb nationalists obstructing the cornerstone laying ceremony on the grounds of a destroyed Mosque in Trebinje beat the local OHR representative. Several high-ranking members of the international community, along with other local dignitaries, were trapped inside the Islamic Community Center in Banja Luka for several hours while rioters stoned the building during May 7 riots which blocked the laying of the cornerstone for the destroyed Ferhadija Mosque. International property and officers were targeted specifically for vandalism or destruction." (U.S. DOS 4 March 2002, sect. 4)

NATIONAL AND INTERNATIONAL RESPONSES

National framework

The General Framework for Peace in Bosnia and Herzegovina (The Dayton Agreement, 1995)

- The Agreement guarantees the rights of all refugees and displaced persons freely to return to their homes and to have restored to them, or to receive compensation

"The General Framework Agreement for Peace in Bosnia and Herzegovina was initialled in Dayton, Ohio, on 21 November 1995, and signed in Paris on 14 December 1995. Article II, Paragraph 5, of Annex 4, which frames the Constitution of Bosnia and Herzegovina, states that: All refugees and [internally] displaced persons have the right freely to return to their homes of origin." (ICG 30 April 1997, "Introduction" and Notes 1 and 2)

"It is followed by an equally clear statement of the right of refugees and displaced persons to recover "property of which they were deprived in the course of hostilities since 1991, and to be compensated for any such property that cannot be restored to them.

Annex 7, which is the detailed Agreement on Refugees and [Internally] Displaced Persons, begins by reiterating that basic right in Chapter 1, Article 1, Paragraph 1. It adds: 'The early return of refugees and [internally] displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.'

Finally, Annex 3, Article 1, states that the parties "shall ensure freedom of movement", and Article IV speaks of the right of any citizen of Bosnia and Herzegovina listed in the 1991 census to vote, adding that by Election Day, 'the return of refugees should already be underway....'" (ICG 30 April 1997, Note 2)

For the full text of the General Framework Agreement for Peace, see website of the Office of the High Representative [Internet]

Entity administrative structures in charge of the displaced population fail to implement existing instructions on return (1999-2001)

- The BiH Ministry for Human Rights and Refugees is responsible for the coordination of inter-entity activities with regard to return
- The Commission for Refugees and Displaced Persons has also been created to encourage dialogue between State and Entity Ministries (February 2001)
- Each Entity has its own IDP-related ministry: The RS Ministry for Refugees and Displaced Persons and the Federation Ministry for Social Affairs, Displaced Persons and Refugees
- Municipal Information Offices (MROs) in the Federation and Municipal Offices of the Ministry for Refugees and Displaced Persons (OMIs) in the RS have been established in most municipalities of BH

State structures

"The BiH Ministry for Human Rights and Refugees (MHRR) was created in April 2000 and took over some of the then competencies of the BiH Ministry for Civil Affairs and Communications (MCAC). In addition to immigration, asylum and human rights, the Ministry is responsible for activities related to the repatriation to BiH of BiH citizens who became refugees abroad and for co-ordination of inter-entity activities with regard to return (as regulated in the Law on Refugees from BiH and Displaced Persons in BiH, published in December 1999). In addition, MHRR has been instrumental in the re-registration of displaced persons and of more than 6,000 Serb refugee families from Croatia in Republika Srpska and Brcko District. The creation of the Ministry presents an opportunity to develop capacity within the Ministry to act in a number of fields. The Ministry may be well placed to work with the entities and international organisations in order to ensure greater implementation of the property laws and certificates of the CRPC." (OHR/HRCC 5 February 2001, sect. III)

The coordination body: the State Commission for Refugees and Displaced Persons

The Commission was established on 21 February 2000 by BiH Presidency decision based on the New York Declaration from 15 November 1999 and Arciel 23 of the BiH 'Law on Refugees from BiH and Displaced Persons in BiH' from December 1999. The Commission is comprised of representative of State and Entity Ministries responsible for Refugees and Displaced Persons and UNHCR." (UNHCR 17 July 2001)

"The State Commission for Refugees (SCR), co-chaired by UNHCR and the State Ministry for Human Rights and Refugees (MHRR), in which my Office regularly participates, has established its value as an excellent forum for efficient coordination between the State, the Entities and the IC. The appropriate ministries of the RS, the Federation and Brcko District engage seriously, in a constructive manner, in joint discussions of strategy, funding issues, and in particular, joint activities. The Federation and RS have become important donors to reconstruction and return-related projects. Under the leadership of MHRR, the SCR has embarked upon an initiative for joint projects according to common beneficiary criteria, to which both Entities and State will contribute funds. This can be viewed as a significant first step towards a common policy on return." (OHR 14 May 2002, para. 31)

Entity structures

"In February 1998, the Federation Ministry for Social Affairs, Displaced Persons and Refugees passed an Instruction on the Method of Organising the Return of Displaced Persons and Repatriates to/within the Territory of the Federation of Bosnia and Herzegovina [FBH Official Gazette, No. 6/98, 9 March 1998.] which requests all Cantonal and municipal authorities responsible for return issues to use a common and standardised Voluntary Return Application Form and follow procedures linked to property assessment and exchange of information on the registration of displaced persons wishing to return. The mechanism, which is linked to a database system, is intended to support and facilitate organised return and the basis for return planning purposes in accordance with Article I(5) of Annex 7 of the GFAP. In June 1998, the RS Ministry for Refugees and Displaced Persons adopted a similar Instruction [RS Official Messenger, No. 18/98, 8 June 1998]. The Ministry of Civil Affairs and Communication, in co-operation with UNHCR, has finalised the text of a State Instruction on Organised Return to facilitate inter-Entity returns and repatriation from abroad but has, for the past seven months, failed to adopt it formally. The absence of the State Instruction effectively hampers the smooth incorporation of refugees willing to return into the system.

While Municipal Information Offices (MROs) in the Federation and Municipal Offices of the Ministry for Refugees and Displaced Persons (OMIs) in the RS have been established in most municipalities of BH, the implementation of the Instructions has already proven difficult in some parts of the Federation and the RS and has in fact been used by the local authorities in certain municipalities to obstruct return, often by adding bureaucratic hurdles. For example, some OMIs charge illegal fees and require that applicants present supporting documentation relating to property repossession in order to register their intentions to return, which is not required according to the Instructions on Organised Return. In both the Federation and the RS, the authorities have not fully met the staffing needs and running costs of the MROs, OMIs and related municipal bodies to conduct housing assessments. Consequently, the performance of these

municipal bodies is uneven and the processing of applications is slow with occasional stoppages, particularly in the Herzegovina-Neretva Canton." (UNHCR May 1999, paras. 2.19-2.20)

RS Government remains under the influence of nationalist Serb Democratic Party (2000-2001)

- SDS emerged as the clear winner from the November 2000 general elections
- The International Community allowed only SDS members to take portfolios in the new government as "independent experts"
- The "independent expert" serving as Minister for Refugees and Displaced Persons, Mico Micic has expressed reservations to the implementation of the property laws

"Ten years ago, Radovan Karadzic led the members of his Serb Democratic Party (SDS) out of the parliament of Bosnia and Herzegovina (Bosnia): soon afterwards, in January 1992, they proclaimed 'Republika Srpska', as part of their strategy to undermine Bosnia's integrity and preclude its independence. First as an idea and then as a fact, the RS negated Bosnia's history, demography and integrity.

Fortunately, Dayton also gave significant powers to the international community to promote and impose reforms on both entities, to push the integrative provisions of the agreement, and to make itself redundant as Bosnia moved towards Europe. The only hope of resolving this contradiction lay in the vigorous exercise of these civilian and military powers to reform the RS.

Almost six years after Dayton, these hopes lie unfulfilled and partly forgotten. The unreconstructed nature of the RS and its political elite remain the major obstacles to the establishment of a functional, stable and solvent Bosnian state. The current RS coalition government, formed after the November 2000 elections under the leadership of another professed moderate and reformer, Mladen Ivanic, looks likely to repeat the experience of previous years, but with the difference that the SDS is now effectively back in power. It won the RS presidency and vice-presidency and secured the largest number of seats in the National Assembly in the November 2000 elections.

Alarmed at the prospect of having to contend once more with the stonewalling and prevarication of the SDS, international representatives threatened to impose an embargo on all aid to the RS if the SDS were to be included in the government. But when its new favourite, Ivanic, insisted he could not form a viable government without the SDS, the international community backed down, allowing party stalwarts to take portfolios as "independent experts". (ICG 8 October 2001, Executive Summary)

"International officials and local political analysts in the RS openly admit that the 'former' SDS politicians appointed as 'expert' ministers continue, in fact, to represent their party interest. For example, the 'independent expert' serving as Minister for Refugees and Displaced Persons, Mico Micic, was a physical education teacher before the war who later became an SDS politician. Before his ministerial appointment, he headed the Bijeljina association of war invalids and fallen soldiers. In hardline municipalities such as Bijeljina, these associations typically help organise opposition to the implementation of the property laws. Several international officials told ICG that these associations are believed to have played a part in coordinating recent violence against both Bosniak returnees to the RS and the disrupted ceremonies to mark the reconstruction of destroyed mosques. Several Banja Luka politicians and international officials described Micic as 'old school' SDS, who has publicly stated that the property law will not be respected if that means evicting war veterans from other people's homes. As is explained below, Micic's ministry has devoted the bulk of its ever dwindling resources to settling displaced Serbs permanently in the RS, neglecting the needs of both Serbs who want to return to the Federation and of non-Serbs seeking to come back to the RS." (ICG 8 October 2001, p. 14)

"In Bijeljina itself, aggressive groups of war veterans and refugees have recently protested over evictions of illegal occupants, and international officials have noted that hostility towards the international community has grown. In addition, both international and local officials in the city have suggested that organisations of war invalids and veterans, often headed by wartime SDS leaders, are suspected of involvement in violence against returnees, including the three days of rioting against Bosniak returnees in Janje last year." (ICG 8 October 2001, p. 14)

A domestic legal framework for repatriation and return movements has been finally adopted in both Entities and at State level (1999-2002)

- To fully apply the legal framework, the respective authorities still need to adopt further by-laws and instructions

"An adequate legal framework covering the treatment and return of refugees and displaced persons, as well as its full and fair implementation, is necessary for the effective protection and promotion of durable solutions.

In cooperation with UNHCR, the respective Entity Ministries (RS Ministry for Refugees and Displaced Persons; Federation Ministry for Social Affairs, Displaced Persons and Refugees) and the then competent State Ministry (Ministry for Civil Affairs and Communication) drafted new legislation in this area, with a view to ensuring consistency with Annex 7 of the GFAP and relevant international standards [Note 8]. The respective legislative bodies finally adopted the respective laws in 1999 and 2000 [Note 9]. This provides a domestic legal framework which regulates current voluntary repatriation movements and puts in place an adequate return mechanism, as required by international standards, in particular Annex 7 of the GFAP. To fully apply the legal framework, the respective authorities (State, Entity, Cantons in the Federation of BiH) still need to adopt further by-laws and instructions. Further, it remains to be seen how the authorities will apply the relevant provisions. In particular, whether they continue to grant DP status only to persons with accommodation. [Note 10]

Note 8: The proposed legislation will complete the domestic legal framework, regulate current voluntary repatriation movements and put in place an adequate return mechanism, as required by international standards, in particular Annex 7 of the GFAP.

Note 9: See *Law on Displaced Persons, Returnees and Refugees* (RS Official Gazette, No. 33/99, 26 November 1999) [Internal link]; *Law on Displaced-Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina*, (FBiH Official Gazette, No. 19/2000, 26 May 2000) [Internal link]; *Law on Refugees from BiH and Displaced Persons in BiH* (BiH Official Gazette, No. 23/99, 23 December 1999) [Internal link].

Note 10: According to the *Law on Displaced-Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina*, a displaced person is, among other, entitled to accommodation. Given the lack of accommodation the authorities will only grant the status provided the person concerned has already accommodation." (UNHCR August 2000, sect. 2)

The Law on Displaced Persons, Refugees and Returnees in the Republika Srpska (RS Official Gazette, No. 33/99, 26 November 1999) has been amended by the Decision of the High Representative Enacting the Law on Amendments to the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska, 4 December 2001 [Internet]

The Law on Displaced-Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina (FBiH Official Gazette No. 19/2000, 26 May 2000) has been amended by the Decision of the High Representative Enacting the Law on Amendments to the Law on Amendments to the Law on Displaced-Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina, 4 December 2001 [Internet]

See also "Legal Framework regarding Displaced Persons and Returnee Status", UNHCR office of the Chief of Mission in Bosnia and Herzegovina

Division of the Bosnian society along ethnic lines hampers minority return, reconciliation and ethnic reintegration (2000)

- Essential legal reform work, including in the area of return and displacement, as well as the removal of obstacles to return, is seriously hampered by a highly decentralised constitutional regime, the continued existence of parallel structures, and an often unclear division of competencies
- The various State actors often fall far short of providing effective national protection to all BiH citizens without discrimination, particularly minority returnees

"The Bosnian society is still strongly divided along ethnic lines, as a result of the war, as well as ongoing massive manipulation and intimidation, in particular through the media. The current constitutional framework is not conducive to ethnic reintegration and in fact it is used by those in power to pursue their narrow nationalist agendas and to consolidate territorial and other gains obtained during the war years. Essential legal reform work, including in the area of return and displacement, as well as the removal of obstacles to return, is seriously hampered by a highly decentralised constitutional regime, the continued existence of parallel structures and administrations, as well as an often unclear division of competencies between the State and the Entities, and within the Federation between the Federation level and the Cantons. The predominance of the ethnic factor as the primary power-sharing model is yet another complicating element in this complex web of different legal systems. Matters that would fall into the competencies of the Entities but would equally require inter-Entity co-operation are currently not subject to an effective mechanism to address and regulate such matters.

The various State actors often fall far short of providing effective national protection to all BiH citizens without discrimination, particularly minority returnees. Reforms of the legal and administrative framework in 1998 and 1999 were only possible due to massive international intervention and imposition, which demonstrates the lack of political will and commitment of the authorities fully to implement the provisions of the GFAP. The municipal elections held in April 2000 have confirmed the dominant role of the three nationalist parties in rural areas, whereas some political changes occurred in urban areas. The current electoral system de facto favours the population to vote along ethnic lines. Given their respective programmes and ideologies, these parties are not working to correct the consequences of the conflict but rather consolidate and aggravate them. In fact, minority return, reconciliation and ethnic reintegration run counter to their monoethnic agendas and interests to preserve their economic and political powerbase. Moreover, the State of BiH is undermined by the virtual absence of vertical and horizontal co-operation of its various institutions. Vertically, the central state institutions' authority over other administrative or institutional bodies is often rebuffed by the Entities, the Cantons or the municipalities. Furthermore, the functioning of the common institutions has been severely weakened throughout 1999 due to political obstruction from the various parties. Horizontally, there is little, if any, co-operation between the Entities on subjects of common interest." (UNHCR August 2000, sect. 2)

International coordination

The High Representative oversees the implementation of the Dayton Peace Agreement (1999)

In fulfilling the tasks and goals entrusted to him by the Law, the Ombudsman's staff in the Brcko office established links with the respective District authorities and international community present in Brcko District." (OHR April 2001, paras. 207- 209)

Chamber decisions and reports are available on the Internet at <http://www.gwdg.de/~ujvr/hrch/hrch.htm>.

More information about the work of the Ombudsperson is available at <http://www.ohro.ba/index.htm>.

See also "Courting Disaster: The Misrule of Law in Bosnia and Herzegovina", a report by the International Crisis Group, 23 March 2002 [Internet]

Funding level for the Human Rights Chamber, the Ombudsperson and the Commission for Real Property Claims remains inadequate (1999-2002)

- State budget is insufficient to cover the expenses of human rights institutions
- The year 2000 budget provides for KM 400,000 per institution, which remains below KM 600,000, deemed to be 'adequate funding'
- Disbursements for the year 2000 have not been paid, due in part to a failure on the part of the Federation to pay its full contribution to the State

"Although funding of the [human rights] institutions is primarily responsibility of the Parties so far the OHR has, in large part, assumed responsibility for attracting external donors and pressurizing the State into financially supporting the institutions. To date, the State budget is insufficient to cover such expenses. Sustainability of the institutions must be ensured through adequate State funding." (OHR HRCC 17 April 2002, p. 26)

"The Council of Ministers of BiH proposed in October 1999 (for the first time) that the funding levels for the Institutions in Annex 6 and 7 be raised from the current KM 200,000 to the level of KM 600,000. The year 2000 budget provides for KM 400,000 per institution, which remains below KM 600,000, deemed to be 'adequate funding'. Note that the latter sum is less than each Institution pays for local salaries at BiH salary levels.

By 3 March 2000, the State government had completed outstanding payments towards the total funding committed for 1999 to the Human Rights Chamber, the CRPC, and the Ombudsperson. The total amounts are still below KM 600,000 per institution, but do at least fulfill the amount of KM 200,000 per institution, which the state itself budgeted for 1999. As of 26 May, the institutions did not receive any payment for 2000, yet. @ Disbursements for the year 2000 have not been paid, due in part to a failure on the part of the Federation to pay its full contribution to the State." (OHR HRCC 28 July 2000, sect. 3)

Entity Ombudsmen institutions (1994-2001)

- Ombudsmen of the Federation were established under the Federation Constitution of 1994
- The Ombudsmen of Republika Srpska were established through legislation adopted in February 2000
- The Ombudsmen in both Entities function as multiethnic institutions
- 2001 annual report of the Federation Ombudsmen review the return process
- RS Ombudsmen have received cases relating to property repossession

Federation

"The Ombudsmen of the Federation of BiH, established under the Federation Constitution of 1994, are entrusted with the defense of human rights and freedoms within the Federation. They work, more specifically, for the removal of the effects of violations of these rights and freedoms, and particularly to remove the effects of ethnic cleansing. They are required to report regularly on the status of their efforts. These reports represent the most detailed picture available of human rights problems and progress within the Federation." (OHR May 2000)

More information may be found at: www.bihfedomb.org/ "

"On 29 July 2000 the Federation Parliament adopted the Organic Law on the Federation Ombudsmen. This law will regulate the appointment, powers and responsibilities of the Ombudsmen in accordance with the Federation Constitution. The law, which was drafted with the assistance of the Venice Commission of the Council of Europe, conforms to European and international standards and its adoption fulfils one of the criteria for membership of Bosnia and Herzegovina in the Council of Europe. Twelve months after the law has entered into force, the Federation Parliament will for the first time be entitled to appoint the three permanent Ombudsmen to serve four-year terms. The current Ombudsmen have been appointed by the OSCE." (OHR HRCC 31 August 2000, para. 86)

In March 2001, the Federation Ombudsmen adopted their Report on Human Rights Situation in the Federation of Bosnia and Herzegovina for 2000. In this valuable document the Federation Ombudsmen outline the human rights situation in the Federation, and provide an overview of problems in the functioning of the government structure in the Federation, judicial authorities, return of refugees, social rights, protection of the right of the child, endangerment of media freedoms.

[...]

The second part of the Report is dedicated to a detailed review of the return process set out in Annex VII of the General Framework Peace Agreement for Peace in Bosnia and Herzegovina and the situation of social rights protection in the Federation." (OHR HRCC 18 October 2001, paras. 186-189)

Republika Srpska

"The Ombudsmen of Republika Srpska were established through legislation of the National Assembly of the Republika Srpska, adopted in February 2000. Their task is to receive claims regarding maladministration and violations of human rights. The Ombudsmen were appointed in late April 2000, and anticipate being able to receive claimants in the fall of 2000." (OHR May 2000)

"On 30 November 2000, the RS Ombudsmen officially opened their headquarters in Banja Luka, and four field offices in the municipalities of Prijedor, Doboj, Bijeljina, and Foca/Srbinje. During the reporting period (1 April - 30 June 2001), the RS Ombudsmen obtained further equipment and training of the staff of the Offices.

In the period from November 2000, when they initially started to receive individual cases, to 30 June 2001, the Ombudsman of the RS received 1492 cases, of which 4980 have been completed.

Out of the total number of cases, 504 are related to socially owned property repossession, 635 private property repossession, 35 to labour relations, 96 to courts, 222 other matters. The Ombudsman had 2763 oral contacts during which the applicants were given local advice and 798 telephone contacts with the applicants." (OHR HRCC 18 October 2001, paras. 191-193)

International initiatives relating to the situation of the Roma communities (2001)

- The protection of Roma has been prioritised by the Stability Pact in the year 2001

- A Round Table organised by the OSCE and the Council of Europe recommended that Entity Constitutional Commissions review the constitutional status of Roma (March 2001)

"The South-East Europe Stability Pact has suggested, that in the year 2001, which has been declared the International Year of the Roma, both governmental and non-governmental organisations in the Region focus their efforts upon the plight of the Roma. Under the Stability Pact, within the Task Force on Human Rights and Minorities, protection of the rights of Roma has been prioritised.

The Roma Coordination Group (RCG), a sub-group of the Coordination Group on Social and Economic Rights, met in March 2001. Prior to the next meeting, mechanisms to restructure the RCG will be considered, such as the creation of sub-committees to address specific issues (such as education, employment and housing) and the possible transformation of the RCG into a National Advisory Board with representation from the relevant Ministries (as recommended at the 28-29 March Roundtable, *see below*).

Implementation of Framework Convention for the Protection of National Minorities: On 28-29 March, the OSCE and the Council of Europe organised a roundtable on the status of Roma and the implementation of the Framework Convention for the Protection of National Minorities. The event was part of the joint Council of Europe-OSCE/ODIHR 'Roma under the Stability Pact' Project. The roundtable aimed to raise awareness of the situation of Roma in BiH and provide a forum for Roma NGOs to voice their concerns. Participants included representatives of the State Ministries for Human Rights and Refugees and European Integration, the RS Ministry for Refugees and Displaced Persons, the FBiH Ministry for Education, Science, Culture and Sport, Romani organisations, the State and FBiH Ombudsmen, International Organisations and local NGOs. Romani participants presented a number of recommendations, which will be distributed to the relevant Ministries and International Organisations for consideration and action. Participants recommended that the current constitutional status of Roma be included in the discussions of the FBiH and RS Constitutional Commissions. They also supported the establishment of a National Advisory Board for Roma Issues with representation from the relevant State/Entity Ministries, Romani communities, local NGOs and International Organisations. The OSCE will follow up the recommendations at the next meeting of the Roma Coordination Group and through scheduled meetings with the aforementioned State and Entity ministries.

The European Roma Rights Centre reports upon the widespread discrimination against, and violent attacks upon, Roma throughout Europe, maintaining that Roma continue to be the most disadvantaged minority group in Europe. In BiH, Roma constitute a large minority group, and yet are often overlooked in all spheres of public life. In particular, Roma are discriminated against in the fields of employment and housing. Furthermore, the absence of 'national minority status' for the Roma and often lack of awareness that the Roma constitute an ethnic minority group adds to the difficulties and prejudices encountered. See the European Roma Rights Centre (ERRC) web page – <http://www.errc.org>" (OHR/HRCC April 2001, paras. 145-148)

Protection against ethnic discrimination: the "Constituent People Case" (BiH Constitutional Court, 1 July 2000)

- The Court ruled that no ethnic group, constituent on the territory of BiH, shall be excluded from exercising its rights in the Entities
- New Entity Constitutions have been amended to ensure that Bosnia and Herzegovina's people and citizens are represented at all levels of government and public administration in both Entities (2002)

"The State-level Constitutional Court declared during the year that a number of provisions of the entity constitutions were unconstitutional; they had been challenged in a lawsuit filed by President Alija

Izetbegovic in 1998. The court ruled unconstitutional provisions in both entity constitutions that designated a specific ethnic group of groups as 'constituent' in that entity, making clear that the three major ethnic groups – Serbs, Croats, and Bosniaks – as well as 'others', are constituent in both entities. The decision also invalidated parts of the entity constitutions that named an official language or script, or that called for government support for one church, among other provisions. The decisions established the principle of ethnic equality in the country; however, this decision of the court has not yet been implemented in practice." (U.S. DOS February 2001, Introduction)

"'Constituent Peoples Case': On 11 January 2001, the High Representative issued a Decision restructuring the Constitutional Commissions in the Federation and the RS Parliaments. These Commissions were established to propose amendments of the RS and Federation Constitutions, to ensure implementation of the ruling of the BiH Constitutional Court, regarding the 'Constituent Peoples Case'. The Court ruled that no ethnic group, constituent on the territory of BiH, shall be excluded from exercising its rights in the Entities. Until the RS and Federation Constitutions are amended, the Commission is obliged to provide protection for the vital interests of Constituent Peoples and Others, ensuring that citizenship rights and rights protected under the European Convention on Human Rights are not infringed. Such rights are to be ensured protection via review of laws, decisions and government regulations that must be received by the Commissions 10 days prior to debate in the respective Entity Parliaments. The Commissions fully respect the principle of parity, with four members from each Constituent People and Others. If less than 3 members agree after review, the High Representative is responsible for the final decision." (OHR/HRCC April 2001, para. 143)

"In partnership with Bosnia and Herzegovina's political leadership and the governments of the two Entities, the High Representative, Wolfgang Petritsch, has today completed the long process of constitutional change in BiH's Entities by issuing three Decisions. By closing a small number of gaps in the constitutional amendments, the High Representative has ensured that these amendments are fully in line with the Mrakovica-Sarajevo Agreement on the Implementation of the Constituent Peoples' Decisions of the BiH Constitutional Court, which was reached by BiH's political leaders on 27 March 2002. Through these Decisions, the High Representative has also ensured that resistance by nationalist opposition parties in the Federation does not prevent the amendments from taking effects. The High Representative has also amended the BiH Election Law, placing it in accord with the new Entity Constitution.

The new Entity Constitutions, fully incorporating the Mrakovica-Sarajevo Agreement, ensure that Bosnia and Herzegovina's people and citizens are represented at all levels of government and public administration in both Entities, and provide them with far-reaching rights in the decision-making process." (OHR 19 April 2002)

See the full text of the decision on the website of the Constitutional Court [Internet]

Monitoring of the judicial system: Comprehensive mandate given to the Independent Judicial Commission (December 2000)

- The Independent Judicial Commission (IJC) was established by the High Representative, following the end of the UN Judicial System Assessment Programme (December 2000)
- The IJC is the lead international agency for judicial reform and promotion of the rule of law, in particular through the reviewing candidates for judicial and prosecutorial posts

"On 1 December 2000, the High Representative established the Independent Judicial Commission (IJC) to provide a consolidated, comprehensive and assertive approach to the identification and implementation of reforms to the justice sector. This was essential in the wake of the end of the UNMIBH/JSAP mandate. While the IJC together with OHR judicial reform staff is functional, full deployment including all field offices is expected for early April.

The IJC received a new and comprehensive mandate with the Decision of the High Representative of March 14. This Decision further defined the responsibilities of the IJC, granted it authorities needed to carry out its expanded mandate and rendered it fully functional and formally institutionalised within the legal framework of BiH.

Under its new mandate, the IJC has become the lead international agency for judicial reform and promotion of the rule of law throughout BiH, and will co-ordinate, consolidate and accelerate reform activities. The Plans and Policy Department within the IJC is currently conducting a comprehensive assessment of all judicial reform activities undertaken by international organisations in preparation of formulating and implementing a comprehensive strategy.

The IJC is also guiding and monitoring the work of the Entity and Cantonal commissions and councils of prosecutors and judges. These commissions and councils have the important tasks of:

- Reviewing candidates for judicial and prosecutorial posts and recommending the most qualified candidates to the appointing authorities;
- Disciplining judges and prosecutors who commit ethical violations;
- Conducting a comprehensive review of judges and prosecutors in order to determine their suitability and fitness to hold office." (OHR 12 March 2001, paras. 46-49)

See full text of the Decision of the High Representative "providing the Independent Judicial Commission with a comprehensive mandate", 14 March 2001 [Internet]

Other

~~The role of local NGOs still needs international support (1999)~~

- ~~Local NGOs are proving increasingly willing and capable partners in supporting the return of refugees and displaced persons~~
- ~~The High Representative coordinates international initiatives to enhance their legal status, consultation with representatives of local NGOs and authorities~~

~~"Efforts continued to assist local NGOs in becoming more politically active. Local NGOs are proving increasingly willing and capable partners in supporting the return of refugees and displaced persons, now conducting increasingly ambitious efforts on their own initiative, though generally still requiring considerable international assistance. Some NGOs have contributed in the OSCE-led process of educating citizens about electoral systems and gathering their input for the new election law. After reception of substantive comments from the Council of Europe and the International Centre for not-for-Profit Laws (ICNL), OHR finalised efforts to present to the legislators in both Entities as well as at the State level, draft legislation on Associations and Foundations. Substantive comments received from the Council of Europe and the International Centre for not-for-Profit Laws (ICNL) were included. In parallel an ad hoc working group, consisting of representatives of local NGOs and the Ministry of Justice of the RS, discussed and finalised draft legislation in the same area thereby taking responsibility and ownership. The two processes are being coordinated by OHR." (OHR 1 November 1999, para. 78)~~

~~"The Directory of ICVA lists 173 international NGOs and 365 national NGOs in BiH. The NGO network constitutes an integral part of humanitarian, human rights and development action in BiH." (UN November 2000, p. 23)~~

~~For more information, consult the website of ICVA Bosnia and Herzegovina [Internet]~~